

Planning Justification Report

**7525 Garner Road
South, Niagara Falls**

Submitted to the City of Niagara Falls

Prepared for: Madan Arianna
Developments

Official Plan Amendment and
Zoning By-law Amendment

October 2025



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1.0 EXECUTIVE SUMMARY

Madan Arianna Developments is applying to amend the City's Official Plan and Zoning By-law to permit a 51-unit stacked townhouse redevelopment at 7525 Garner Road ("Subject Land" / "Site"). The Site is within the Garner South Secondary Plan (GSSP) Area. The redevelopment consists of three (3) buildings each at a height of three (3) storeys (12.2 metres). The proposed designation is *Residential Medium*. The density proposed is 92 units per net hectare whereas a maximum of 75 units per net hectare is permitted.

The total size of the Subject Land is approximately 0.81 hectares. The developable area is approximately 0.55 hectares. The developable area is net of the required road widening block plus the *Environmental Protection Area* block. Some of the pertinent redevelopment statistics are shown in the table below.

7525 Garner Road (Transit Available)	
Total Lot Area	8,092.65 sq. m. (Approximately 0.81 ha)
Net Lot Area	5,537.58 sq. m. (Approximately 0.55 ha)
Number and Type of Units	51 Stacked Townhouse Units
Existing Official Plan designation	<i>Residential, Low Density</i>
Proposed Official Plan designation	<i>Residential, Medium Density & Special Policy</i>
Existing Zoning Category	DH – Development Holding Zone
Proposed Zoning Category	R5B - Residential Apartment 5B Density Zone
Net Density	92 units per net ha
Building Height	12.2 metres and three (3) storeys
Area of <i>Environmental Protection Area</i> (EPA)	2,372 sq. m. (0.237 ha)
Minimum Front Yard	7.1 metres
Amenity Area	28.4 sq. m. per dwelling unit
Parking Ratio	1.6 spaces per unit (including tandem parking for 24 of the 51 units) and 10 visitor parking spaces including 3 barrier-free spaces

The Applicant intends to construct the stacked townhouse units as purpose-built rental housing and will initiate an application with Canada Mortgage and Housing Corporation (CMHC). 10% of the units will be maintained as affordable. The proposal advances the objectives of the Provincial Planning Statement, 2024, the Niagara Official Plan, and the City's Official Plan by proposing new, affordable and attainable rental housing within a compact, transit-supportive built form.

The GSSP was approved in 2012 and since that time has been amended to include additional land designated *Residential Medium*. It is requested that a special policy be applied to the *Residential Medium* designation to allow for an increase in density. As noted within the table above, 0.237 hectares of the Site will be designated *Environmental Protection Area* (EPA). If approximately half of this EPA is added to the net developable area (just for calculation purposes) the net density would equate to 75 units per net hectare.

The natural features at the rear of the property were staked and surveyed and a 20 metre buffer is provided from the edge of the Thompson Creek Provincially Significant Wetland Complex (PSW). The 20-metre buffer is supported by the Environmental Impact Study (EIS) prepared by Colville Consulting Inc. The natural features and buffer will be designated EPA in the GSSP and zoned EPA in the Zoning By-law. Between 12 and 15 metres from the drip line of the Significant Woodland, an enhanced vegetation buffer will be provided.

The EIS contains completed field inventories, surveys and screening assessments for Species at Risk (SAR) and Significant Wildlife Habitat. To inform the EIS, Terra-Dynamics Inc. monitored wetland conditions for a year, between April 2024 and April 2025. The Wetland Water Balance Assessment confirmed that the PSW is a Red Maple Mineral Deciduous Swamp with medium hydrological sensitivity and will not be negatively impacted by the proposed redevelopment with a 20 metre buffer.

The Subject Land lies outside of the 2 km arc established from the centre of the Cytec Canada Inc. ("Cytec") property, located to the southwest. Cytec is a Class 3, heavy industry and operates a phosphine and phosphine derivatives plant. No residential uses are permitted within the 2 km arc.

SONAIR Environmental ("SONAIR") prepared a Land Use Compatibility and Air Quality Study for the Site. The study included a review of the Provincial D-Series Guidelines, facilities within the area, meteorological data and traffic-related air pollution. SONAIR advised that Cytec must meet the applicable air quality standards and limits at their property line and beyond.

Regarding the proposed redevelopment's impact upon Cytec, SONAIR states: "While the introduction of high-rise sensitive buildings may require the facility to reassess their impact at new elevated receptors, the proposed low-rise sensitive buildings do not introduce new receptors as the facility already has an obligation to meet air quality standards at ground level from the property boundary and beyond." SONAIR concluded that the proposed stacked townhouse buildings will be compatible with surrounding land uses.

The City's Official Plan policies require a gradation of density from the outside edge of the 2 km Cytec arc. The Subject Land is not adjacent to the 2 km arc but rather separated therefrom by four (4) properties. There is no policy in the GSSP that specifically prohibits medium density built form at or just beyond the 2 km arc. The GSSP currently shows land designated *Residential Medium* directly adjacent to the 2 km arc on the east side of Garner Road wherein townhouse blocks are permitted at a height of 12.5 metres.

The proposed redevelopment is intensification on an existing underutilized residential lot and introduces a new housing option in the form of stacked townhouse units. The built form, density and rental tenure of the proposed redevelopment satisfy many of the housing objectives of the Region and the City. Stacked townhouses are a compact built form appropriate for the Site, located at the periphery of the GSSP Area and Garner Road is a City Arterial Road.

Jansen Consulting prepared the Preliminary Site Plan, Elevations Plans and Floor Plans for the stacked townhouse units, ranging in size from 869 to 1,046 square feet. Each unit has been assigned a parking space, with 34 units provided a garage and 17 units provided a surface parking space. There are 24 tandem parking spaces associated with 24 of the units located in Blocks A and B. There is a total of 24 upper units in Building A and Building B, and each unit has a parking space in a garage and one in their driveway. Visitor parking and barrier-free parking is provided on the Site.

The built form and design have taken into consideration a number of concepts that are supported throughout provincial land use documents, the Niagara Official Plan and the Niagara Falls Official Plan (NFOP). The proposed intensification supports the efficient use of urban serviced land and existing public transit available on Garner Road. Providing for more units and residents will help support improvements to route frequency along Garner Road.

The proposed redevelopment is in an area with adequate transportation infrastructure and will utilize existing water and wastewater infrastructure. Approximately 0.52 hectares of the Site drains to the existing storm sewer along Garner Road. The balance of the Site drains towards the wetlands. The post-development discharge rates to the wetlands will not exceed the pre-development discharge rates. Stormwater will be treated before discharging to the Garner Road storm sewer. The grading and site servicing measures indicated in the Functional Servicing Report will be implemented. An additional private fire hydrant is required.

Retail uses, commercial uses, schools and churches are conveniently located in the vicinity of the Subject Land. To the southeast, within walking distance of the Site, a new neighbourhood plaza is planned for completion in Fall 2025 (Warren Woods Plaza).

The NFOP states that opportunities for a choice of housing including type, tenure, cost and location and an array of housing options must be provided to meet the changing needs of households, within all areas of the City. The proposed redevelopment is compact, efficient and will provide the future residents of the Garner South Community with a new rental housing option.

Notes:

1. The Garner South Secondary Plan (GSSP) is Schedule A-3 to the Niagara Falls Official Plan (NFOP) and it references the land use designations as *Residential Low*, *Residential Medium* and *Residential High*. The written GSSP policies refer to the designations as *Residential, Low Density*, *Residential, Medium Density* and *Residential, High Density*. For ease of reference this report refers to the designations on Schedule A-3, i.e., *Residential Medium*.
2. Quotes within this report include words and phrases in italics which indicate there is a definition of the word or phrase within the quoted document.
3. Indented text is a quote.

2.0 INTRODUCTION

GSP Group Inc. has been retained by Madan Arianna Developments to prepare a Planning Justification Report in support of planning applications to facilitate the redevelopment of 7525 Garner Road in the City of Niagara Falls ("Subject Land" / "Site").

There is a 1 ½ storey concrete block building on the Site (dwelling), a metal clad building and the remains of a garage. An assortment of scrap metal and other objects were stored outside within the rear yard. The owner has made efforts to clear the rear yard of debris. The existing buildings are in a state of disrepair and will be demolished to facilitate the proposed redevelopment.

The purpose of the Official Plan and Zoning By-law Amendments applications ("Subject Applications") is to permit a 51-unit stacked townhouse redevelopment consisting of three (3) buildings each at a height of three (3) storeys (12.2 metres).

This Planning Justification Report has been prepared in support of the Subject Applications and includes the following sections.

- Section 1.0** Executive Summary
- Section 2.0** Introduction
- Section 3.0** Proposed Redevelopment
- Section 4.0** Evaluation of the Proposed Redevelopment based on a review of the Provincial Planning Statement (2024), the Region of Niagara Official Plan (2022) (including the Model Urban Design Guidelines), the City of Niagara Falls Official Plan and City Zoning By-law No. 79-200
- Section 5.0** Housing Impact Statement
- Section 6.0** Urban Design Brief
- Section 7.0** Planning Analysis
- Section 8.0** Conclusion

The Subject Applications and supporting materials are submitted in accordance with the completed Pre-Consultation Checklist dated May 16, 2024, attached to this report as **Appendix A**. Since May 2024, a more detailed Preliminary Site Plan was prepared and the number of proposed units was reduced from 54 to 51.

2.1 Project Team

The Owner of the Subject Land is Mr. Bruno Graovaz. Madan Arianna Developments is the prospective purchaser of the Site and the Applicant.

A team of professionals has been assembled to complete the required materials:

Planning:	GSP Group Inc.
Designer:	Jansen Consulting
Civil Engineering:	S. Llewellyn and Associates Limited
Environmental (EIS):	Colville Consulting Inc.
Wetland Water Balance:	Terra Dynamics Consulting Inc.
Noise:	dBA Acoustical Consultants Inc.
Archaeology:	The Archaeologists Inc.
Phase I ESA:	Fortis Environmental Inc.
Landscape Architect:	OMC Landscape Architecture
Arborist:	Kuntz Forestry Consulting Inc.
Topographic Survey:	MMP Land Surveyors & Mappers

2.2 Site Description

The Site is located south of McLeod Road, north of Brown Road on the west side of Garner Road at the western edge of the Garner South Secondary Plan (GSSP) Area. The total area of the Site is approximately 0.81 hectares with approximately 61 metres of frontage on Garner Road (see **Figure 1 – Site Location**).

A small portion of the larger Thompson Creek Provincially Significant Wetland Complex (PSW), Significant Woodland and Deer Wintering Area is located at the rear of the Site. As part of this redevelopment proposal, the PSW boundary and the drip line of the woodland were staked and surveyed.

The Site is relatively flat and slopes gently towards Garner Road. Portions of the Site slope west to the PSW and south to a swale along the southern boundary of the Site.



Site Location
Source: Google Earth (2024)

Figure
1

The tree inventory documented a total of 25 trees measuring at and more than 10 cm diameter at breast height (DBH) on and within six (6) metres of the Site. There are three groupings of trees referred to as polygons. Polygon 1 is at the mid-south portion of the Site; Polygon 2 is a tree line along the north property line and Polygon 3 is a grouping of trees surrounding a wooden garage. Tree resources are comprised of Manitoba Maple, Red Oak, Silver Maple, Swamp White Oak, White Ash, White Elm and White Spruce.

The Survey Plans shows a 1 ½ storey dwelling on the Site, the remains of a garage, a metal clad structure and a wooden structure. All buildings and structures on the Site are in poor condition. There is a gravel driveway along the north side of the Site. The remaining areas consist of lawn and outdoor storage. Aerial photography indicates the Site has been used for residential purposes since at least 1954.

2.3 Surrounding Uses

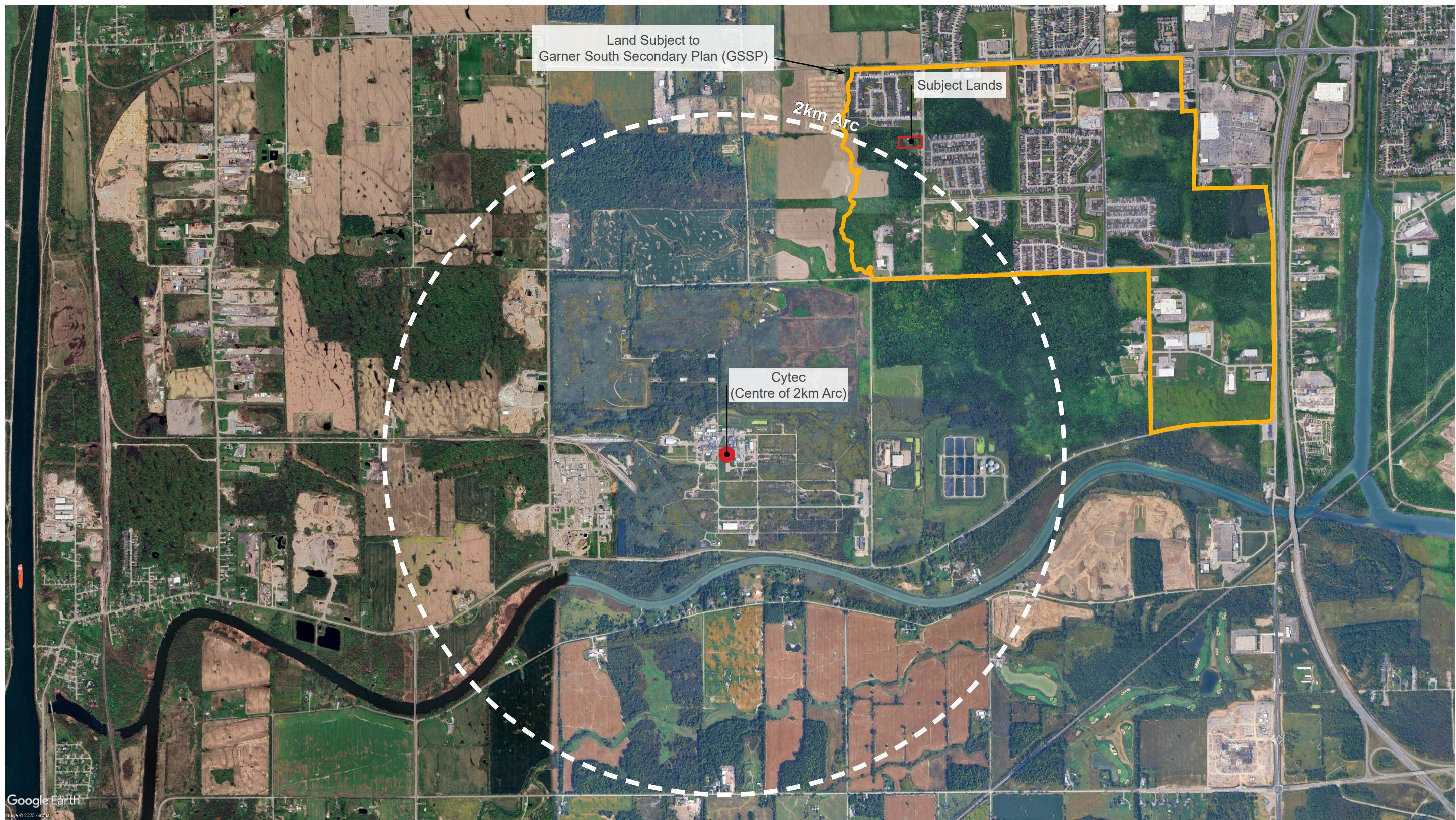
The Subject Land and the surrounding area are within the City's Urban Area boundary and the GSSP Area. The GSSP, discussed in more detail in a latter section of this report, was approved in December 2012 and the Secondary Plan Area encompasses approximately 225 hectares. The area extends west from the QEW to Garner Road and from McLeod Road south to Brown Road with an area extending further south to Chippewa Creek Road immediately west of the QEW (Employment Area) (see **Figure 2 – Garner South Secondary Plan Area**). The Phasing Concept for the Secondary Plan shows the land west of Garner Road as Phase 5 (final phase).

The uses immediately surrounding the Subject Land include:

North: A one (1) storey single detached dwelling (7493 Garner Road) is adjacent to the Site (see Image A). The dwelling is located approximately 12.5 metres north of the Subject Land's north property line.

In 2019, planning approvals were given for the lands north of 7493 Garner Road, being the area located at the southwest corner of McLeod Road and Garner Road. A Draft Plan of Subdivision was subsequently registered and consists of single-detached dwellings and attached dwellings, and approval was given for four, 4-storey apartment buildings within a block fronting Garner Road.

South: A two (2) storey single detached dwelling (7557 Garner Road), with a detached garage, is located on the property to the south (see Image B). The dwelling is located approximately 8 metres from the Site's south property line and is setback approximately 7.5 metres from the front lot line. There are two additional lots, each containing a single-detached dwelling, further to the south (see Images C and D).



Garner South Secondary Plan and 2km Cytec Arc
Source: JD Barnes (2023)



East: Directly east of the Site, across Garner Road, is a subdivision consisting of a mix of single-detached and townhouse dwellings (see Images E, F and G).

West: The PSW, Significant Woodland and Deer Wintering Area are located partially on the Site but primarily west of the Site. Beyond the wooded area, the landscape is predominantly open farmland, over to Beechwood Road.



Image A: 7493 Garner Road (west side) (Google Maps Street View, April 2021) (Pre-development of the draft plan of subdivision to the north)



Image B: 7557 Garner Road (west side) (Google Maps Street View, April 2021)



Image C: 7585 Garner Road (west side) (Google Maps Street View, April 2021)



Image D: 7645 Garner Road (west side) (Google Maps Street View, April 2021)



Image E: East Side of Garner Road, across from and South of the Subject Land (Google Maps Street View, April 2021)



Image F: East Side of Garner Road, South of the Subject Land (Google Maps Street View, April 2021)



Image G: East Side of Garner Road, showing Sourgum Avenue (Google Maps Street View, April 2021)

2.4 Community Context

As identified in **Figure 3 – Community Context**, the wider community features several schools, parks, health facilities, and community/religious facilities, including the following:

Education Facilities:

- Saint Michael Catholic High School.....±660m northeast
- Loretto Catholic Elementary School±1.0km east
- Kate S Duran Public School±1.3km northeast
- Loretto Catholic Elementary School±1.3km northeast



Commercial Amenities:

- Large commercial shopping centre (Niagara Square) with a wide variety of restaurants, retail stores, health clinics, and big-box department stores±1.6km east

Health Clinics:

- Medical Clinics at Niagara Square.....±2.0km east
- Niagara Region Health Centre±1.9km northeast
- Sivan Chong Optometry±1.6km east

Parks:

- Warren Woods Park±420m southeast
- Warren Woods East Park±1.6km southeast
- Garner Park±950m northeast
- John N Allan Park and Garner Recreation Trail.....±1.3km northeast

Community/Religious Facilities

- Faith Factor Church±900m northwest
- MacBain Community Centre.....±1.95km northeast
- Boys & Girls Club of Niagara.....± 700 m northeast

Relevance of Community Context to the Site:

As outlined above and shown in Figure 3 – Community Context, the proposed redevelopment is in an area with various retail and service commercial uses, as well as educational and health care facilities. Businesses that support the residential areas to the north and south of McLeod Road continue to be built/occupied.

On the east side of Garner Road, immediately north of Warren Woods Avenue, and within walking distance of the Site, a Neighbourhood Commercial Plaza is planned and is currently being marketed.

2.5 Transportation Context

The transportation context is provided below in terms of the road network, cycling infrastructure and public transit.

Road Network

Garner Road is shown as an Arterial Road on Schedule C to the Niagara Falls Official Plan (NFOP), as shown in **Figure 4 – Major Roads Plan**. Local Arterial Roads are typically designed with two to four lanes with a road allowance of 26 metres. To enhance traffic flow, direct access to a Local Arterial Road and on-street parking is limited.

McLeod Road, which is approximately 400 metres north of the Site, and Brown Road to the south of the Site are also Arterial Roads. McLeod Road provides a direct link to the Queen Elizabeth Way (QEWR), approximately 2km to the east.

Cycling Connections

Schedule J2 to the NFOP identifies the Strategic Cycling Network along McLeod Road, Garner Road (south of Brown Road) and Beechwood Road to the west (see **Figure 5 – Strategic Cycling Network**). As per Policy 5.1.3.3 of the Niagara Official Plan (NOP), the Region will assist local municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction. This initiative aligns with the Region's goal to facilitate both inter-municipal and intra-municipal travel for active transportation users.-

Transit Connections

The Niagara Transit Commission launched a new consolidated transit system called Niagara Region Transit. Niagara Region Transit will connect all of Niagara through a single transit system by combining the existing Niagara Region Transit, Niagara Falls Transit, St. Catharines Transit, Welland Transit and Fort Erie Transit systems into one transit operator.

Route 205 includes Garner Road to the Canadian Drive Hub (south of McLeod Road and east of Kalar Road) where a transfer can be obtained to other City transit routes. Route 105 also includes Garner Road (see **Figure 6 – Public Transit Network**). Other services include Mt Carmel Hub Routes 113 and 213. The Mt Carmel Hub is located north of Thorold Stone Road just west of the QEWR. There are two bus stops near the Site, one just north of the Site at Garner Road and Emily Blvd. and one just south of the Site at Garner Road and Sourgum Avenue.

The Canadian Drive Hub – Mt Carmel Hub Route (#105b and #205b) mainly follows a north-south path along Kalar Road, providing connections between the Mt Carmel Hub and the Canadian Drive Hub. The two route numbers distinguish between weekday and evening/Sunday/holidays buses but generally travel the same route. Route 105b buses run Monday to Saturday and Route 205b buses run during evenings, Sunday, and holidays.



Major Road Plan

Source: City of Niagara Falls Official Plan, Schedule C (2008)



Figure
4



Strategic Cycling Network

Source: Niagara Region Official Plan, Schedule J2 (2024)

Figure
5



Public Transit Network
Source: Niagara Region Transit Schedule (2025)

Figure
6

The Canadian Drive Hub – Mt Carmel Hub Route (#113 and #213) primarily travels in a north-south direction along Montrose Road, providing connections between the Mt Carmel Hub and the Canadian Drive Hub. The two route numbers distinguish between weekday and evening/Sunday/holidays buses but generally travel the same route. Route 113 buses run Monday to Saturday and Route 213 buses operate during evenings, Sunday, and holidays.

The Niagara Falls GO station is located at the intersection of Bridge Street and Erie Avenue and offers service on VIA Rail and the GO Lakeshore West bus line.

Relevance of Transportation Context:

The Site benefits from convenient access to the Queen Elizabeth Way. The Region has identified McLeod Road as a potential corridor for future cycling infrastructure. There is public transit available along Garner Road which connects to hubs providing for transfers to other bus routes. As further development and redevelopment occur in the GSSP area, both active transportation opportunities and public transit will improve. The proposed redevelopment provides additional housing and residents to help support a future increase in public transit frequency.

3.0 PROPOSED REDEVELOPMENT

The Preliminary Site Plan for the redevelopment has been prepared by Jansen Consulting, Design, Consulting and Management and provided under separate cover. GSP Group has prepared a simplified, coloured Concept Plan for this report (see **Figure 7**). The Total Lot Area and Net Lot Area are shown below as well as the resulting density.

7525 Garner Road		Density (51 Units)
Total Lot Area	8,092.65 sq. m. 0.809265 ha	63 units per ha
Lot Area Net of Road Widening	7,909.80 sq. m. 0.790980 ha	64.5 units per net ha
Lot Area Net of Road Widening and Defined Environmental Protection Block and Buffer	5,537.58 sq. m. 0.553758 ha	92.1 units per net ha

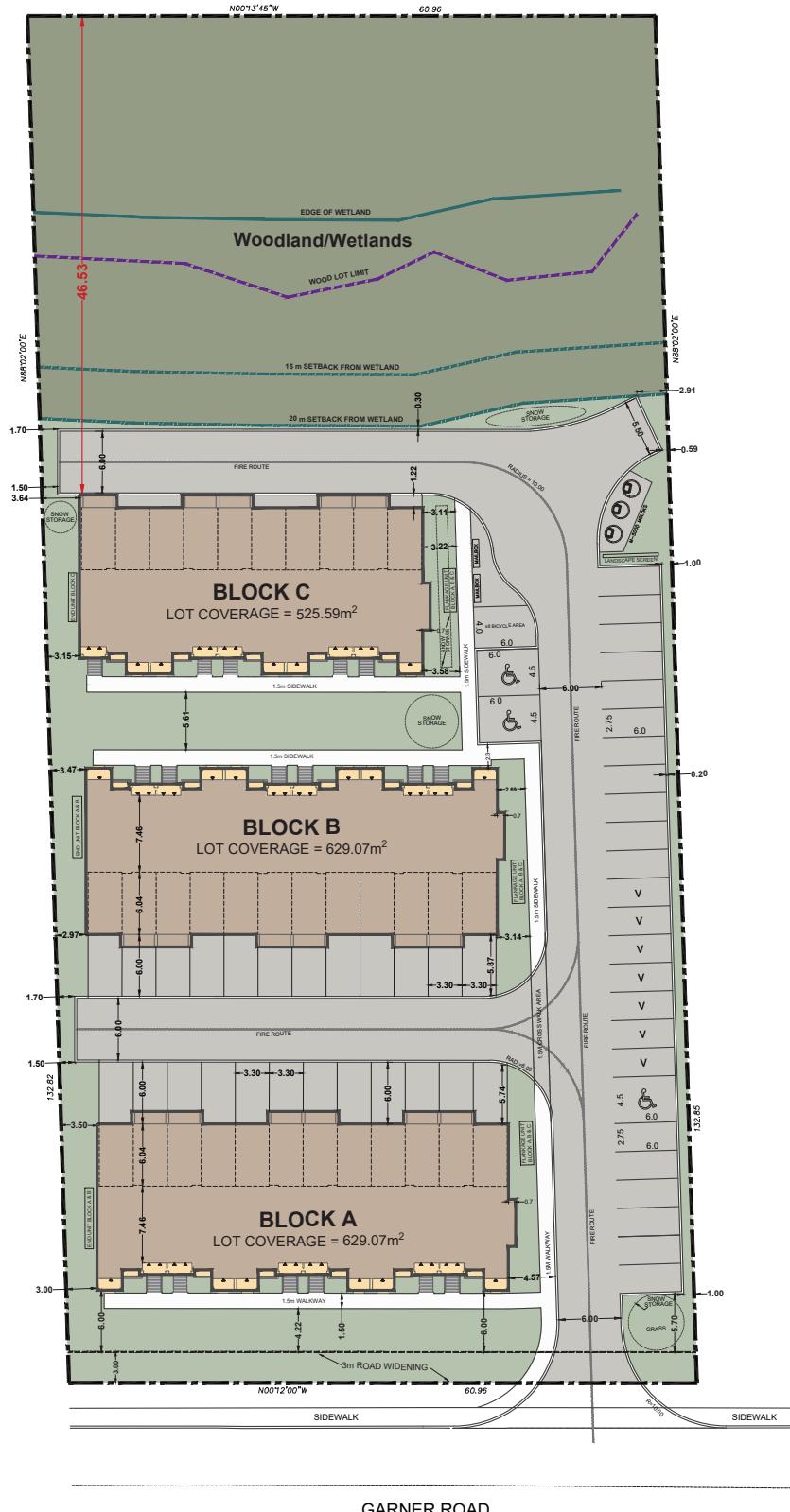
Staking and surveying the natural features on the Site and including a 20-metre buffer from the PSW resulted in a refined *Environmental Protection Area* Block which is 0.237 ha in area. The net developable area is 5,537.58 square metres (approximately 0.55 hectares).

The proposed residential redevelopment consists of three (3) stacked townhouse blocks/buildings, consisting of a total of 51 units. The proposed townhouse blocks are three-storeys in height.

Block A faces Garner Road and consists of 18 residential units. Block B is situated to the rear of Block A, separated by a drive aisle and also contains 18 units. The rear of Block A faces the rear of Block B. Block C consists of 15 units and faces the *Environmental Protection Area* Block consisting of the PSW, woodland and a 20-metre buffer. A planned outdoor amenity area separates Blocks B and C. No redevelopment or site alteration will occur within the *Environmental Protection Area* Block.

The Subject Land is currently designated *Residential Low* in the GSSP, and only single detached and semi-detached dwellings are permitted, with “a density of not less than 16 units per gross developable hectare with a maximum density of 30 units per hectare.” [Policy 2.1.3] Building heights must not exceed 3 storeys.

The request is to amend the NFOP to redesignate the Site *Residential Medium* which permits stacked townhouses at a maximum density of 75 units per net hectare. The application includes a request to establish a Special Policy Area to permit a density greater than 75 units per net hectare, i.e., 92 units per net hectare.



Conceptual Site Plan

Figure 7

The *Residential High* designation permits mid-to-high rise apartments up to a maximum density of 125 units per hectare. The three (3) storey stacked townhouse blocks do not represent a high density-built form. Further, the proposed redevelopment would fall within the medium density range (between 50 and 75 units per hectare) if half of the *Environmental Protection Area* Block was not deducted from the total lot area. Overall, the scale and mass of the proposed redevelopment is consistent with built form associated with a *Residential Medium* designation.

Access to the proposed redevelopment is provided at the north end of the Site. There are two (2) internal drive aisles parallel to Garner Road which provide vehicle access to the units. One (1) garage parking space is provided for most of the units, except for the ground floor/lower-level units in each block. Surface parking is provided for these units, as well as visitor parking.

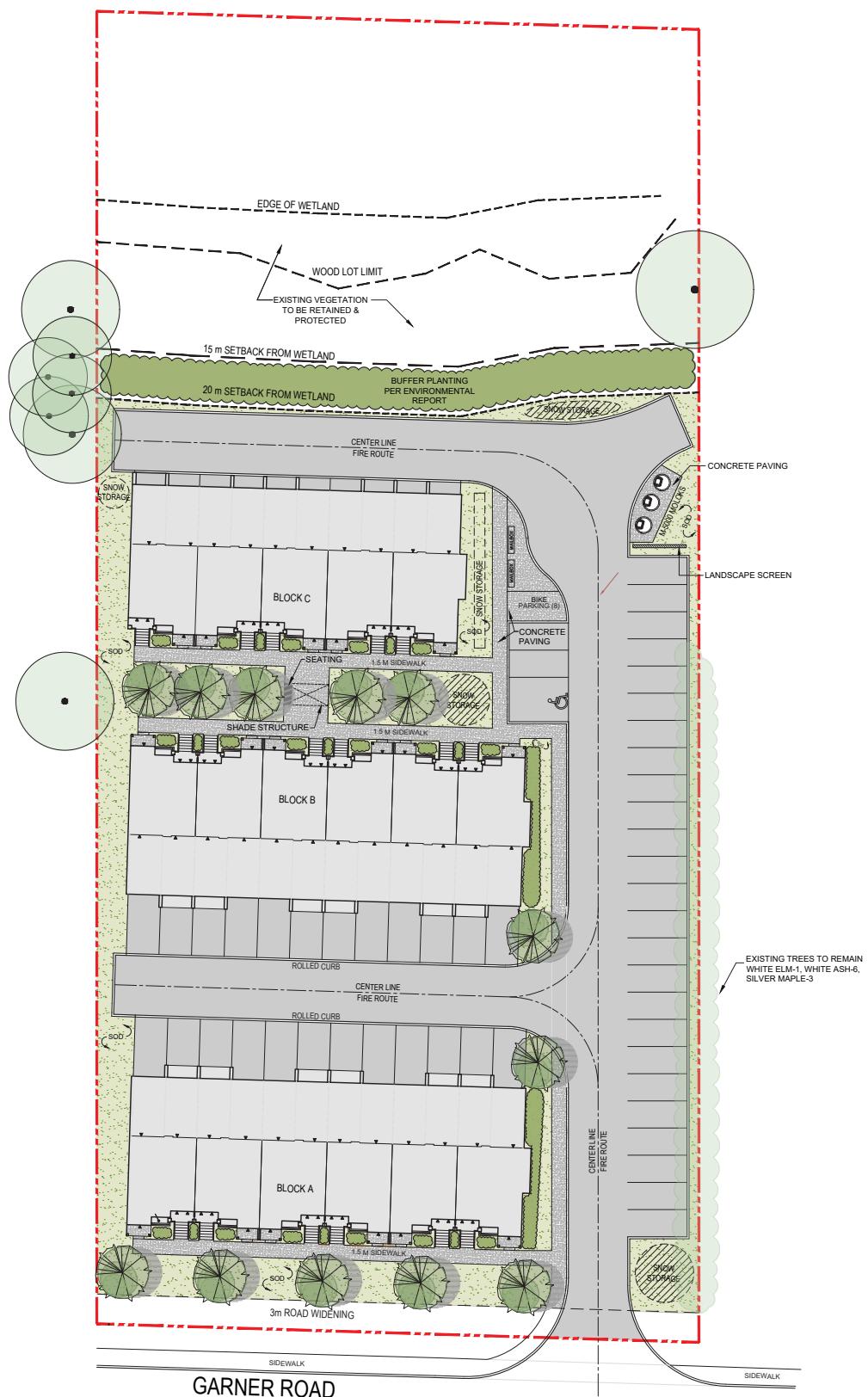
The proposed redevelopment features private and shared amenity spaces. The requirement for 20 square metres of amenity space per unit is met. Amenity space on the Site consists of landscaped open space, balconies, and porches. There is an Amenity Area between Block B and Block C which is accessible to all residents.

Figure 8 is a Conceptual Landscape Plan which shows various Site amenities including internal walkways, open spaces, and planting areas.

All proposed units have two (2) bedrooms. Model A shown on the Floor Plans consists of lower level and ground floor space. The size of these units range from approximately 869 square feet to approximately 939 square feet and they have access to a covered porch. A surface parking space is provided for each of these units, 17 in total.

Models B and C consist of ground floor space as well as second and third floor space. Model B ranges from approximately 976 square feet to 1,046 square feet in size. All Model C units are 958 square feet. Models B and C have one (1) garage parking space and one (1) parking space in a driveway. Model B's balcony is along the front façade of the building and Model C's balcony is along the rear façade of the building.

The entire Site is zoned DH – Development Holding Zone. The proposed zone for the developable portion of the Site is Residential Apartment 5B Density Zone (R5B). The woodlands and wetlands, including the 20-metre buffer, are proposed to be zoned Environmental Protection Area Zone (EPA). Some minor modifications to the R5B Zone provisions are required including the minimum lot area per dwelling unit, minimum front yard depth, maximum lot coverage and minimum landscape open space.



3.1 Required Planning Applications

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) are required to implement the proposed redevelopment. The details of these amendments are described as follows:

Official Plan Amendment (OPA)

As mentioned above, an amendment is required to the GSSP to redesignate the Site from *Residential Low* to *Residential Medium* with a site-specific policy area permitting a maximum density of ninety-two (92) dwelling units per net hectare.

Zoning By-law Amendment (ZBA)

The request is to rezone the Site “Residential Apartment 5B Density Zone” (R5B) in the City’s Zoning By-law No. 79-200, with modifications.

The justification for the change in land use designation is discussed throughout this report. The requested modifications to the standard R5B Zone are justified in Subsection 4.6 of this report.

The draft OPA and ZBA documents are appended to this report as **Appendix B** and **Appendix C**.

A summary of the key findings of the required Technical Studies is appended to this report as **Appendix D**

4.0 PLANNING POLICY FRAMEWORK

Planning documents reviewed in this section include: the *Planning Act*, the Provincial Planning Statement (2024), the Niagara Official Plan (NOP) (2022), the City of Niagara Falls Official Plan (NFOP) (consolidated to January 2024) and City Zoning By-law No. 79-200, as amended.

4.1 Ontario Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* sets out matters of Provincial Interest to consider when fulfilling responsibilities under the Act. The following table provides a response to the prescribed Provincial Interests.

Table 1: Provincial Interests Regarding the Subject Applications

Provincial Interest	Policy Response
a) The protection of ecological systems, including natural areas, features and functions	A 20-metre buffer has been established from the surveyed edge of the Thompson Creek Provincially Significant Wetland Complex (PSW). Within the buffer a vegetated enhancement area, 12-15 metres in width will be provided for the Significant Woodland. The required Environmental Impact Study (EIS) and Wetland Water Balance Assessment have been prepared for the Site to ensure the protection of ecological systems.
b) The protection of the agricultural resources of the Province	The Subject Land is not designated an agricultural resource.
c) The conservation and management of natural resources and the mineral resource base	The Site has not been identified as containing a mineral resource base and the wetland and woodlands at the rear of the Site will be conserved and protected.
d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	A Stage 1 / 2 Archaeological Assessment has been prepared and concludes that there are no archaeological concerns.
e) The supply, efficient use and conservation of energy and water	The redevelopment will incorporate infrastructure and fixtures/appliances that are designed to conserve energy and water.

Table 1: Provincial Interests Regarding the Subject Applications

Provincial Interest	Policy Response
f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	The proposed redevelopment is in an area with adequate transportation infrastructure and will utilize existing water and wastewater infrastructure and support existing transit services along Garner Road.
g) The minimization of waste	N/A
h) The orderly development of safe and healthy communities; the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	<p>The Subject Land is within Phase 5 of the Garner South Secondary Plan Area (final phase). Redevelopment on the west side of Garner Road has occurred directly to the north of the Site. The proposed redevelopment is orderly and safe. The location and size of the proposed access is safe. Healthy communities include a variety of community services including commercial, recreational, education, employment and health care facilities. The Garner South community has these facilities available to the existing and future residents.</p> <p>Through the building permit process, the proposed redevelopment will be required to demonstrate compliance with the Ontario Building Code, which includes barrier-free design provisions.</p>
i) The adequate provision and distribution of educational, health, social, cultural and recreational facilities	The Garner South Secondary Plan Area provides adequate distribution of educational, health, social, cultural and recreational facilities.
j) The adequate provision of a full range of housing, including affordable housing	The City of Niagara Falls has prepared a Housing Strategy which recognizes the general lack of affordable housing options in the City. The proposed redevelopment will contribute to and diversify the local housing stock by 51 stacked townhouse units. Certain units will be affordable, and others may fall into the attainable housing range for moderate income households.
k) The adequate provision of employment opportunities	Employment Areas are close to the Subject Land.

Table 1: Provincial Interests Regarding the Subject Applications

Provincial Interest	Policy Response
l) The protection of the financial and economic well-being of the Province and its municipalities	The proposed redevelopment will protect the financial and economic well-being of the Province, the Region of Niagara and the City by utilizing existing infrastructure and services within the Urban Area.
m) The co-ordination of planning activities of public bodies	Undertaken by/with the Region of Niagara, the City and Conservation Authority.
n) The resolution of planning conflicts involving public and private interests	A public open house/public meeting will be held for the public to write or voice their concerns. As per the Secondary Plan, Cytec Canada Inc. will be circulated the Subject Applications.
o) The protection of public health and safety	There are no public health or safety concerns associated with the proposed redevelopment. The appropriate land use compatibility studies have been prepared to address noise and air quality.
p) The appropriate location of growth and development	The Subject Land is within the Urban Area and a Secondary Plan Area where growth is encouraged and anticipated. The Site is currently underutilized and can accommodate additional housing units. In consideration of the existing water and wastewater infrastructure, community facilities, education facilities, parks, and existing transit infrastructure, the Site is an appropriate location for growth and redevelopment.
q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	The proposed stacked townhouse redevelopment is designed to be sustainable. The additional residents will support existing and future transit, and the Site design is pedestrian oriented with internal walkways and connections to the Garner Road sidewalk.

Table 1: Provincial Interests Regarding the Subject Applications

Provincial Interest	Policy Response
<p>r) The promotion of built form that,</p> <ul style="list-style-type: none"> (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant 	<p>The proposed redevelopment is medium – medium high density and provides for balconies, porches and internal amenity areas for the residents. The buildings are well-designed and overall, the site design meets many of Niagara Region's Model Urban Design Guidelines.</p>
<p>s) The mitigation of greenhouse gas emissions and adaptation to a changing climate</p>	<p>The Site is adjacent to a small portion of a wetland/woodland complex of provincial significance. This area was studied (EIS and Wetland Water Balance Assessment). Overland flow will primarily drain to the storm sewer on Garner Road with some drainage to the wetland. The wetland will not be negatively impacted by the redevelopment of the Site and is primarily precipitation-fed. The design provides for parking, but not excess parking, as a means of discouraging excess vehicle ownership.</p>

4.2 Provincial Planning Statement, 2024

The Provincial Planning Statement, 2024 (PPS) was issued under section 3 of the *Planning Act* and came into effect on October 20, 2024. The PPS provides policy direction on matters of provincial interest related to land use planning and development. As stated in the PPS, “Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may apply to decisions with respect to *Planning Act* applications, affect planning matters, and assist in implementing these interests.”

The PPS, 2024, states that municipalities shall provide an appropriate range and mix of housing options. An updated definition of housing options is provided in the PPS, 2024, and the document largely retains past approaches to the provision of housing options, including intensification, the use of density targets, and establishing minimum targets for the provision of housing that is affordable to low and moderate income households.

The Province's Vision, updated in the PPS, 2024 emphasizes the importance of “every community building homes to respond to changing market needs and local demand” and restates the Province's goal of “getting at least 1.5 million homes built by 2031”. The updated Vision continues to support the provision of efficient and sustainable infrastructure,

intensification of uses, including transit-supportive design, increasing the supply and mix of housing options, the protection of natural resources and agricultural land and the separation of incompatible land uses.

The Applicant plans to build 51 purpose-built rental units with 10% of the units being affordable.

There are provincially significant natural features on a portion of the Subject Land. These features were studied through an EIS and Wetland Water Balance Assessment to ensure they are not impacted by the proposed redevelopment.

There is large, heavy industrial use over 2 km from the Subject Land, Cytec Canada Inc., which is subject to the province's Environmental Compliance Approval (ECA) process. As per the City's Official Plan, no new residential use is permitted within the 2 km arc around Cytec. Given existing and planned employment uses in the surrounding area and the special policy regarding Cytec, a land use compatibility study was required.

The proposed redevelopment is located within a designated growth area, referred to in the previous 2020 PPS as a designated greenfield area.

PPS Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

Chapter 2 of the PPS, 2024 addresses several interests, including housing. Policy 2.2.1b) 2 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and density to meet projected needs of current and future residents. This includes permitting and facilitating:

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 redevelopment represents intensification on an existing underutilized residential lot in a previously developed area and introduces a new housing option in the form of stacked townhouse units.

The PPS, 2024 continues to require municipalities to implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions [Policy 2.3.1.4]. The PPS also requires municipalities to permit and facilitate all types of residential intensification, and to prioritize intensification and transit-supportive development.

Intensification is a key component of growth within Strategic Growth Areas, including Major Transit Station Areas, however intensification continues to be supported throughout a municipality.

Policy 2.3.1.3 of the PPS, 2024, regarding general policies for settlement areas, states:

2.3.1.3 Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

The concept of complete communities is generally defined in the PPS as areas within a municipality where there is equitable access to necessities for daily living including a mix of jobs, a full range of housing, transportation options, public community / service facilities, local stores and services.

The Subject Land is within the GSSP Area, a designated growth area. Designated growth area is defined in the PPS as:

Designated growth areas: means lands within *settlement areas* designated for growth or lands added to *settlement areas* that have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 2.1.4.a), as well as lands required for employment and other uses.

The Subject Land meets the definition of the term 'designated and available' as it is currently designated for urban residential use and is subject to secondary plan policies.

As per Policy 2.2.1.c) of the PPS, planning authorities must also promote "densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities* and support the use of *active transportation*."

Housing and Affordable Housing

Outside of Strategic Growth Areas, as defined in the PPS, there is one policy reference to affordable housing. Policy 2.2.1.a) states:

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;

Below are the PPS definitions of 'Affordable', 'Low and Moderate Income Households' and 'Housing Options'.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality;
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in the municipality.

The Applicant intends to construct rental units with a percentage of the units affordable, in accordance with the definition above.

Low and moderate income households: means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the municipality; or
- b) In the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the municipality.

Housing options: means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low-and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing, *additional needs housing*, multi-generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or *institutional uses*, such as long-term care homes.

Land Use Compatibility

Chapter 2 of the PPS, 2024 also contains policies regarding land use compatibility. Policy 2.8.1.1 states that planning authorities must promote economic development and competitiveness through several actions, including addressing compatibility between employment areas and sensitive land uses by providing an appropriate transition.

Policy 3.5.1 states that major facilities and sensitive land uses shall be planned to avoid or minimize and mitigate any potential adverse effects from odour, noise and other contaminants. The aim is to minimize risk to the public and to ensure the long-term economic viability of the major facility.

The major industrial facility in the area is Cytec located at 9062 Garner Road. A company profile states that Cytec:

...operates the only phosphine (PH3) and phosphine derivatives plant in North America. It is the largest of only three such plants in the world and produces the most diverse range of phosphine-based products. These products are used, for example, in mining and solvent extraction applications, as durable textile flame retardants and intermediates for catalysts, phosphonium salts and UV photo initiators.

The GSSP contains a 2 km arc from the Cytec property within which sensitive uses are not permitted. The Subject Land is located beyond the 2 km arc and is designated for residential development.

Policy 2.8.1.3 of the PPS states:

In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.

The Subject Land is located approximately 380 metres from the Employment Area to the south on the west side of Garner Road. Policy 2.7.2 b) of the GSSP permits the following type of employment uses:

- prestige industrial uses, including laboratories, research and development facilities, communications/ telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations; and
- ancillary retail and service use, which may be up to 25% of the gross floor area of the principal use but shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use.

SONAIR Environmental prepared a Land Use Compatibility and Air Quality Study regarding the employment land within the GSSP and the Cytec industry outside of the GSSP. The study was conducted in accordance with the provincial guidelines referenced in Policy 2.8.1.3 of the PPS. The conclusion was that the proposed residential redevelopment and existing and proposed employment uses to the south will be compatible. The Subject Land is located over 2,000 metres from the Cytec operations.

The proposed residential redevelopment is consistent with the policies of Chapter 2 of the PPS, 2024 regarding facilitating general intensification, the provision of a variety of housing options within a complete community, transit-supportive density and also providing for an adequate separation distance between industry and sensitive land uses.

Relevance of Chapter 2 of the PPS

The 2 km arc surrounding Cytec is respected. The net developable area is approximately 0.55 hectares, once the boundaries of the PSW and Significant Woodlands were affirmed in the field, and an appropriate buffer was established. The proposed redevelopment efficiently utilizes this urban serviced land for a rental stacked townhouse housing option at a density that is higher than anticipated in the *Residential Medium* designation. However, height is limited to 3 storeys.

Given the location of the Subject Land, at the periphery of the GSSP Area and on an arterial road, there is an opportunity to achieve a built form other than low density housing. The Site is adjacent to a transit route that could benefit from increased density to support more frequent service. The City requires more dwelling units that are affordable and/or attainable. The units will be rental with 10% affordable. The proposed redevelopment is consistent with the applicable policies in Chapter 2 of the PPS, 2024 regarding general intensification and the provision of a new housing option at a transit-supportive density.

PPS Chapter 4: Wise Use and Management of Resources

Chapter 4 of the PPS contains policies pertaining to the long-term protection of natural heritage, as well as agriculture, minerals and petroleum, mineral aggregate resources, cultural heritage and archaeology.

The Thompson Creek Provincially Significant Wetland Complex (PSW) and Significant Woodland are partially on the Subject Land and to the west. Development and site alteration are not permitted within the PSW. The PPS also states that “*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.... unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*” [Policy 4.1.5]

Both an EIS and a Wetland Water Balance Assessment have been prepared to ensure that the proposed development on the adjacent land does not negatively impact the wetland/woodlands.

The Wetland Water Balance was prepared Terra-Dynamics to address any impact on the PSW and to inform stormwater management design, i.e., to ensure post-development conditions do not negatively affect the wetland. Among other tasks, the consultant modeled pre-development monthly water balance conditions by examining surface water catchment, land cover, soils, climate, precipitation data and wetland hydroperiod.

Terra-Dynamics concludes that the area to the rear of the Site can be classified as a surface water depression wetland dominated by surface runoff and precipitation, with little groundwater outflow due to a layer of low-permeability soils. The conclusion is that no additional buffer area is required (beyond 20 metres) and that the planned residential development will not negatively impact the hydrology of the wetland.

An Archaeological Assessment was also required for the Subject Land. The Stage 1 archaeological background study determined there was archaeological potential. The Stage 2 property assessment, which consisted of a test pit survey at 5 metre intervals did not identify any archaeological resources, and no further study was recommended.

Chapter 5 of the PPS states that development must be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. The Subject Land is not in an area of natural hazards. Human-made hazards are listed in the PPS as mine hazards, oil, gas and salt hazards or former mineral mining operations, mineral aggregate operations or petroleum resource operations or contaminated sites. The Subject Land is not impacted by human-made hazards.

Relevance of Chapter 4 of the PPS

As per the PPS, 2024 environmental and archaeological assessments were undertaken to demonstrate that relevant provincial policies in Chapter 4 are satisfactorily addressed. The PSW and Significant Woodland will be protected for the long term and will not be negatively impacted by the proposed redevelopment. The archaeological assessment demonstrated no resources on the Site. The proposed redevelopment is consistent with the policies of Chapter 4 of the PPS, 2024.

4.3 Niagara Official Plan (NOP)

The NOP was adopted by Regional Council in June 2022 and approved by the province, with modifications in November 2022. As of March 31, 2025, the NOP is an official plan of the twelve municipalities within the Region of Niagara, including the City of Niagara Falls.

Schedule B to the NOP, titled Regional Structure, shows the Subject Land within the Designated Greenfield Area (see **Figure 9**).

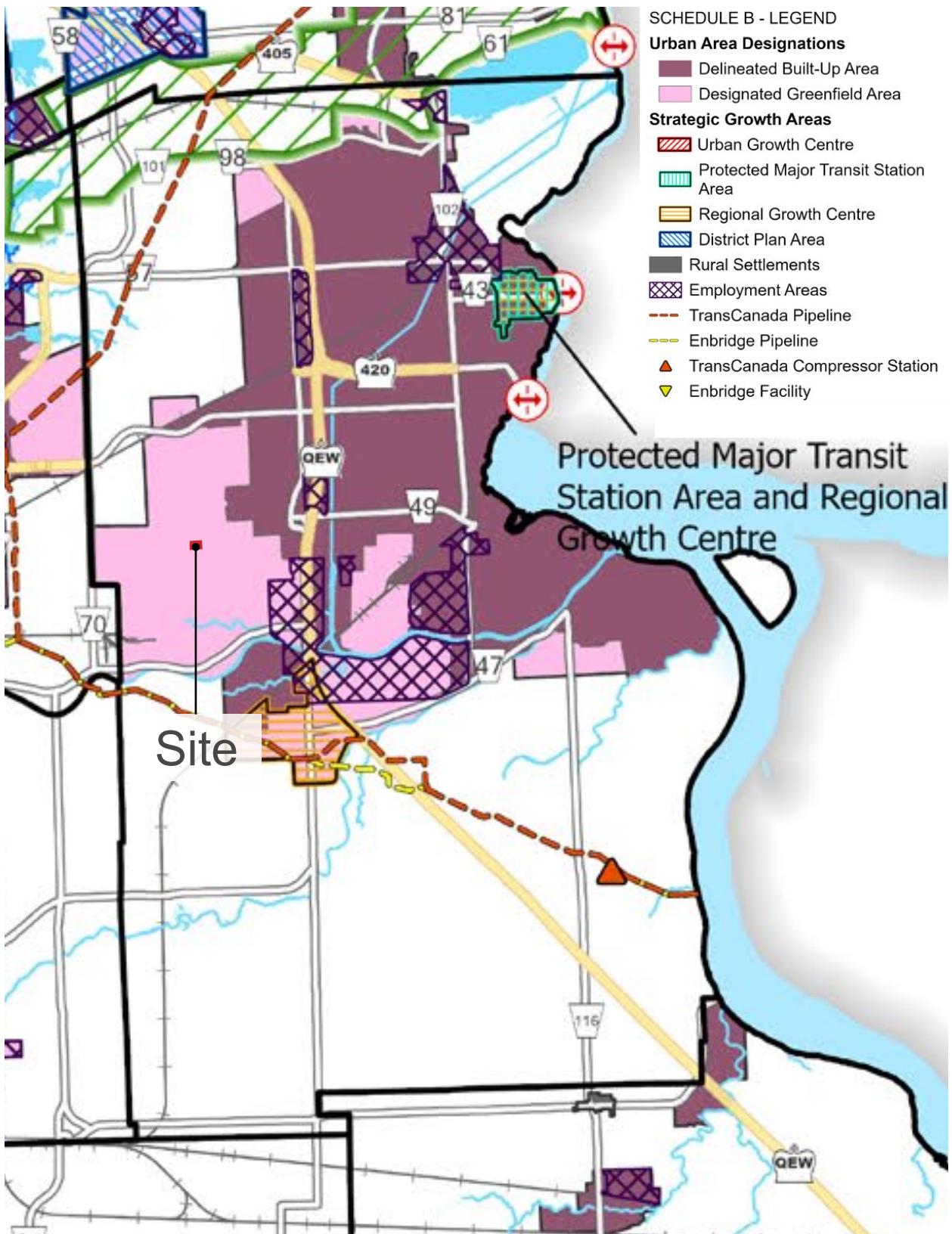
Schedule C1, titled Natural Environment System Overlay and Provincial Natural Heritage Systems, shows the rear portion of the Subject Land as part of the Natural Environmental System Overlay (see **Figure 10**).

Schedule C2, titled Natural Environment System: Individual Components and Features, (see **Figure 11**) shows the rear portion of the Subject Land as Provincially Significant Wetlands.

Schedule C3, titled Key Hydrologic Areas, does not show the Subject Land as part of a Significant Groundwater Recharge Area or an area with Highly Vulnerable Aquifers.

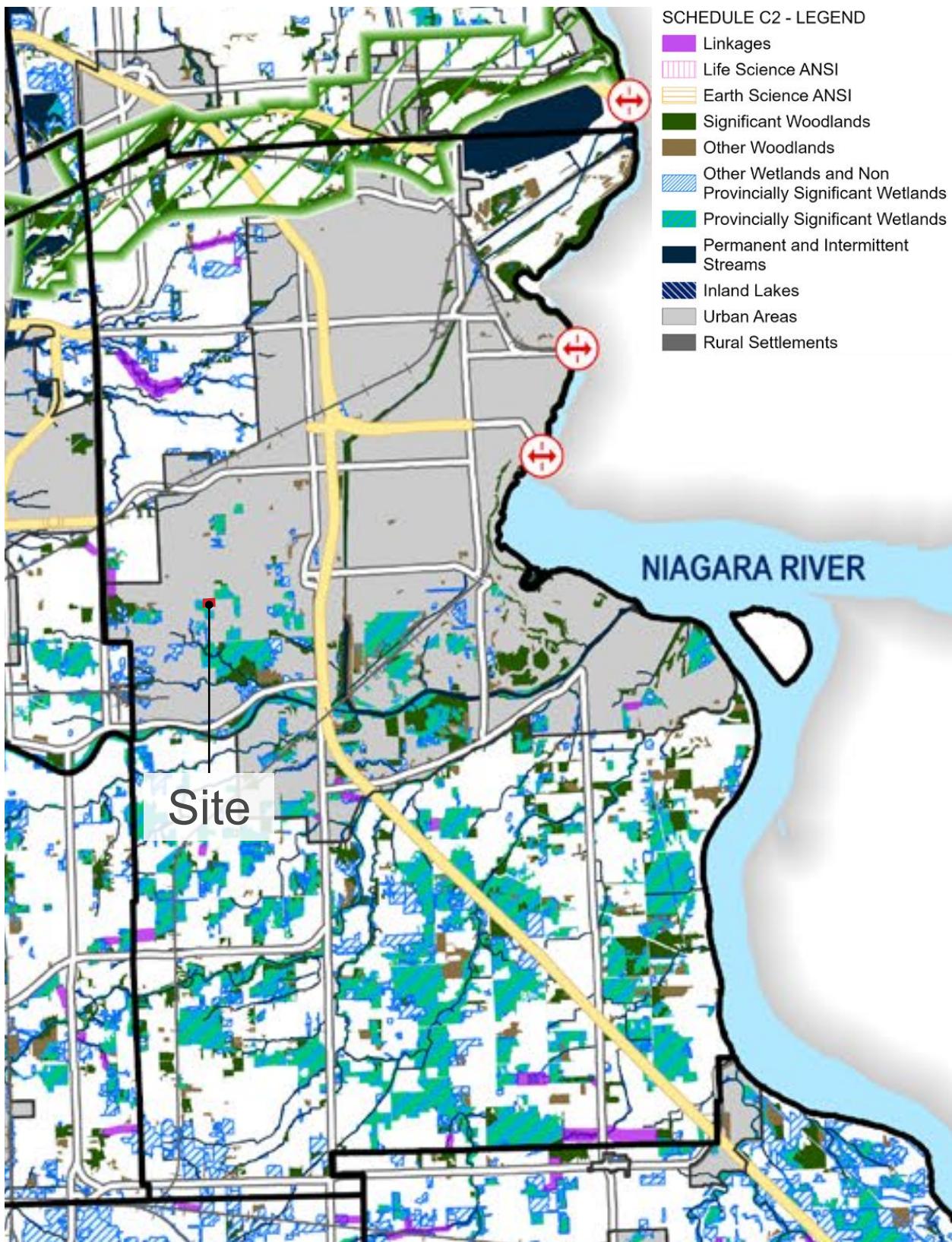
Schedule J2, titled Strategic Cycling Network, as shown in Figure 4, shows Garner Road, south of Brown Road, and Beechwood Road, north of Brown Road as part of the Strategic Cycling Network.

Schedule K shows the Subject Land within an Area of Archaeological Potential (see **Figure 12**).





Natural Environment System Overlay and
Provincial Natural Heritage Systems
Source: Niagara Region Official Plan, Schedule C1 (2024)



**Natural Environment System –
Individual Components and Features**
Source: Niagara Region Official Plan, Schedule C2 (2024)

Figure
11



The Subject Land is within the Urban Area and is within a Designated Greenfield Area (DGA). The rear portion of the Subject Land contains a Provincially Significant Wetland and associated Significant Woodland. The NOP contains policies regarding Greenfield Areas as well as housing policies and policies regarding natural and cultural heritage, which are addressed below.

4.3.1 Designated Greenfield Areas (DGA)

Section 2.2 of the NOP pertains to the Regional Structure. This section states that Urban Areas are comprised of built-up areas, designated greenfield areas and strategic growth areas. The Subject Land is within a designated greenfield area, now referred to in the PPS, 2024 as a designated growth area.

The NOP states: “Density in the designated greenfield areas is measured over the entire region and excludes areas constrained by environmental features, utility corridors, cemeteries, and employment areas.” The DGAs across the Region must achieve a minimum density of 50 residents and jobs combined per hectare. As per Section 2.2.2.24 of the NOP, local municipalities are encouraged to exceed this minimum.

DGAs are required to be planned as complete communities and require the preparation of a Secondary Plan. The NOP provides guidance to local municipalities regarding matters to be considered in a Secondary Plan. For example, the secondary plan must demonstrate how it will contribute towards achieving the DGA density target (Policy 2.2.2.23), affordable housing targets (Policy 2.3.2.3) and the housing mix target (Policy 2.3.1.2).

Attainable Housing is defined as “Rental or ownership housing provided by the market for *moderate income households* that are generally within the fifth and sixth income decile of the *regional market area*. *Attainable housing* can include dwelling types of various sizes, densities, and *built forms*, and is intended to provide individuals with the opportunity to access housing more suitable to their needs.”

The Subject Land will contain affordable housing units (10%) and the rent for other units may be attainable to certain households.

Relevance to the Proposed Redevelopment

The net developable area on the Subject Land is approximately 0.55 hectares and the number of units planned is 51. On its own, at an occupancy of one person per unit the Site exceeds the minimum of 50 residents per hectare. It is recognized that the 50 residents and jobs combined per hectare is measured across the entire Region or an entire municipality. Yet the increased density on the Site does assist with targets. The stacked townhouse units, with a variety of unit sizes, also contribute to the objective to provide housing for various household sizes.

4.3.2 Housing Including Affordable and Attainable Housing

The Regional Housing policies are within Section 2.3 of the NOP. The NOP objectives regarding housing are:

- a. provide a mix of housing options to address current and future needs;
- b. provide more affordable and attainable housing options within our communities; and,
- c. plan to achieve affordable housing targets through land use and financial incentive tools.

The NOP policies address providing a range and mix of densities, lot and unit sizes and various housing types, including affordable and attainable housing [Policy 2.3.1.1].

New residential development is encouraged to be designed to mitigate and adapt to the impact of climate change by providing compact built form, incorporating sustainable housing construction materials, and incorporating green infrastructure and low impact development [Policy 2.3.1.4].

Policy 2.3.1.6 states:

Coordination with Provincial and Federal governments and agencies, including the Canada Mortgage and Housing Corporation, will be undertaken to advocate for sustained Provincial and Federal funding that:

- a. promotes the development of residential *intensification, brownfield redevelopment, and affordable and attainable housing* options, including community housing and purpose-built rental units; and
- b. supports energy efficiency and sustainable housing design for new and existing residential units.

The Applicant intends to apply to CMHC for funding to meet the affordable housing objective.

The Region has prepared a Housing and Homelessness Action Plan to address, among other matters, the need for affordable and community housing.

Policy 2.3.2.3 of the NOP states:

To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:

- a. 20 percent of all new rental housing is to be affordable; and
- b. 10 percent of all new ownership housing is to be affordable.

The Region has advised that in 2023, Niagara's low-to-moderate income renters experience challenges finding affordable housing. The average rent for a two-bedroom unit was \$1,388.00, being 8.4% higher than 2022. A constrained rental market increases the demand for community housing options.

The Region encourages local municipalities to develop housing strategies to among other matters establish affordable housing targets that contribute to achieving targets outlined in Policy 2.3.2.3. The City of Niagara Falls has developed a Housing Strategy that is discussed in a latter section of this report.

Policy 2.3.3.1 of the NOP contains tools to be considered to support the development of affordable and attainable housing. The following built form characteristics, that can support the provision of affordable and/or attainable housing, are incorporated into the proposed redevelopment:

- a. flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;
- d. the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;
- e. site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards.

The proposed redevelopment is considered an alternative housing form which provides additional residential units with a mix of unit sizes.

As discussed later in this report, certain modifications to the zone category are being requested to help support the provision of 51 stacked townhouse units. The reduced setback requested is the interior side yard setback which is 6.1 metres based on the height of the townhouse units. The reduction requested is 3.0 metres, on average, from the end units of Blocks A, B and C to the south property line. Other setbacks can be met.

Relevance to the Proposed Redevelopment

The provision of purpose built rental units is a high priority within the Region. Permitting alternate forms of housing at a higher density contributes to a supply where the affordability thresholds and targets can be more easily met.

The attributes of the Subject Land and the proposed redevelopment provide the conditions to provide affordable and attainable housing. The applicant has advised that 10% of the 51 units will be affordable.

4.3.3 The Natural Environment System

The Region integrates water resources (groundwater and surface water features) and natural heritage resources such as wetlands, woodland, wildlife habitat etc. into one Natural Environment System.

The rear portion of the Subject Land contains Significant Woodlands and a Provincially Significant Wetland. The edge of the wetland and the drip line of the woodlands were established with staff from NPCA and the Region. An EIS and Wetland Water Balance Assessment were prepared for the features.

Policy 3.1.4.8 of the NOP states:

Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.

The wetland/woodland at the rear of the Subject Land will not be fragmented and will remain in a natural state. The features and a 20-metre buffer will be maintained as one block and zoned to protect the features. The technical environmental studies prepared for the Subject Land support the PSW buffer at 20 metres with an enhanced vegetated buffer of between 12 – 15 metres in width.

Relevance to the Proposed Redevelopment

The Concept Plan shows the edge of the PSW and the dripline of the woodland which extends beyond the wetland edge. The EIS has assessed the wetland and woodland and concludes that a 20-metre buffer from the wetland edge will prevent potential negative impacts to the features. The EIS includes several mitigation measures to be implemented, including a buffer enhancement plan. The NOP policies pertaining to the Natural Environment System have been met.

4.4 Niagara Falls Official Plan (NFOP)

4.4.1 Official Plan Land Use Designations

The NFOP was approved by the Ministry of Municipal Affairs on October 6, 1993. The version of the Official Plan available on the City's web site has been consolidated to January 1, 2024.

Schedule A to the Official Plan, titled Future Land Use (see **Figure 13**), shows the Subject Land designated "Residential" (front portion) and "Environmental Protection Area" (rear portion).

Schedule A-1, titled Natural Heritage Features and Adjacent Lands (see **Figure 14**) illustrates a Wetland Buffer Area surrounding the land designated Environmental Protection Area. A notation on Schedule A-1 states that "The Wetland Buffer Area has been illustrated as 30 metres. The actual extent of this buffer may increase or decrease as a result of detailed studies through this Plan." An Environmental Impact Study and Wetland Water Balance Study have been prepared for the Site and are discussed throughout this report.

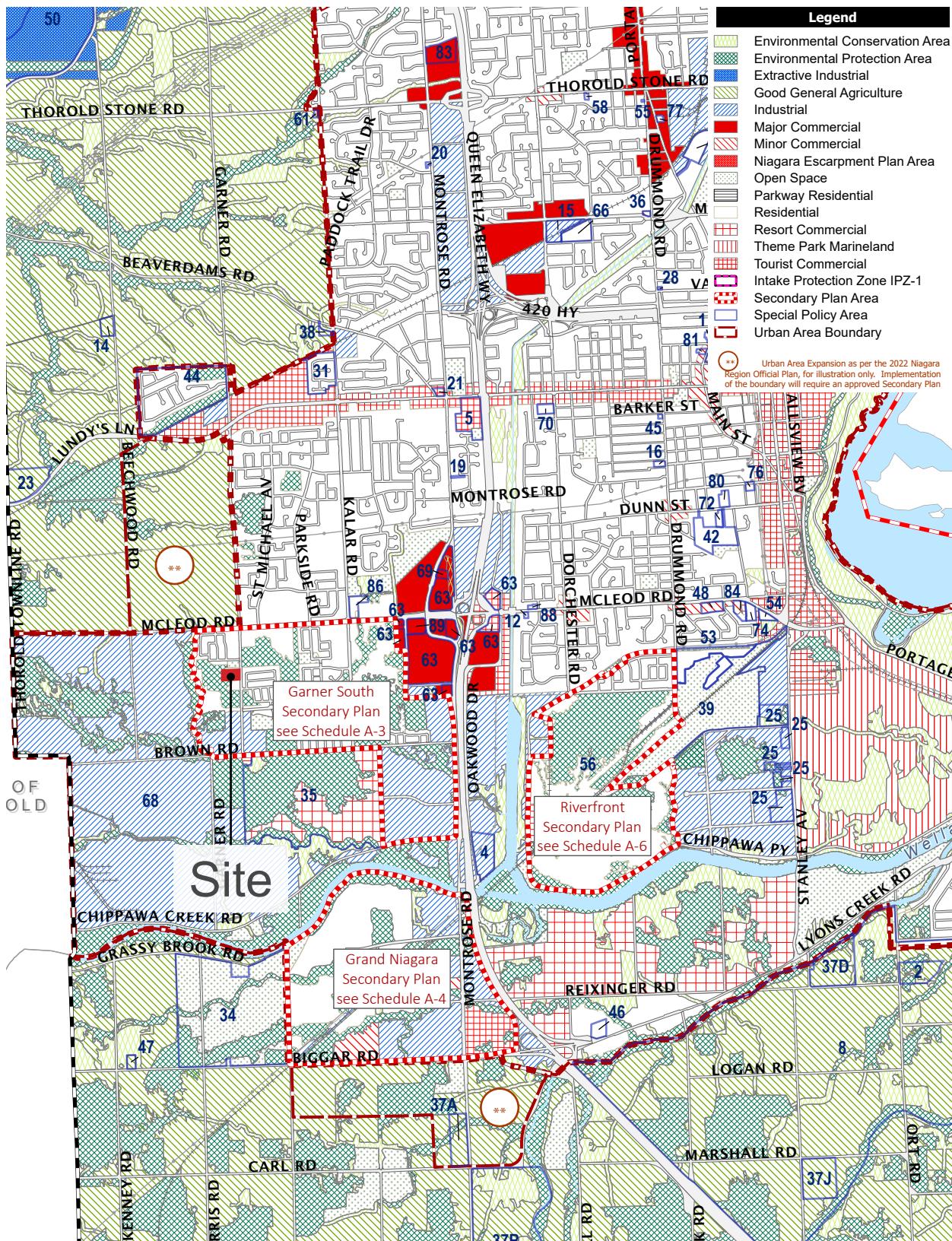
Schedule A2 to the Official Plan, Urban Structure Plan (see **Figure 15**) shows the Subject Land outside of the Built Area Boundary and designated "Greenfield Area".

Schedule A3 (see **Figure 16**) is titled Garner South Secondary Plan and shows the Subject Land designated *Residential Low* and *Environmental Protection Area*. Schedule A3 also shows a 2 km setback (arc) from Cytec Canada Inc., an industry located southwest of the Subject Land.

Schedule B to the NFOP is titled Phasing of Development, representing future servicing for urban lands for development. Schedule B shows an Existing Municipal Service Area and four (4) phases. The Subject Land is located within Phase 4.

Schedule C to the NFOP is titled Major Roads Plan. McLeod Road, to the north of the Subject Land and Garner Road are both designated as Arterial Roads on Schedule C.

Schedule D shows the City's Community Planning Districts. The Subject Land is in the Westlane Community.

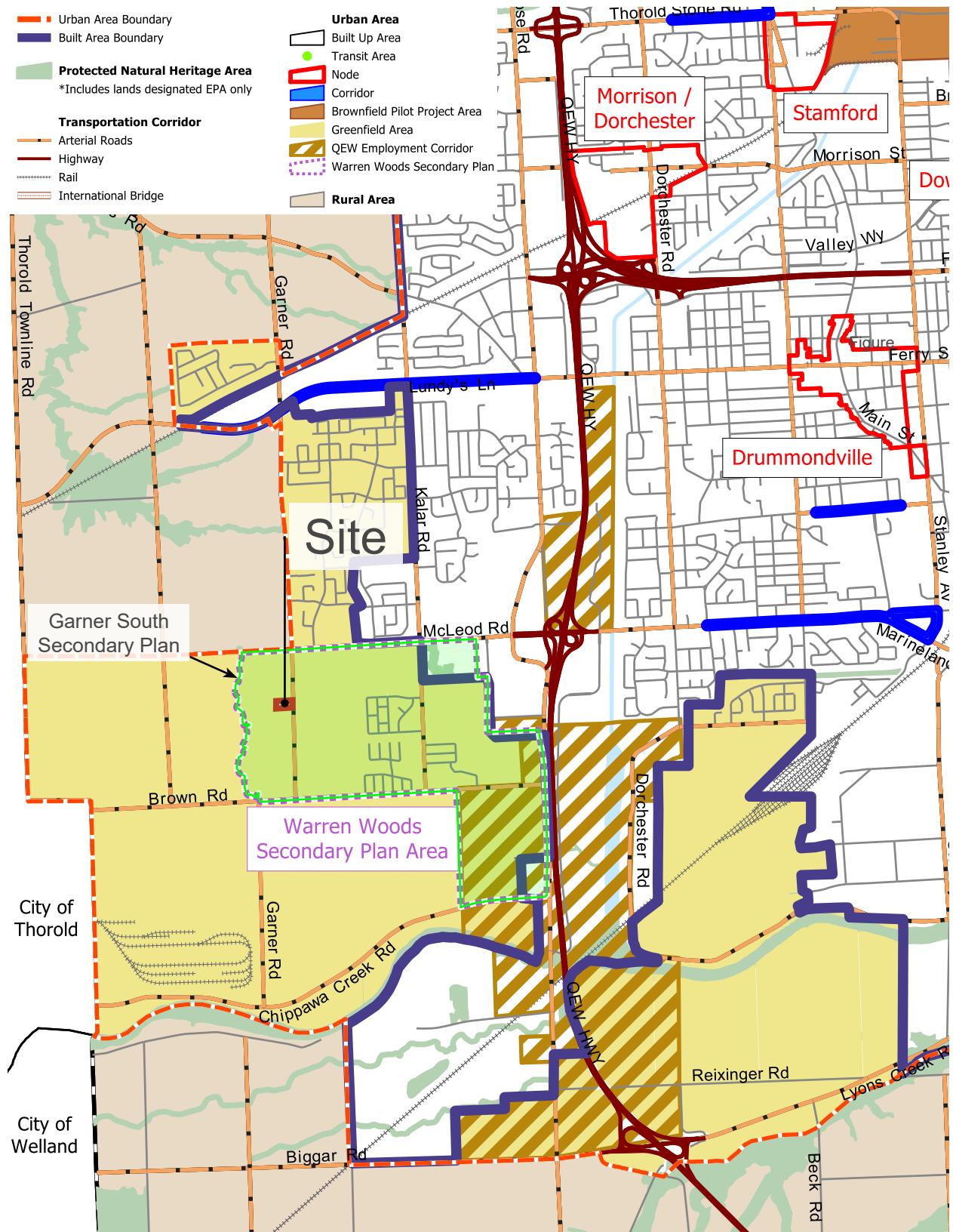


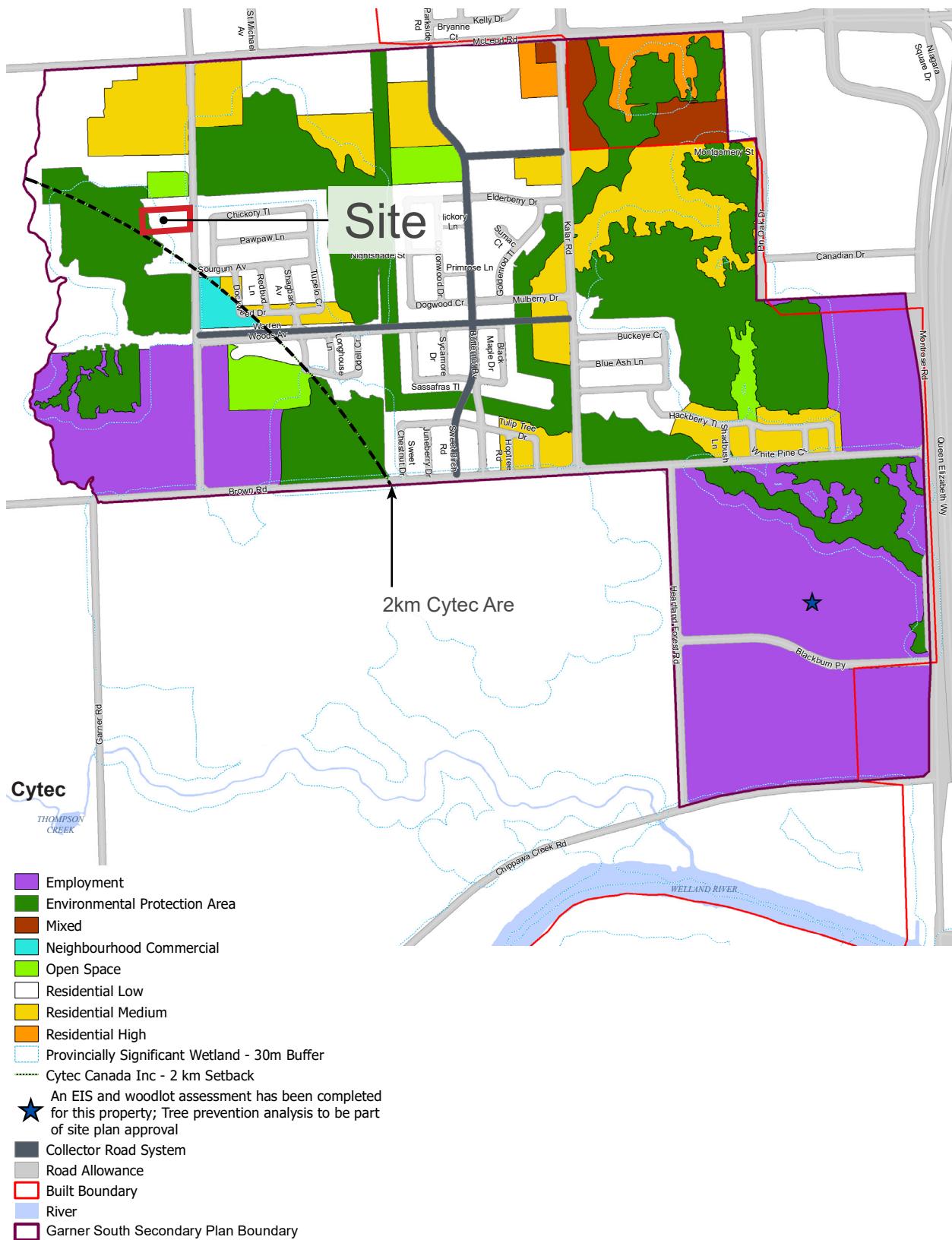


Natural Heritage Features and Adjacent Lands

Source: City of Niagara Falls Official Plan, Schedule A-1 (2020)

Figure
14





Garner South Secondary Plan
Source: City of Niagara Falls Official Plan, Schedule A3 (2019)

Figure
16

Appendix II to the NFOP shows the City's former and existing municipal landfill sites. The Subject Land is not near a former or existing landfill.

Appendices VII – A, B and C pertain to the GSSP Area and include a Concept Plan, Phasing Plan and Density Calculation, respectively. Five (5) phases were identified for the secondary planning area, and the Subject Land is within Phase 5, which is primarily the land on the west side of Garner Road.

There are five (5) Parts to the Official Plan:

- Part 1 – Overview and Strategic Direction
- Part 2 – Land Use Policies
- Part 3 – Environmental Management
- Part 4 – Administration and Implementation
- Part 5 – Secondary Plans

An overview of Parts 1, 2, 3 and 5 are provided below.

4.4.2 Official Plan Overview and Strategic Direction

The proposal includes an OPA application to increase the density permitted on the Subject Land (urban area land) from low to medium-high density while also protecting the provincially significant natural heritage features at the rear of the property.

Part 1, Section 2, Strategic Policy Direction contains fourteen (14) growth objectives and policies to support the objectives. One of the NFOP's growth objectives is to develop Greenfield Areas "as compact, complete communities with a range of housing types, employment and public transit." [Growth Objective 8]

Another growth objective is to increase the supply of affordable housing options and aim to achieve an annual target of 40% of all new housing development meeting the definition of affordable.

Part 1, Section 3 of the NFOP is titled Intensification. The intensification policies primarily focus on land within the Residential land use designation and within the Built Area Boundary, not the Greenfield Areas. The NFOP has identified Intensification Corridors and Intensification Nodes.

The Subject Land is not within the Built Area Boundary and is not designated as a Node or Corridor for purposes of intensification. Regardless, there is potential for intensification within the Greenfield Area and overall, it is not discouraged. Section 2, Policy 1.11 of the NFOP contains policies for the Greenfield Area and it states that "Secondary planning shall be the

primary implementation tool for the development of the Greenfield Area.” Intensification is further discussed in the GSSP section of this report.

Section 4 of Part 1 of the NFOP is titled Housing. This section contains several goals and objectives pertaining to housing. One goal is:

4. Diversify the City’s housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).

The proposed OPA and ZBA introduces stacked townhouses units at various unit sizes and at a higher density than originally envisioned by the NFOP. This allows for a wider range of price points and affordability/attainability.

An objective related to housing states:

- 4.3 Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:
 - 4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.
 - 4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.
 - 4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.
 - 4.3.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.
 - 4.3.5 Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.

The proposed redevelopment does provide an opportunity for a choice of housing within the Garner South Community.

Part 1, Section 4 of the NFOP indicates that it is projected that approximately 674 new residential units will be built annually in the City, and the aim is to achieve a minimum of 270 units as affordable.

Relevance to the Proposed Redevelopment

The strategic direction within Part 1 of the NFOP addresses the need for a diversity of housing types and choice for residents. The concept of complete communities is addressed which includes not only a diversity of housing types, but also amenities for living such as transit, employment, open space etc.

The stacked townhouse built form, the proposed density and the rental tenure, in combination with available infrastructure and transit are all indicators of potential for affordability and/or attainability. Transit is available on Garner Road, and the frequency of the service will improve with additional population. 7525 Garner Road is an underutilized lot on an arterial road at the periphery of the neighbourhood and is ideally situated to provide more units, while maintaining a lower height built form.

The discussion below focuses primarily on the residential land use policies for Greenfield Areas in Part 2 of the NFOP and the urban design policies in Part 3. Part 5 policies pertaining to the GSSP are contained in subsection 4.5 below.

4.4.3 Land Use Policies – Residential

Part 2 of the NFOP is titled Land Use Policies and Section 1 contains policies for the Residential land use designation. Policy 1.11 contains policies regarding the Greenfield Areas. The primary implementation tool for development within Greenfield Areas is secondary planning. The Subject Land is part of the Garner South Secondary Plan (GSSP). The target density is not less than 53 people and jobs per hectare over the gross developable land area of the secondary plan less identified natural heritage areas. Policy 1.11.1.1 states that the City will monitor Greenfield densities and housing mix annually and review every five years.

Policy 1.11.3 states:

It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability. Multiple unit housing developments are to be integrated into the form of the neighbourhood in accordance with the following:

- (i) Steep gradients of building heights are to be avoided.
- (ii) High density housing should be located within 250 metres of an arterial road.
- (iii) High density housing should be designed to avoid undue microclimatic impacts on abutting lands.
- (iv) Structured parking is encouraged to be utilized in the development of high density housing.

- (v) Increases in height may be permitted, through site specific amendments to the Zoning By-law, pursuant to s.37 of the Planning Act in exchange for the provision of housing units that meet the criteria established for affordability within the Provincial Policy Statement.
- (vi) Appropriate separation distances shall be provided between residential and other sensitive land uses and industrial uses and, more specifically, shall not be located in close proximity to heavy industrial uses.

Relevance to the Proposed Redevelopment

The proposed stacked townhouse buildings are three (3) storeys in height. There is a low-rise single detached dwelling to the north and south of the Site. The proposed redevelopment is not considered a steep gradient of building height.

Garner Road is an arterial road, and the Site is appropriately located for high density. However, given the location of the 2 km Cytec arc to the south, maintaining a lower height has been balanced with providing for additional housing units. While the number of units per net developable hectare is considered high at 92 units per net hectare, the height remains low-profile at three (3) storeys.

The buildings have been located at the front and centre portion of the Site to protect the PSW and woodlands to the rear. The proposed redevelopment is outside of the 2 km Cytec arc and not located close to heavy industrial uses.

The Cytec lands are located to the southwest of the Subject Land. The Cytec lands are designated as Special Policy Area 68 and the policy states:

13.68 SPECIAL POLICY AREA "68"

(OPA #96, approved Oct 24, 2014, OMB Decision)

Special Policy Area "68" the policies of Part 2, Section 12 shall not be interpreted or applied in any manner that would interfere with the legal rights associated with the existing buildings and improvements on and to the Cytec lands (as identified on Schedule A and Schedule A-1) as of the date these policies come into effect. Further, the policies of Part 2, Section 12 shall not be interpreted or applied in any manner as imposing the requirement for the carrying out of an Environmental Impact Statement for any repair, maintenance, renovation and/or replacement in kind of those existing buildings and improvements.

Policy 1.11.4 states:

Within the Garner South Secondary Plan Area, as shown on Schedule A-2, the policies of PART 2, Section 13.56.6¹ of this Plan shall prevail. In addition, the Secondary Plan shall provide for a distribution and gradation of densities, heights and housing types where lower densities and heights are proximal to the 2km Cytec arc and higher densities are directed to the north and east quadrant of the Secondary Plan Area to assist in the strengthening of the Niagara Square Retail District.

Proximal can mean adjacent to or having a common boundary or border. Synonyms for proximal include phrases such as 'contiguous with' and 'in close proximity'. There is no distance stated pertaining to a "distance and gradation of densities" in either Policy 1.11.4 or the GSSP. The Subject Land does not border the 2 km Cytec arc but is approximately 150 metres from the arc.

We understand that Policy 1.11.4 is ensuring that high density buildings over three storeys are located away from the 2 km arc and this is achieved through the land use designations shown on Schedule A3 to the NFOP.

The GSSP currently shows a *Residential Medium* designation immediately adjacent to the 2 km arc, east of Garner Road and north of Warren Woods Avenue. While the medium density number may be lower than proposed for the Subject Land, the difference is that the Warren Woods medium density designation is located immediately adjacent to the 2 km arc.

Relevance to the Proposed Redevelopment

The Cytec lands are designated as Special Policy Area 68 in the NFOP. Policy 1.11.4 (Greenfield Area policy) requires the GSSP to provide for a distribution and gradation of densities and height, with lower densities and height proximal to the 2 km Cytec arc.

The proposed redevelopment does not border the arc but is approximately 150 metres north of the arc. In our opinion, stacked townhouses can be placed within the "lower heights" category as per Policy 1.11.4. Based on the GSSP, the *Residential Low* designation only permits single detached and semi-detached dwellings. The *Residential Medium* designation permits stacked townhouses. The GSSP does show the *Residential Medium* designation abutting the Cytec 2 km arc.

¹ Part 2, Section 13.56.6 of the NFOP refers to Special Policy Area "56" between Stanley Avenue and Dorchester Road, south of McLeod Road and north of Chippawa Parkway and the potential crossing of the Welland River and appear not to apply to the GSSP.

The proposed redevelopment exceeds the medium density maximum of 75 units per net hectare but is low in height. An OPA is required to redesignate the Site *Residential Medium* and to add a special policy to the GSSP that permits an increase in density. We understand that this may be interpreted as deviating from Policy 1.11.4. The calculated number is greater than 75 but in our opinion the intent is met, and consideration should be given to the land area not included in the calculation.

The Subject Lot contains Significant Woodland and Wetland, and it has been demonstrated that a 20 metre buffer from the wetland boundary is sufficient. The *Residential Medium* density would be met if the total lot area could be utilized to calculate the density, i.e., 64 units per net hectare.

In our opinion, if 75 units per net hectare is permitted at the 2km arc then an increase to 92 units per net hectare is acceptable at 150 metres from the arc. 42 units divided by 0.55 ha = 76 units per net hectare. The request is to permit the density to increase from 75 to 92 (+17) to permit 9 additional units. This is a more efficient use of land, results in a compact built form and is more transit supportive.

The Site is currently designated *Residential Low*. Without an OPA, approximately 16 single detached dwellings could be built on the Site. To achieve this, a public or private public road would be required, and cul-de-sacs are discouraged. Given the presence of the wetland and woodlands to the rear and the required buffer, the developable area is constrained to the front and centre portions of the Site.

We are aware that the Grand Niagara Secondary Plan (GNSP) contains a policy that states “lands within 200m of the 2km arc may only be developed for detached dwellings and limited in height to 2 ½ storeys.” This policy is not contained within the GSSP. There is an example of *Residential Medium* abutting the arc in the GSSP. To the north of the Subject Land, south of McLeod Road, approval was given for four, 4 storey apartment buildings.

4.4.4 Land Use Policies – Environmental Policies

Part 2, Section 11 of the NFOP is titled Environmental Policies and contains policies on the Natural Heritage System, the Environmental Protection Area (EPA) and Environmental Conservation Area (ECA).

Policy 11.1.5 states that when development or site alteration is proposed within or adjacent to a natural heritage feature, the applicant must propose a design such that no significant negative impacts result for the feature, its function or the broader ecosystem. An Environmental Impact Study (EIS) is required for land within or adjacent to an EPA or ECA designation or for land that contains or is adjacent to a natural heritage feature. The rear of the Subject Land is designated EPA.

Policy 11.1.20 states that the City, in consultation with the Region and the NPCA may require a scoped EIS in place of a full EIS “to address specific issues such as encroachment into a natural area, potential impact on a natural heritage feature or the degree of sensitivity of the natural area.” Through consultation with the Region and NPCA, a scoped EIS has been prepared for the Site. The EIS supports a 20-metre buffer from the defined edge of the PSW.

Policy 11.2 contains specific policies for the EPA designation. Proposed development will not extend into either the area to be retained in its natural state or its buffer area identified by the EIS as per Policy 11.2.6.

The EPA designation shown on both Schedule A and A-1 to the NFOP includes a conceptual 30-metre buffer area for reference purposes and Policy 11.2.16 states that the precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded.

Relevance to the Proposed Redevelopment

The policies in Part 11, Section 11 of the NFOP have been addressed. The Thompson Creek Provincially Significant Wetland Complex (PSW) and Significant Woodland are the natural features designated EPA. Through the scoped EIS it was determined that a setback of 20 metres from the PSW and an enhanced buffer area within is sufficient to protect the natural features on the Site.

4.4.5 Environmental Management

Part 3 of the NFOP is titled Environmental Management. Sections 1 – 4 address Municipal Infrastructure, Parkland Strategy, Energy Conservation and Cultural Heritage Conservation.

Municipal infrastructure is adequate and available for the proposed redevelopment and cash-in-lieu of parkland will be provided to the City. Energy conservation will be addressed in the building designs and there are no cultural heritage resources on the Site.

Part 3, Section 5 is titled Urban Design Strategy. This section of the NFOP is discussed in the separate Urban Design section of this report.

4.5 Garner South Secondary Plan (GSSP)

Part 5, Secondary Plans, Section 1 contains the GSSP policies, pertaining to approximately 225 hectares of developable Greenfield land. Two small portions of the Secondary Plan Area in the northeast quadrant are within the Built-up Area.

There are five (5) principles: Foster a Sense of Place; Create a Diverse Residential Community; Protect Natural Heritage Features; Development of an Integrated Trails and Open Space System; and Create Employment Opportunities. Each Principle has several objectives associated with it.

As stated in the secondary plan, a substantial amount of the area is natural heritage including Provincially Significant Wetlands and Woodlands. The secondary plan also states that natural heritage features must be protected, and development and redevelopment can utilize natural areas to enhance the design and character of the community.

The objectives associated with the principle to protect Natural Heritage Features are:

- to ensure that development does not negatively impact on natural heritage features by providing appropriate separation distances and buffers;
- to contain storm water through a system of storm water management ponds that are integrated with Warren Creek and Thompson Creek;
- to maintain the hydrology of wetlands at a quantity and quality that will ensure the long term preservation of the wetland; and
- to preserve woodlands to the greatest extent possible and to integrate the built environment with them.



Extract from Schedule A-3 to the GSSP

South of the Subject Land the lands are designated *Residential Low* (white) and further south is the extension of the EPA designation (dark green). The land is designated *Employment*, on both sides of Garner Road to Brown Road. Garner Road continues south of Brown Road but is offset further to the west. Cytec is located outside of the Secondary Plan Area to the southwest.

An employment objective is to “retain land within a 2 km radius of the Cytec phosphine plant for employment designations together with a Neighbourhood Commercial designation located at the northeastern part of the radius as shown on Schedule A-3.”

4.5.1 Residential, Low Density

The GSSP contains three (3) Residential designations; low, medium and high density.

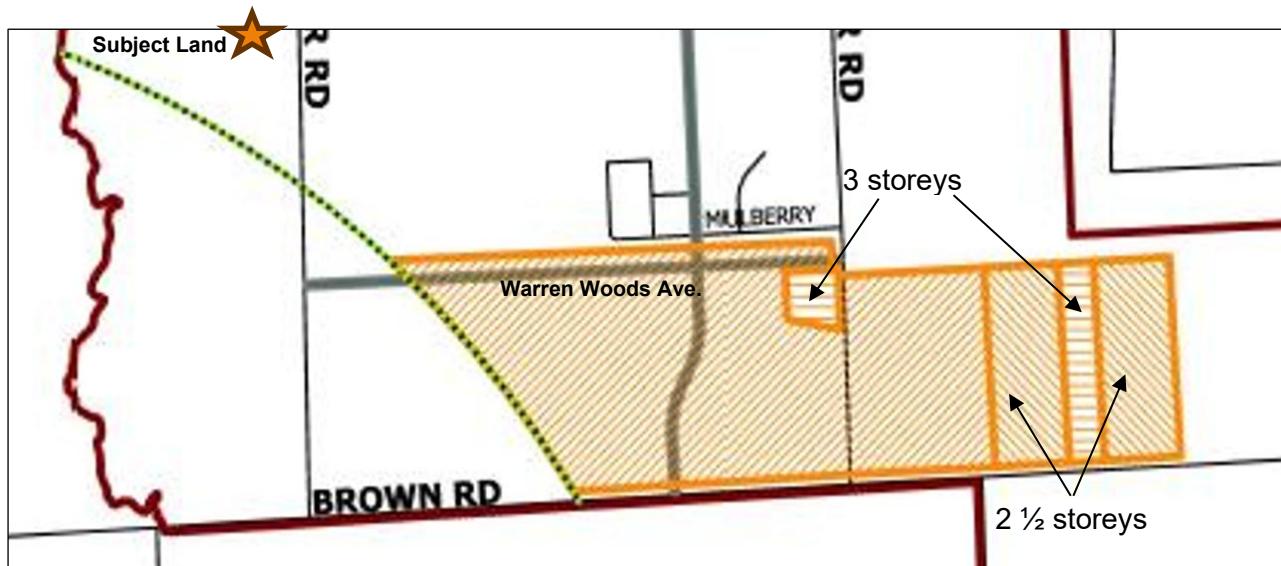
Policy 2.1 of the GSSP states:

2.1 Residential, Low Density

Lands designated Residential, Low Density predominate the Secondary Plan Area as low density housing is the primary housing form in the City. Lands under this designation are to be developed to include a variety of housing forms.

- 2.1.1 Residential, Low Density areas shall accommodate a mix of low density housing types within each plan of subdivision. These housing types include single detached dwellings, semi-detached dwellings.
- 2.1.2 Development in Residential, Low Density areas shall proceed by way of plan of subdivision or condominium.
- 2.1.3 In order to meet the greenfield density target, subdivisions within the Residential, Low Density area shall have a density of not less than 16 units per gross developable hectare with a maximum density of 30 units per hectare.
Building heights shall not exceed 3 storeys, except on lands within the area shown on Figure 6 where building heights shall not exceed 2 or 2½ storeys which locations are as detailed on Figure 6.
- 2.1.4 Reverse lot frontage shall be avoided wherever possible. In addition, garage doors should not dominate the streetscape.

Extract from Figure 6 within the GSSP



The land abutting the 2 km Cytec arc is restricted to 2 storeys with lands further to the east permitted to be 2 ½ storeys and 3 storeys. This area equates, approximately, to the land designated *Residential Medium* in the GSPP. The *Residential, Medium* designation permits four (4) storeys, with the exceptions noted above.

The development immediately east of the Subject Land, on the east side of Garner Road, is known as Warren Woods Estates Phase 5. The draft plan of subdivision was approved in 2017 and revised in 2018 and includes 290 lots for single detached dwellings, 11 blocks for 56 street townhouses, a park block, a neighborhood commercial block and a block for stormwater management.

At the southwest corner of McLeod Road and Garner Road are lands known as the Forestview plan of subdivision. The GSSP was amended in 2019 to redesignate lands from *Residential Low* to *Residential Medium, Environmental Protection Area and Open Space*.

The lands were rezoned in 2019 for single detached, semi-detached, and street townhouses. In 2021, a 1.09-hectare block of land fronting Garner Road was rezoned to the R5B Zone to permit four (4) apartment dwellings on one lot, with a maximum height of 4 storeys (14.5 metres) and 80 units.

Relevance to the Proposed Redevelopment

The *Residential Low* designation on the Subject Land only permits single detached dwellings and semi-detached dwellings with a maximum density of 30 units per hectare and a maximum building height of 3 storeys.

To the best of our knowledge, the applicant did make efforts to purchase and assemble the lot to the north, to enlarge the redevelopment site, however, the assembly was not successful.

The size and configuration of the developable area on the Subject Land does not lend itself to a plan of subdivision or condominium for single detached and/or semi-detached dwellings. The Applicant wishes to establish a different form of housing on the Subject Land and an amendment to the GSSP is required.

4.5.2 Residential, Medium Density

Policy 2.2.1 of the GSSP states that the *Residential Medium* designation shall provide for on-street and block townhouses, including stacked townhouses and apartment buildings. These building types may not exceed four (4) storeys, and the maximum density is 75 units per hectare.

It is noted that a brownfield site may develop at a density higher than 75 units per hectare, without amendment to the Plan “but should be of a scale and massing that is generally consistent with the Residential, Medium Density designation.” The Residential, High Density designation only permits apartment buildings with a maximum density of 125 units per hectare and a maximum building height of eight (8) storeys.

Policy 2.2.5 regarding the Residential, Medium Density designation states:

Buildings are encouraged to be designed with a street frontage that is pedestrian-oriented. To achieve this, buildings should be located close to the street. Exterior pedestrian access to individual dwelling units encouraged. Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.

The proposed redevelopment is designed with street frontage that is pedestrian-oriented. The front yard setback is approximately 7.0 metres. Building A could have been situated closer to the road, however, for streetscaping purposes the depth was provided for internal walkways and landscaping. The surface parking area is in the north interior side yard. Sufficient area has been provided along property lines for fencing and/or landscape buffers. Policy 2.2.5 of the GSSP is met.

Relevance to the Proposed Redevelopment

The OPA application is requesting a redesignation from the *Residential Low* designation to the *Residential Medium* designation. The proposed density is 92 units per net hectare whereas the maximum density permitted is 75.

GSSPs objectives are to include natural heritage features in the community design as aesthetic amenities and to integrate the building environment with them. In our opinion, it is not appropriate to apply a *Residential High* designation to the Site because the buildings are not apartment buildings (4 storeys or greater).

The height of the stacked townhouse buildings is more in keeping with medium density built form. The increase in density from 75 to 92 units per hectare (net) is in part due to smaller unit sizes, and the area of land designated EPA (including the buffer) which cannot be included in the density calculation. A site-specific Official Plan policy can address the increase in density associated with the *Residential Medium* designation.

Section 2.10 of the GSSP addresses infrastructure, including stormwater management, sanitary and water services and utilities. Services are addressed in the Functional Servicing & Stormwater Management Report (FSR & SWM Report) prepared by S. Llewellyn & Associates Limited. Based on the work undertaken to date, there are no restrictions regarding services or servicing capacity.

Section 2.11 is titled Growth Management. Policies in this section pertain to phasing and the Subject Land is in the last phase of development for the GSSP Area.

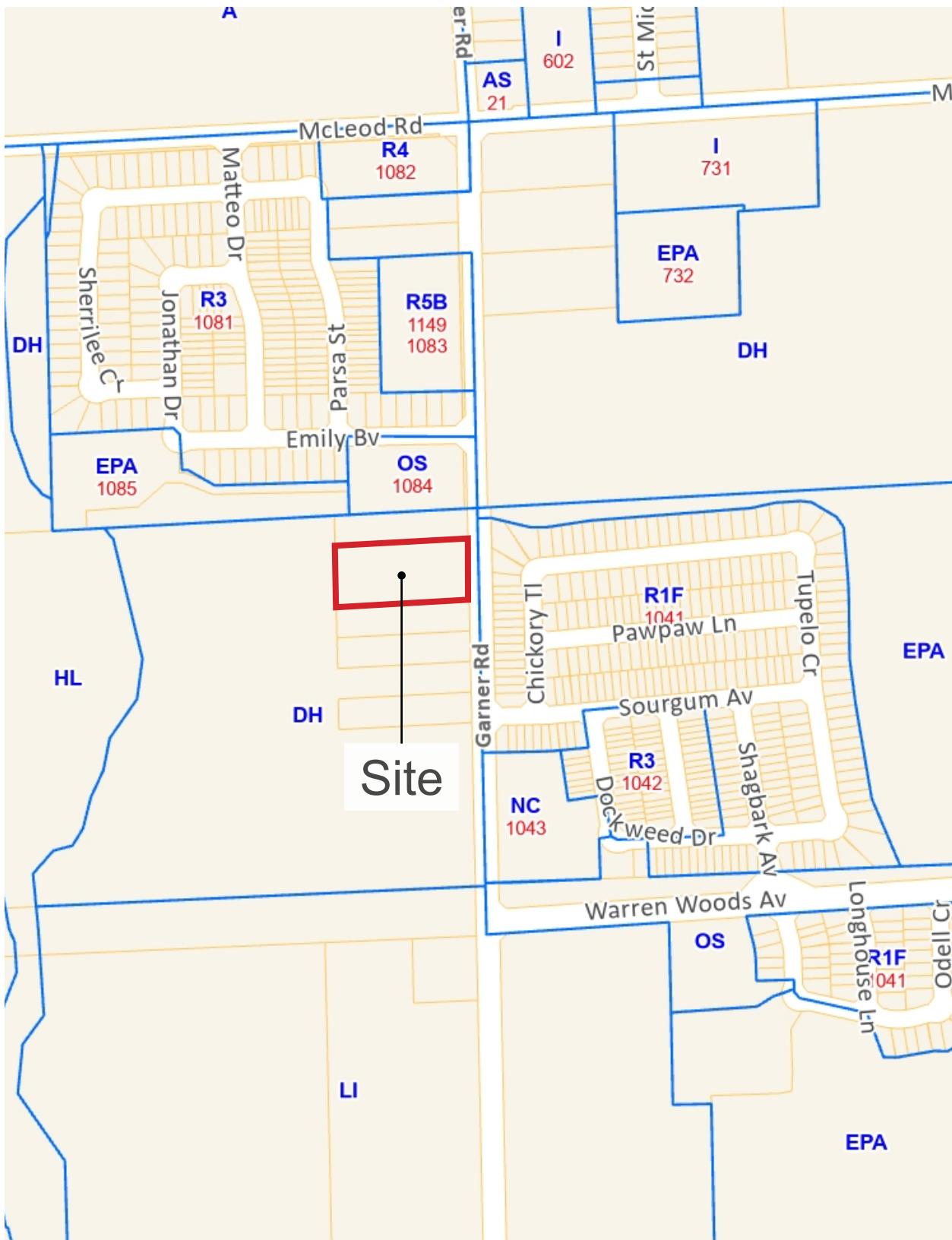
Section 2.12 pertains to transportation. Regarding arterial roads, the policies state that driveway access to arterial roads shall be minimized, reverse lot frontage must be avoided and development along any arterial road shall provide generously landscaped open space adjacent to the arterial frontage, save and except for driveway or sidewalk access. These policy directions are met by the proposed redevelopment.

The *Residential Medium* designation is appropriate for the Site. The Site is located beyond the 2 km Cytec arc and as indicated throughout this report, the PSW and Woodlands will not be negatively impacted by the proposed redevelopment. Appropriate mitigation measures are recommended in the EIS including an enhanced buffer.

4.6 Niagara Falls Zoning By-law 79-200

The Subject Land is zoned Development Holding (DH) Zone in Zoning By-law No. 79-200 (see **Figure 17**). The DH Zone has limited permissions for residential development, allowing only detached dwellings as the sole permitted residential use. To implement the proposed redevelopment a Zoning By-law Amendment is required (see Table 2 below).

A Residential Apartment 5B Density (R5B) Zone is proposed, and Table 2 provides a comparison of the standard R5B regulations to the proposed regulations required to accommodate the proposed redevelopment.



As indicated in Table 2 on the following page, there are six (6) modifications required to the Residential Apartment 5B Density (R5B) Zone standards, and a potential modification to the visitor parking standard of 0.25 parking spaces per unit. Parking is further discussed below.

Visitor and Barrier Free Parking

Table 1 within Section 4.19.1 of the Zoning By-law requires 1.4 parking spaces per dwelling unit for a “dwelling containing 4 or more dwelling units save and except an on street townhouse dwelling.” With 51 stacked townhouse units, the required parking is 71.4 parking spaces rounded up to 72 required parking spaces. During the pre-consultation stage, City staff advised they could support a parking ratio of 1.25 spaces per unit.

There is a total of 85 parking spaces on the Site. This total includes one (1) parking space per unit (51 spaces) + 24 tandem parking spaces within the driveways for Block A and Block B + 3 barrier-free parking spaces (surface) + 7 standard sizes parking spaces (surface). Based on 85 total parking spaces the parking ratio is 1.66 parking spaces per unit. Should the tandem parking spaces not be included in the total, the total is 61 parking spaces. Based on 61 parking spaces, the parking ratio is 1.196. This is less than the 1.25 parking spaces per unit.

The breakdown of the 51 dwelling units includes 17 units referred to as Ground Floor Units (floor space in the basement and on the ground floor) in Blocks A, B and C. These units do not have a parking space within the buildings. Seventeen (17) surface parking spaces are provided for these units. There are a total of 12 Upper Front Units and 12 Upper Rear Units in Blocks A and B. For these 24 units, there are 48 parking spaces provided, one in the building (indoor garage) and one in the driveway (24 parking spaces in the driveway).

Of the units in Block C, there are 5 Upper Front Units and 5 Upper Rear Units, and each unit has a parking space in the building (indoor garage). There are no driveways for the units in Block C. The Block C Ground Floor Units will have a parking space within the surface parking area.

For residents only, including the tandem parking spaces, the total is 75 parking spaces. Based on 75 parking spaces for residents and 51 units the parking ratio is 1.47 parking spaces per unit. However, as noted the tandem parking spaces are included.

4% of the parking spaces are required to be accessible. The barrier-free spaces are based on a total of 61 parking spaces (one per 51 units plus 10 visitor parking spaces). $0.04 \times 61 = 2.44$ spaces rounded up to 3 accessible parking spaces. Currently there are 3 accessible parking spaces on the Concept Plan. These accessible parking spaces are combined with the 7 other visitor parking spaces for a total of 10 non-resident parking spaces.

Further discussion with City staff may be required to determine if two (2) accessible parking spaces would be sufficient then additional standard visitor parking spaces could be provided.

Table 2: Proposed Residential Apartment 5B Density Zone (R5B)

Compliance Chart for Niagara Falls Zoning By-law 79-200 7525 Garner Road				
Total Lot Area = 8,092.65 m² Net Lot Area (Net of Road Widening, Environmental Block and Buffer) = 5,537.58 m² 51 Stacked Townhouse Units - Density = 92.11 Units per Hectare				
ZB Section	Item	Requirement	Proposed	Comply X / ✓
Section 4 – General Provisions				
4.19.1 (Table 1)	Parking requirements	1.4 spaces per dwelling unit	1.66 parking spaces per unit, tandem and visitor parking spaces	✓ X*
4.27 (Table 1)	Road allowance requirements	13m minimum distance from centreline of original road allowance	3m road widening provided	✓
4.44.1	Amenity area	Minimum area of 20 m ² per dwelling unit	28.44 m ²	✓
Section 7.11 – Residential Apartment 5B Density Zone (R5B)				
7.11.1	Permitted uses	A stacked townhouse dwelling	Stacked townhouse dwellings	✓
7.11.2 a)	Minimum lot area	133m ² per dwelling unit	108.7 m ² per dwelling unit (based on net lot area of 5,537.58 m ²)	X
7.11.2 b)	Minimum lot frontage	30m	60.96m	✓
7.11.2 c)	Minimum front yard depth	7.5 m plus any applicable distance specified in section 4.27.1	7.12m	X
7.11.2 d)	Minimum rear yard depth	10 m plus any applicable distance specified in section 4.27.1	47.79m	✓
7.11.2 e)	Minimum interior side yard width	one-half the height of the building – 6.0m	2.97m – 3.64m	X
7.11.2 g)	Maximum lot coverage	30%	33.54%	X
7.11.2 h)	Maximum height of building or structure	10m Subject to section 4.7	12.2m	X
7.11.2 i)	Parking and access requirements	in accordance with section 4.19.1	See above	✓
7.11.2 l)	Minimum landscape open space	35% of the lot area	26.27%	X
7.11.2 m)	Minimum amenity space for an apartment dwelling unit	In accordance with section 4.44	See above	✓

Modification to the Minimum Lot Area per Dwelling Unit

The required Minimum Lot Area per Dwelling Unit associated with the R5B Zone is 133 square metres. Based on the net developable area (net of road widening and the PSW / Woodland/buffer), the lot area per dwelling unit is 108.78 square metres.

The lot area minus the road widening only is 7,909.8 square metres. 51 units at 133 square metres per unit equates to a lot area of 6,783 square metres. The minimum lot area per unit is met based on the total lot area, which includes the rear land designated EPA.

Given the more compact nature of stacked townhouse units and the variation in unit size, it is not unusual that the Minimum Lot Area per Dwelling Unit is not met. The modification from 133 square metres per unit to 108.8 square metres per unit is justified and results in (9) additional units. Additional housing units are provided in a compact built form. The modification results from the type of housing to be provided.

Modification to Minimum Front Yard Depth

The required Minimum Front Yard Depth is 7.5 metres. Once the road widening is taken, being 3.0 metres, the front yard depth is 7.1 metres. This modification is minor in nature. The front yard depth of 7.1 metres provides adequate space to design an attractive streetscape. There are competing policies in the GSSP regarding locating buildings close to the street edge while also providing for generously landscaped open space adjacent to an arterial frontage, such as Garner Road.

Modification to Maximum Lot Coverage

The permitted Maximum Lot Coverage is 30% of the lot area. Blocks A, B and C cover 1,857.15 square metres. The lot coverage would be 23.48% if the total lot area was used in the calculation. It is recognized that the EPA designated land cannot be included in the calculation and as such the area is reduced to 5,537.58 square metres. Using this figure, the lot coverage is 33.54%, above, but not significantly above the 30% maximum.

Modification to Minimum Interior Side Yard

The required Minimum Interior Side Yard must be half the height of the buildings; thus, the required interior side is 6.1 metres. For Block A, the interior side yard is 3.0 metres, for Block B it ranges from 2.97 to 3.47 metres and for Block C it ranges from 3.15 metres to 3.64 metres.

The south elevations of the three (3) buildings face the residential lot to the south which contains a single detached dwelling. The south elevation walls of Blocks B and C face the rear portion of the extensive rear yard to the south. In our opinion the +/- 3.0 metre side yard provides an adequate separation distance from the shared property line.

Currently the end unit elevations show three (3) windows. Given the reduction in the interior side yard required, the designer can review the location of the windows and privacy concerns can be addressed at the Site Plan stage through window placement, fencing and landscaping.

Modification to Maximum Building Height

The Maximum Building Height permitted is 10 metres whereas 12.2 metres is proposed. The height of the buildings from grade to the top of the living space (plate) is 9.144 metres. The height of the buildings to the midpoint of the roof is approximately 10.7 metres and to the top of the roof it is 12.2 metres. If the additional 2.2 metres in height is of concern to the City or others, it may be possible to work with the designers to potentially reduce the height of the roof structure itself.

Modification to Minimum Landscaped Open Space

The Zoning By-law requires that a minimum of 35% of the lot area be landscaped open space. The definition of Landscaped Open Space in the Zoning By-law is “an open area which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping and includes any surfaced walk, patio, swimming pool or similar area, but does not include any surface parking area, bus parking area, roof-top area or any open space beneath or within any building or structure.”

When totaling the landscaped open space, as per the definition, the area is 1,454.84 square metres which is 26.27% of the net developable area. It is recognized that the area consisting of the natural heritage features at the rear of the Site cannot be used to calculate landscaping.

Between 12-15 metres within the 20 metre setback from the PSW will contain an enhanced vegetated buffer. If the buffer area were added (approximately 12 metres x 60 metres = 720 square metres) the landscaped open space would be 2,174.84 square metres, being 39% of the net developable area. If 500 square metres of the buffer were used in the calculation, the 35% requirement would be met. In our opinion a landscaped open space of 26% is appropriate given the open space benefits provided by the EPA Block.

A draft ZBA is appended to this report as **Appendix C**.

5.0 HOUSING IMPACT STATEMENT

The proposal is for purpose-built rental stacked townhouse units with 10% of the units being offered at or below \$1,395 per month as per the latest Provincial Bulletin for Niagara Falls. This section contains a discussion on affordable and attainable housing in the Region of Niagara and helps frame the proposed redevelopment in the context of how it contributes to providing needed housing units in the Region and City.

As stated in the Niagara Region Attainable Housing Strategy, 2024 (“AHS”), at all levels of government there are varying definitions of affordable housing written for specific purposes such as land use planning, funding and incentives and development charges. The AHS indicates that housing is generally considered affordable if no more than 30% of a household’s income is spent on housing, regardless of the household income. However, for some, affordable housing is thought to target low-income households who require some form of subsidy or rent-geared-to-income housing. The AHS considers the latter definition for affordability and the AHS focuses on the strong need for attainable housing which is not subsidized and is required by moderate income earners in Niagara, earning up to \$108,900.

It was once assumed that a full range of housing options, based on type, site, tenure and cost, exist in any given housing market and that no matter what the income level, households could find, purchase or rent (attain) suitable housing. Currently this is not the case within the Province and the Region of Niagara. The purpose of the Strategy is to provide initiatives that create an environment wherein the housing sector can build a wider range of housing types and tenures.

5.1 Province

The province has issued a definition of affordable housing related to development charges and an associated bulletin, effective August 1, 2025. The bulletin “sets out the market-based (that is, average purchase prices and market rents) and income-based thresholds that are to be used to determine the eligibility of a residential unit for an exemption from development charges and exclusions from the maximum community benefits charge and parkland dedication requirements”. Based on an agreement the units are to remain affordable for 25 years. The province provides a definition of what is considered affordable for ownership and rental housing.

The following is stated in the bulletin.

For rental housing, a unit would be considered affordable when the rent is at or below the lesser of:

- Income-based rent: Rent that is equal to 30% of gross annual household income for a household at the 60th percentile of the income distribution for renter households in the local municipality; and
- Market-based rent: Average market rent of a unit of the same unit type in the local municipality.

Below is data provided by the province for the City of Niagara Falls. The affordable purchase price for a townhouse and condominium apartment is the same. Given that the proposed redevelopment will be rental and all the units have 2 bedrooms, only the 2-bedroom affordable monthly rent is shown below.

Municipality	Affordable purchase price of a townhouse	Affordable purchase price of a condominium apartment	Affordable Monthly rent of a 2-bedroom unit
Niagara Falls	\$326,400	\$326,400	\$1,395

Similar to the above, the PPS, 2024 contains a definition of affordable for ownership housing and rental housing. The definition for rental housing is the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. a unit for which the rent is at or below the average market rent of a unit in the municipality.

For rental housing, low and moderate income households is defined as “households with incomes in the lowest 60 percent of the income distribution for renter households for the municipality.”

The AHS states there is a renewed focus on providing provincial funding/incentives for rental apartment units, secondary dwelling units, transit, and infrastructure.

Some federal programs associated with CMHC require that a minimum of between 10% and 25% of proposed new units be offered at a maximum of 30% of median renter income. The Applicant intends to apply for CMHC as well as other potential affordable housing incentives to support long-term affordability.

5.2 Region of Niagara

Housing definitions provided by the Region include:

- **Affordable housing:** Rental or ownership housing that costs less than 30 per cent of a household's total annual income
- **Affordable market housing:** Rental or ownership housing provided by the market for low and moderate income households
- **Attainable market housing:** Rental or ownership housing provided by the market for medium income households that may be challenged to access rental and ownership options
- **Low income household:** A household with annual income (before tax) of up to \$29,400, which can afford up to \$735 per month for housing costs
- **Moderate income household:** A household with annual income (before tax) of \$29,401 to \$52,500, which can afford up to \$1,313 per month for housing costs
- **Medium income household:** A household with annual income (before tax) of \$52,501 to \$83,900 which can afford up to \$2,098 per month for housing costs

Based on the above definitions, the Applicant proposes to offer 10% of the units as affordable rental market housing. A portion of the remainder of the units could be provided at a rental rate that is attainable for medium income households. However, at the time of preparing this report, the breakdown of the rents for upper level units within the stacked townhouse buildings is not known.

The AHS provides a graphic of housing affordability and income deciles and provides a graphic of types of housing including Affordable Rental Housing and Market Rental Housing. The following table is derived from Figure 7 with the *Region's Attainable Housing Strategy* ("AHS"), dated August 14, 2024.

Affordable Rent	30th to 40th Income Deciles	50th to 60th Income Deciles	70th to 90th Income Deciles	CMHC Affordable Market Rent
	Up to \$1,160 per month	Up to \$1,670 per month	Up to \$3,180 per month	\$1,329 per month or more

The AHS states that people looking to rent in the Region will face much higher rents than indicated in the table above. The AHS indicates that the CMHC data on average rent includes long tenured renters (paying prices well below average market rent) and current rental listings which are considerably higher.

Aside from defining affordable and attainable housing, the Region's AHS outlines the roles of government, from federal to local as well as the private sector. Regarding the role of the private sector, the AHS states:

The private sector (i.e., developers, investors, property management corporations, etc.) can take on a variety of roles in the housing continuum. Traditionally, they have been responsible for developing market housing ownership, rental housing options, and/or managing rental housing stock. They are important community builders responsible for delivering market-driven housing options in Niagara.

The AHS provides an informative section on the Niagara Region housing market, and a summary of the analysis provided.

The Region's AHS includes four main goals:

- 1) To increase the supply of rental housing
- 2) To foster innovation and implement best practices that lead to more housing options, including a mix of unit types, tenure, and supports, to meet the needs of current and future residents
- 3) To optimize use of the existing housing stock and public land
- 4) To promote increased investments in housing enabling services and economic growth including transit, infrastructure, employment sector, and skilled trades training and retention

The AHS contains several statements that support the need for purpose-built rental units. Some of the statements are paraphrased below.

- Beginning in 2014, while there was a shift in the overall mix of dwelling type in Niagara, due to the long history of predominately constructing single-detached dwelling, the mix has not been significant enough to balance the supply of housing types. The need for multi-unit dwellings is significant.
- First and foremost, there is a need for more purpose-built rental of all types (ground-oriented, mid-and high-rise) to meet demand.
- There is an increasing demand for rental options of all types and at every price point.
- It is important to achieve greater density, a greater mix, and a greater number of new units to provide attainability housing options for moderate-income households.

- The high number of single person households and two-person households indicate a need for smaller dwellings.

Two actions related to the goal of increasing rental housing supply are: an education campaign to help remove barriers to intensification and additional dwelling units (ADUs) and investigate strategic incentives for purpose-built rental housing. The AHS states that Region incentives “should be exclusively targeted at dwelling types that are smaller, denser, more targeted to the need in Niagara, create a mix of forms, and are connected to transit.”

Relevance to the Proposed Redevelopment

The proposed intensification on the Subject Land satisfies many of the objectives of the 2024 AHS prepared for the Region of Niagara. There is potential, based on applying CMHC to provide for a few (10%) affordable units. The proposed redevelopment provides for a mix of smaller rental units which are in demand in the Region. There is also potential for the remainder of the units to be attainable for moderate income households.

5.3 City of Niagara Falls

In June 2021, City Council endorsed the *City of Niagara Falls Housing Needs and Supply Report*. Also in June 2021, Council directed staff to proceed with the development of a Housing Strategy including consultation with the community. In March 2022 Council endorsed *The City's Housing Directions Study Phase 2: Housing Strategy*.

As stated in Staff Report PBD-2022-18, the Housing Strategy recommended 21 actions that were grouped into six (6) themes:

- Establish affordable housing targets.
- Promote a greater diversity of housing types.
- Ensure a healthy supply of rental units.
- Increase public education and provide advocacy for partnerships.
- Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing.
- Monitor and report.

PBD-2022-18 states:

The Housing Needs and Supply Report recommended that the City set a 40% affordability target for all new housing. A 40% affordability target was chosen due to the large percentage of Niagara Falls' households in core housing need along with the City's large service and hospitality sector workforce whose incomes are modest. A 40%

affordability target would mean that 40% of all new built housing would be affordable to households annually earning \$84,300 or less (\$95,900 or less in 2021 dollars) and would translate into the construction of approximately 270 affordable housing units per year.

A household is considered to be in core housing need if the dwelling is too expensive given the household budget (more than 30% of total household income), if the dwelling does not meet the household's needs or is in a major state of disrepair and there is no alternative housing that could be found within its budget.

Given the significant percentage of households in core housing need along with the City's large service and hospitality sector workforce, the Housing Needs and Supply Report recommended a 40% affordability target for all new housing. This means that 40% of all new housing would be affordable to households earning \$95,900.00 or less per year and would equate to approximately 270 affordable housing units per year.

Affordable is defined as shelter costs such as mortgage, rent payments, property taxes and utility costs that equal less than 30% of the annual household income for low (i.e., households with total annual earnings of less than \$45,300) and moderate-income households (i.e., households with total annual earnings of \$45,300 to \$95,900). In 2022, the household income ranges of low income (\$39,800 or less) and medium income (\$39,800 to \$84,300) were updated for inflation to a low income (\$45,300 or less) and medium income (\$45,300 to \$95,900).

Affordable rent will be applied to 10% of the 51 stacked townhouse units. While the number of units at the affordable rent will be low, there is that potential given the built form.

The NFOP defines affordable rental housing as:

- a) in the case of rental housing, the least expensive of:
 - i. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households (as defined in the Provincial Policy Statement); or
 - ii. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

The proposed redevelopment satisfies a component of theme 2 of the Housing Strategy being the provision of a greater diversity of housing types, i.e., higher density types of housing and alternate forms of housing.

The Housing Strategy research concluded that while the demand for single-detached dwellings is predominant, there is an increasing demand for high density housing. It was also found that opportunities to provide more affordable housing include among other matters, introducing more flexible zoning for high density and mixed-use housing. It is also important to ensure that affordable housing is available in all parts of the City.

The Official Plan was amended to include new housing policies. The policies are stated below followed by a response.

OP Section	Policy	Response
4.4 a)	The proposed housing mix by dwelling type and number of bedrooms, as applicable;	All the units are within a stacked townhouse building, three storeys in height. There are three (3) buildings with a total of 51 units, and all units have two (2) bedrooms
4.4.b)	How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);	<p>Policy 4.8 a) and b) state:</p> <p>a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable.</p> <p>b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.</p> <p>The City of Niagara Falls has endorsed a '40% affordability target' for all new housing. 40% of all new housing constructed should be affordable to households earning</p>

OP Section	Policy	Response
		<p>\$95,900 (2021 income) or less per year.</p> <p>The maximum affordable house price for the \$95,900 household is \$499,500 (6th decile, 2021).</p> <p>10% of the proposed units will be rented at an affordable rent. The remaining units will be attainable for some moderate-income households. It is important to note that rental rates have not been established at the time of authoring this report.</p>
4.4.c)	The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;	There will be 5 or 6 units offered at affordable rental rates, as defined by the Region and City.
4.4.d)	Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and,	Construction is not expected to occur in phases.
4.4.e)	The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.	The Applicant intends to apply to CMHC, and a minimum of 10% of the units will be affordable based on funding.

Based on the foregoing, there will be 5 or 6 units, offered at an affordable rent. At the time of writing, the rental rate range for the remaining units has not been established.

Based on the location, unit sizes, density, housing type, available transit and tenure, the stacked townhouse units meet the criteria for providing more attainable housing in the City. The proposed redevelopment also meets the City's housing themes of providing for a greater diversity of housing types and to ensure a healthy supply of rental units.

6.0 URBAN DESIGN

6.1 Niagara Region Model Urban Design Guidelines, October 2024

The Region has produced updated Model Urban Design Guidelines (MUDG). The guidelines complement and support the NOP (2022), the Transportation Master Plan (2017) the Draft Complete Streets Design Manual, Access Management Guidelines (2023) and the Niagara Region Stormwater Management Guidelines (2022).

Certain guidelines for larger planned areas do not apply to the Site such as the Community Guidelines (Section 3.0) and Block Design (Section 4.0). Certain guidelines related to Site and Building Design (Sections 5.0 and 6.0) and Building Uses do apply. The applicable guidelines have been addressed in table format (see **Figure 18**).

6.2 City Urban Design Strategy

The Urban Design Strategy policies are in Part 3, Section 5 of the NFOP. The policies commence in Section 5.1. Each policy in Section 5.1 is quoted below followed by a response in *italics*.

- 5.1 New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area, including natural and cultural heritage features.

Building A faces Garner Road and Garner Road pedestrians those travelling along Garner Road will view the stairs, porches and general building articulations associated with the stacked townhouse units. There is a separate 1.5-metre-wide walkway at the front of each building, which connects to internal walkways which in turn connect to the municipal sidewalk. The individual driveways and garages are at the rear of each building.

The rear yards of the dwellings on the east side of Garner Road are adjacent to Garner Road. In contrast, Stacked Townhouse Block A will face the street.

The natural features to the rear of the lot will be retained within an appropriate buffer to integrate with the redevelopment.

The lots on either side of the Subject Land contain one (1) single detached dwelling. A minimum of three (3) metres is provided between the blocks and the south lot line and 1.0 metre is provided between the parking spaces and the north lot line. The side lot lines will be fenced.

FIGURE 18

Model Urban Design Guidelines (October 2024)

Niagara Region / BrookMcIlroy

5.1 SUSTAINABILITY AND WELL-BEING	RESPONSE
When possible, locate buildings near the street edge, with entrances facing a wide public sidewalk.	3.0 metres of land for road widening purposes will be dedicated to the City. The front yard comprises a 4.2-metre-wide landscape strip for trees and landscaping. A 1.5-metre-wide walkway is planned in front of the stairs and covered porches. The entrances face a private walkway, landscaping and the existing public Garner Road sidewalk.
Safety and Security Guidelines	
Site and building design should strive to maximize safety and security, employing best practices in CPTED.	The three (3) buildings are located rear to rear and front to front. This maximizes eyes on the internal drive aisles where driveways and garages face each other. There is an internal amenity area which is bordered by internal walkways and areas for sitting and taking shelter. This layout also maximizes eyes on the internal amenity area. The appropriate site lighting will be installed to light the parking areas, without impacting the adjacent rear yards. Over time, it will be important to ensure landscape features do not reduce visibility on the Site.
Pathways should avoid obstructed sight lines and should create direct connections from buildings to key areas on and adjacent to sites.	There is an internal walkway system that leads to the front of each building and along the side of each building to the rear drive aisle. Sight lines will be clear and unobstructed.
Site design should not result in potential areas of entrapment, such as areas that are bounded on most sides by walls, high plantings, or fences	It is expected that the side yards will be fenced for privacy purposes however the internal development area does not contain any small, secluded areas of entrapment. The private waste collection area will have a low landscape screen to screen

FIGURE 18

	the earth bins from the parking areas and the rear building, Block C.
Landscape and Low-Impact Design Guidelines	
Landscaping should consist of native species that are drought and salt tolerant to reduce the need for watering and maintenance.	The Environmental Impact Study (EIS) for the rear wetlands and woodlands supports a 20-metre vegetated buffer from the Provincially Significant Wetland. Snow storage is not permitted within the buffer area, and a buffer enhancement plant is recommended. The enhancement plan and landscape plan will consist of native species with certain species that are salt tolerant located in the drive-aisle and parking areas.
Biodiversity should be supported through planting plans that include a variety of tree and planting species. Perennial plantings that flower at different times of the year can support biodiversity.	Biodiversity will be a vital component of the Buffer Enhancement Plan, and the Landscape Plan prepared as part of the Site Plan application.
Wherever possible, impermeable hard surfaced areas (i.e. driveways, laneways, and parking areas) should be minimized and incorporate opportunities for ground water infiltration.	The EIS recommends that roof drains and runoff from impervious surfaces be directed towards the wetland and woodland where possible and that the use of low impact development features be considered to assist with maintaining water infiltration. Any surface water diverted to the wetland should be done following recommendations of the Wetland Water Balance.
New and existing developments should be designed or retrofitted to conserve water use and manage stormwater on-site through LID techniques such as bioswales, rainwater harvesting systems, infiltration trenches and stormwater management ponds.	The Stormwater Management Report indicates that sufficient stormwater storage will be provided on the surface of the parking area, and an underground storage system is not required. All LID techniques will be investigated further at the Site Plan stage.
Landscape design should contribute to on-site stormwater management and low-impact development, allowing for infiltration of runoff into the ground while reducing demands on municipal stormwater infrastructure.	There is a catchment area on Site that drains to the existing wetland with overland flow being directed to the storm sewer on Garner road.

FIGURE 18

Vegetated areas can be used to filter, detain or infiltrate stormwater. Vegetated swales should be integrated into site landscaping to slow stormwater flow and to allow sedimentation and infiltration. Trees, shrubs, grasses and ground covers are also used in landscape systems. In poorly drained soils, it is necessary to consider the cost benefits and the maintenance aspects of the proposed green infrastructure measures.	The infiltration rate is slow based on the type of soils found in the area (silty clay / clayey silt). Vegetated swales will be a component of the drainage system on Site. As stated in the FSR / SWM Report, as part of a treatment train approach, Flexstorm Inlet Filters have been proposed within the proposed catch basins in the asphalt driveways. The installation of the Flexstorm Inlet Filters will contribute to the removal of Total Suspended Solids (SS) and the capture of floatables within the catch basins.
Downspouts should divert runoff into landscaped areas whenever feasible. Roof runoff from disconnected downspouts can be directed to gardens, swales, lawns, sand filters, infiltration or flow-through planter boxes.	This measure has been explored on a preliminary basis and will be further investigated at the detailed Site Plan and Landscape Plan stage.
5.3 BUILDING LOCATION AND ORIENTATION	
Buildings should frame street edges, parks, open spaces, natural heritage features and amenity areas to animate the public realm. Primary building entrances should front onto these features and rear lotting should be avoided.	Rear lotting has been avoided and Building A fronts onto Garner Road and the incorporation of several façade treatments (stairs, porches, small landscape pods etc.) animate the street.
Buildings should be placed and oriented to: <ul style="list-style-type: none"> Maintain, protect and create view corridors and vistas Maximize views and privacy for building residents Provide a comfortable microclimate condition at-grade Improve natural daylighting, livability and energy efficiency/solar energy Maintain 5 hours of consecutive sunlight on a least one side of the street 	The buildings have been oriented to Garner Road (Building A) and oriented to face each other with an internal amenity area (Buildings B and C). It will be important to provide the appropriate lighting at the rear of the Site where the rear garages in Building C face the Environmental Protection Block (wetland and woodlands). It is recommended that the natural features and buffer area be fenced, and soft appropriate lighting may be installed on the fence.
Where possible, rear garages are preferred, reducing the visual dominance of integrated front garages.	Rear garages are internal to the Site and are not visually dominant.
5.4 LANDSCAPE DESIGN	

FIGURE 18

Plan for succession planting and plant tree species of diverse ages to ensure the continuous renewal of tree cover. Successive understory and groundcover vegetation should contribute to four-season interest and biodiversity.	The EIS has recommended an enhanced vegetation buffer 12 – 15 metres in width from the Significant Woodland.
Larger growing shade trees should be planted along street edges. Street trees are generally spaced 6.0 to 9.0 metres apart.	Street trees will be provided in accordance with City and Region policies.
Wherever possible, preserve existing mature and healthy trees that are 300 mm in diameter at breast height or larger. Where preservation is not possible, trees should be replaced at a 1:3 ratio.	The removal of 16 trees and three polygons will be required to accommodate the proposed redevelopment. The remaining 9 trees can be saved provided appropriate tree protection measures are installed prior to the development. Tree replacement ratio is noted.
5.6 OUTDOOR AMENITY SPACES	
Outdoor amenity space should be provided for all mixed-use and residential developments in accordance with local zoning by-law requirements.	The required Amenity Area as per the proposed R5B Zone has been met through the redevelopment proposal.
Amenity areas should be designed and located in relation to the context, including the building type, unit mix, and adjacent land uses and other public amenities.	The upper stacked townhouse units do have balconies / porches as small areas for sitting. The area between Block B and C has been designed as an area to seek, seek shade and where some play activities could occur. This area is accessible from Block A through the internal walkways.
Back of house building structures such as mechanical equipment and above-ground utility boxes should not be placed in amenity areas. Amenity areas should also be located away from building parking and loading areas.	Features such as mailboxes, bicycle parking and waste collection areas have not been included in the amenity area calculation.
5.10 DRIVEWAYS AND PARKING	

FIGURE 18

Parking aisles should not exceed 30 contiguous spaces in length and should have a consistent design angle perpendicular to primary building entrances.	There are 25 contiguous parking spaces along the north side of the Site.
Appropriate lighting levels and consistency of coverage should be provided in parking areas to assist both pedestrian and vehicular circulation. The height and intensity of light standards should be sensitive to adjacent land uses. Downcast lighting should be used to minimize light pollution.	Both pedestrian and vehicle circulation will be assisted through the installation of lighting at the appropriate intervals. The light will be downcast so as not to affect both the wetland and its species and the abutting properties rear amenity areas for the single detached dwellings.
5.13 SERVICING, LOADING, AND UTILITIES	
Site circulation should provide efficient routes for vehicles to access servicing, loading and utilities, including space for sufficient turning radii and vertical clearance. Design measures that minimize conflict with pedestrians, cyclists, and motorists should be employed.	Site circulation is straight forward for all vehicles to access garages, surface parking spaces and the waste collection area. Additional pavement markings may need to be implemented at the Site Plan stage to minimize conflicts between pedestrians, cyclists and motorists.
Site circulation for trucks should avoid reversing or manoeuvring on public streets.	Site circulation has been designed to avoid trucks reversing onto Garner Road.
5.13 WASTE MANAGEMENT	
The roadway must be designed to provide safe access and egress from the waste collection area.	Safe access and egress from the waste collection area have been shown on the Concept Plan with turning movements provided.
Although "T" turnaround areas are not preferred, they can be used on sites if they provide sufficient space for collection vehicles to back up and turn around safely.	Sufficient area is provided on the Site for vehicles to back up and turn around safely.
6.3 LOW RISE BUILDING GUIDELINES	
Townhouses are generally between 2 and 4 storeys in height and provide direct unit access from the exterior without interior	The proposed stacked townhouse buildings are three (3) storeys in height and there are no interior corridors. Interior stairways

FIGURE 18

corridors. In the case of stacked townhouses, an interior stair provides direct access from the grade-level entrance to the upper-floor unit.	provide access from grade level to the upper and lower stacked units.
Townhouse blocks should be oriented front-to-front and rear-to-rear to promote walkability and to limit the extents of vehicle routes on a site.	The townhouse blocks are oriented front-to-front and rear-to-rear which promotes walkability and there are only two internal drive aisles perpendicular to the main drive aisle into the Site.
Stacked townhouse blocks containing upper-floor suite entrances must contain all access stairs within the building envelope.	All access stairs are within the building envelope.
Townhouse blocks within a lot should have a minimum front and/or rear separation distance of 11.0 metres.	The townhouse blocks are separated a minimum of 11.0 metres.
Front yard setbacks for townhouses should align with the prevailing setback of existing buildings in the streetscape. In the absence of a prevailing setback, front yard setbacks should range from 4.5 to 7.0 metres.	The front yard setback for Block A does align with the single detached dwelling setback to the south. There is currently no consistent street edge based on diverse types of older residential dwellings scattered along the west side of Garner Road.

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

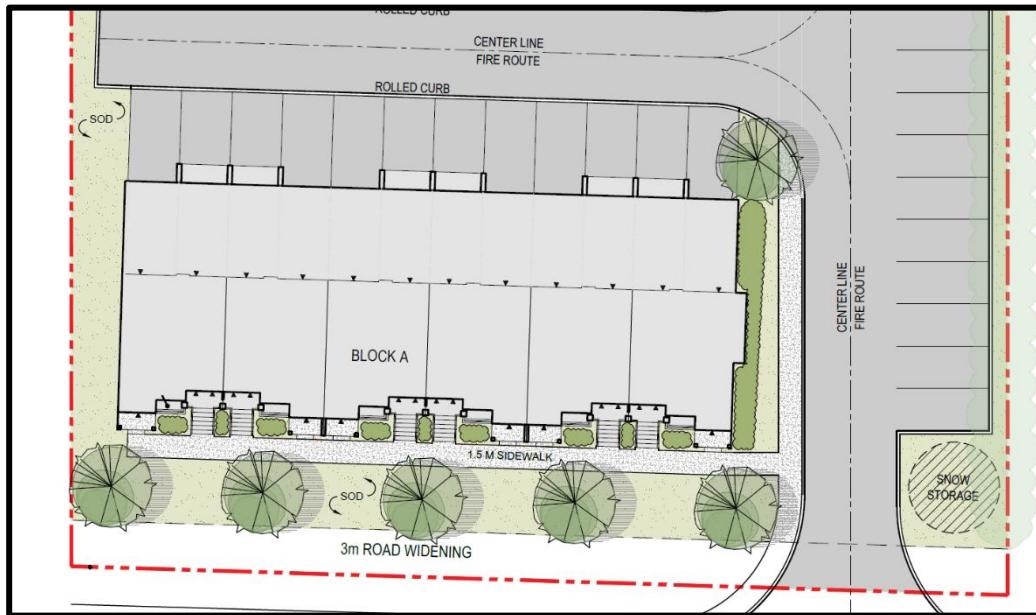
The architecture of the existing dwellings in the immediate area varies considerably based on the year built. The most recent development is to the north at the southwest corner of Garner Road and McLeod Road. There are no stacked townhouse units within this development, but approval was given to build a four (4) storey apartment buildings on a block fronting Garner Road. The massing of the apartment building and the proposed stacked townhouses will be similar, albeit the townhouses will be three (3) storeys and the apartment is four (4) storeys. The building setback from Garner Road is similar to the existing single detached dwelling to the south (approximately 7.0 metres).

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

Originally, Building Block A was set closer to the road. However, it was determined that an area with a width of approximately 4.2 metres was required for front yard landscaping (see extract from the Concept Landscape Plan below – Figure 8 in this report).

Pedestrians can move between buildings without crossing the main drive aisle which provides access to the surface parking spaces. Residents and visitors must cross the main drive aisle to access surface parking. At the Site Plan stage, two (2) identified cross walk areas can be identified with signage for vehicles entering the Site to slow down.

Extract from Landscape Concept showing Private Trees in the Front Yard



5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site-specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.

Microclimate conditions are impacted by temperature, humidity, wind, turbulence, dew, frost, heat balance and evaporation. The amount of hard surface will increase with the proposed redevelopment. Therefore, it is important to provide areas of vegetation, ground cover and trees to balance any heat island effects. The wetland will remain at the rear of the Site with an established 15-20 metre vegetated buffer from the Woodlands.

5.1.4 In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas.

The Subject Land is not a prominent landmark location such as a gateway. There are no scenic views and vistas. The woodland within the wetland to the rear of the Site will remain visible from the drive aisle access and rises above the buildings.



Extract from the Landscape Concept showing the Central Amenity Area between Block B and Block C and the Buffer Planting Area at the rear of the Site.

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

The main surface parking area is along the north property line, and a 1.0 metre buffer strip is provided. There are twenty-five (25) parking spaces in this location. This area provides parking for both residents and visitors.

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

Not Applicable

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

There is one access drive aisle, accessing Garner Road.

Renderings were prepared to illustrate three (3) different views of the buildings.



View of Building A facing Garner Road



View of Building B (internal building, between A and C)



View of the rear of Building C at the rear of the Subject Land. The PSW/Woodland and buffer area will be fenced, and this view does not show the future fence.

6.3 City Site Plan Guidelines (SPG)

A Site Plan application will follow when a decision is made regarding the proposed OPA and ZBA. The Preliminary Site Plan provided with the Subject Applications is detailed in nature and has taken into consideration many, if not all the components of the Site Plan Guidelines (SPGs) dated March 2023.

Many of the SPGs are similar to the Model Urban Design Guidelines (MUDG) and the City's Official Plan policies regarding urban design. Two guidelines regarding parking (Section 6.2 of the Site Plan guidelines) are:

- Parking areas should be located behind or beside the principal building. This will allow the building to be oriented closer to the street edge, creating attractive and pedestrian oriented streets.
- Where feasible, parking areas should not be in yards adjacent to a residential zone. If unavoidable, adequate screening should be provided through landscape buffer and/or fencing to screen headlight glare (Refer to 11.3 for further screening requirements).

The surface parking area on the Site is located 'beside' the principal buildings in the north side yard. The surface parking area is located adjacent to a property containing a single detached dwelling and this is unavoidable and there is also a single detached dwelling adjacent to the

south. Fencing will provide adequate screening to screen headlight glare on the property to the north.

Regarding Amenity Areas, Section 6.3 of the SPG states:

- Larger residential developments are encouraged to create common public spaces within their site that help to establish a neighbourhood identity and provide opportunities for residents to socialize. These spaces may include (but are not limited to) features such as: distinctive paving, landscaping, site furniture, open-air structures and public art.

The proposed redevelopment is not considered large. However, an amenity area has been planned between Block B and Block C that provides for trees, seating and a shade structure. This area will be a common space for the residents and provides a place to meet and socialize.

Section 6.4 of the SPGs, Building Design, states:

- The mass and setbacks of new buildings in established neighbourhoods should be sensitive to adjoining properties and complement the overall character of the area.
- Developments shall be encouraged to create attractive and interesting building facades and architectural features, particularly where the structures are in prominent public view.
- Rooftop mechanical equipment shall be screened from public view whether by location or by providing a screening enclosure. The enclosure exterior should match, or complement, the exterior architectural finish of the primary building.
- Building materials and their finishes should be of a high quality, durable, sustainable and easy to maintain. In addition, materials should be coordinated and complementary to each other and the architectural style of the building.

The Subject Land is at the periphery of the GSSP, being the west side of Garner Road. On the west side, only the southwest corner of McLeod Road and Garner Road (Forestview subdivision) has been redeveloped to date. Part of the Forestview development includes a park / open space at the southern edge of the development. South of the park there are larger lots with existing older single detached dwellings, including the Subject Lands. This area has not yet been redeveloped and is separated in part from the redevelopment to the north by woodlands.

The character of the area includes single detached dwellings and low-rise attached dwellings. The four (4) storey apartment building planned for the west side of Garner Road, south of McLeod Road, has not yet been built. The front yard setback of the proposed redevelopment, at just over 7 metres, is sensitive to the adjoining properties. The building facades are articulated and building materials can be used, and landscaping provided to provide an attractive streetscape. Rooftop mechanical equipment will be screened, and the building materials and their finishes will complement development in the area.

7.0 PLANNING ANALYSIS

Throughout this report, text highlighted in green addresses how the proposed redevelopment meets the applicable policies in the planning documents such as the PPS, 2024, the NOP, 2022 and the NFOP Official Plan and Zoning By-law.

There are numerous policies that apply to the Site at the provincial, regional and local level. At the local level, the Garner South Secondary Plan (GSSP), approved in 2012, was prepared to guide the development and redevelopment of land within this area of the City. The Secondary Plan is now over a decade old now, and much of the land in the Secondary Plan Area has been developed. The Subject Land is part of the last phase of development/redevelopment within the GSSP being located at the western perimeter of the Secondary Plan Area.

Refinement of the boundary of the natural heritage features at the rear of the Subject Land, which are designated *Environmental Protection Area* (EPA) and the need to provide an appropriate buffer informed the ultimate net developable area. The 2 km arc from the Cytec Lands to the southwest is also a factor for development along the western perimeter of the GSSP Area. The City-wide need for additional housing units, including affordable and attainable units, is also a significant factor when considering the Subject Applications.

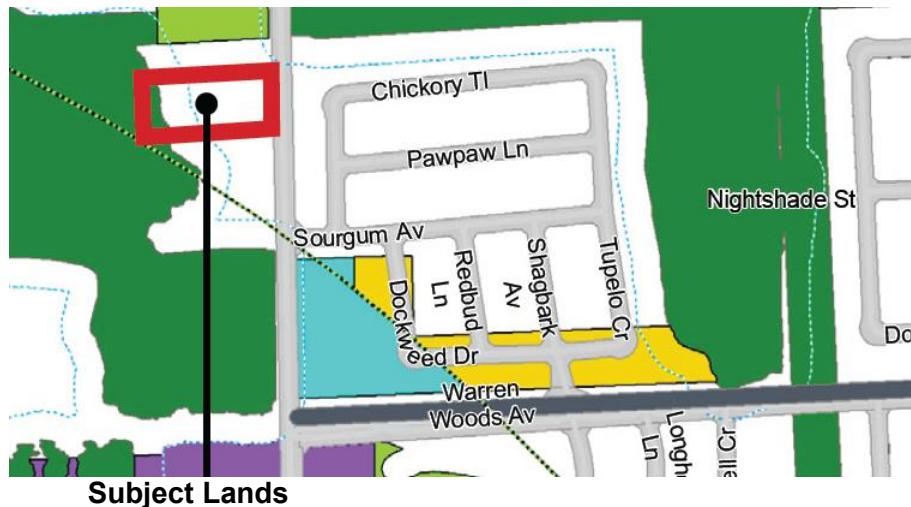
The planning analysis must balance several requirements such as protecting the Thompson Creek Provincially Significant Wetland Complex (PSW) and Significant Woodland at the rear of the Subject Land; recognizing the Cytec 2 km arc and what it means for properties beyond the arc; and being mindful of the need to provide for affordable and/or attainable housing.

The City's Official Plan contains a Residential Greenfield Area policy (Policy 1.11.4) that states the GSSP "shall provide for a distribution and gradation of densities, heights and housing types where lower densities and heights are proximal to the 2km Cytec arc and higher densities are directed to the north and east quadrant of the Secondary Plan Area to assist in the strengthening of the Niagara Square Retail District." Before we provide additional analysis of the PPS, 2024 and Official Plans, we wish to summarize our position on the Cytec 2 km arc, pertaining to the proposed redevelopment.

7.1 Cytec

The Subject Land is part of a relatively small pocket of developable land on the west side of Garner Road. This area is designated *Residential Low* given the historical large lot, smaller dwellings pattern of development. This area is outside of the 2 km Cytec arc yet is proximal to the arc. The Subject Land is approximately 150 metres from the arc with three (3) intervening parcels.

The restriction on residential uses within the 2 km arc is clear. Near Garner Road, *Residential Low* and *Residential Medium* designations lie adjacent to and beyond the arc. The *Residential Medium* land is located on the east side of Garner Road, generally north of Warren Woods Avenue. Land within and outside of the 2 km arc is also designated *Environmental Protection Area*, and *Neighbourhood Commercial*. The extract from the GSSP land use schedule, Schedule A-3 below shows the designations on either side of the arc (white = *Residential Low*, yellow = *Residential Medium* and blue = *Neighbourhood Commercial*).



To the best of our knowledge there is no special policy that restricts the density range for the *Residential Medium* land adjacent to the 2 km Cytec arc. Secondary Plan policies associated with the *Residential Medium* designation state that "Residential, Medium Density areas shall provide for on-street and block townhouses, including stacked townhouses, and apartment buildings [Policy 2.2.1] This designation requires a minimum density of 50 units per net hectare to a maximum of 75 units per net hectare and building heights must not exceed 4 storeys [Policies 2.2 within the GSSP]. The GSSP policies refer to two areas where the 4 storey height is excepted, as shown on Figure 6 to the GSSP (Extract from Figure 6 below). Figure 6 to the GSSP shows the land on the north side of Warren Woods Drive, extending from the arc restricted to 2 storeys.

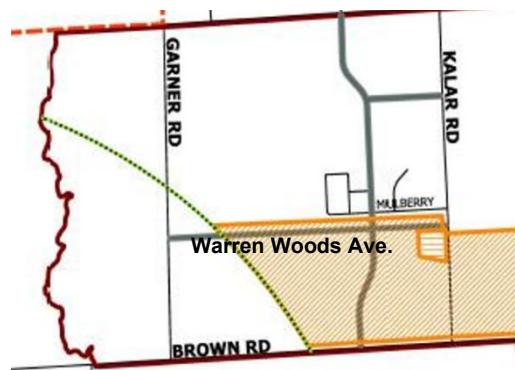
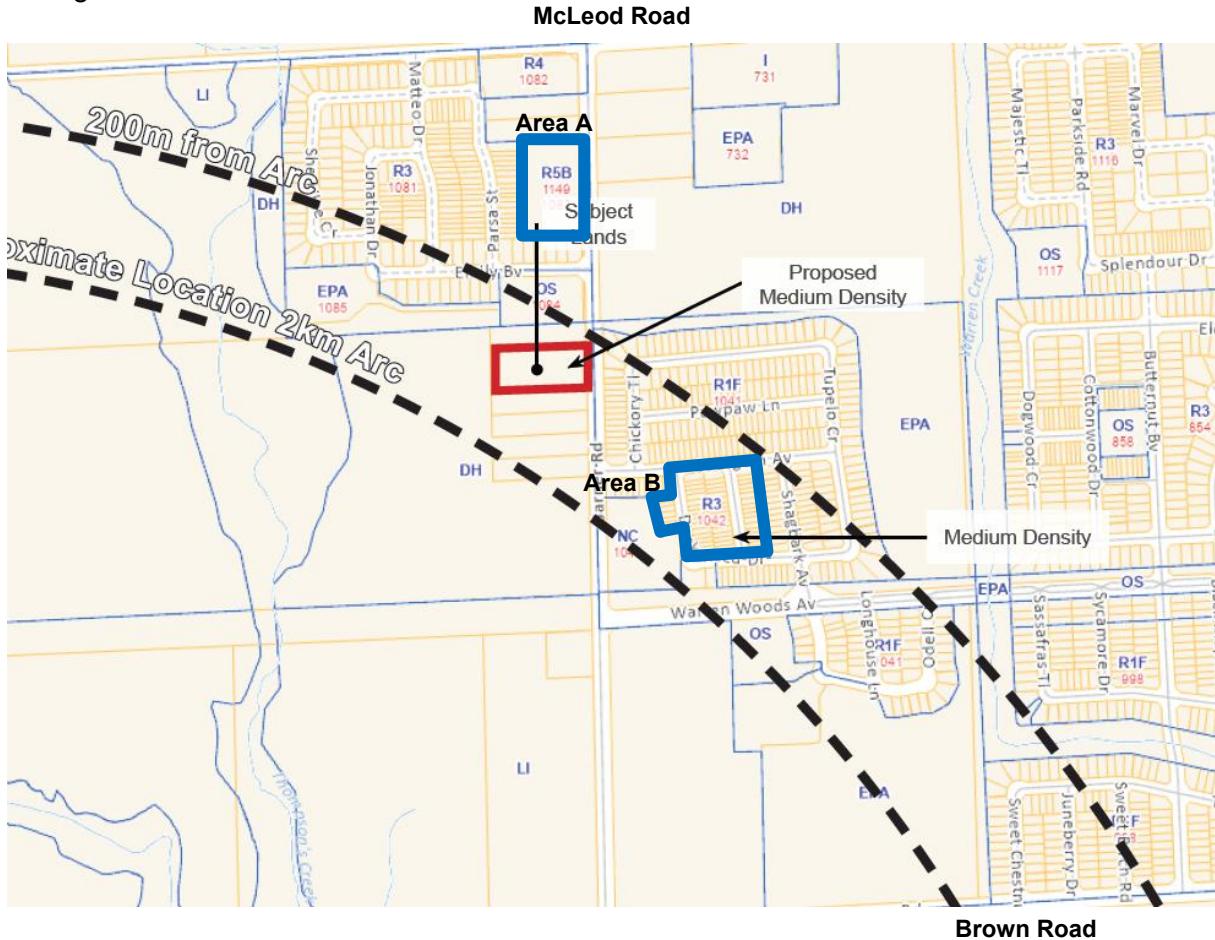
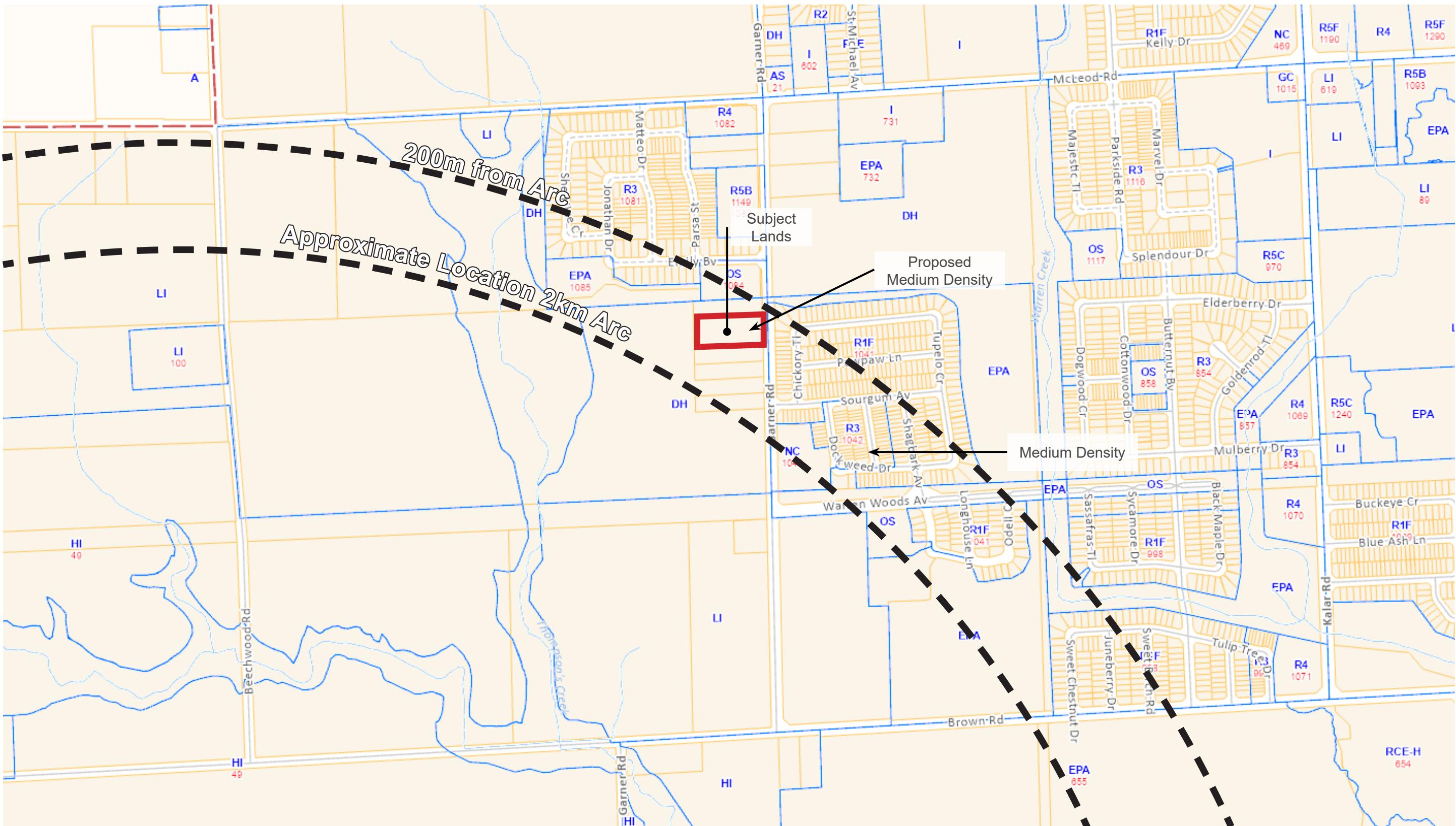


Figure 19 shows an arc that is located 200 metres beyond the 2 km Cytec arc. This 200 metre distance is shown for illustrative and discussion purposes only. There are no policies within the GSSP that refer to a 200 metre “buffer area” from the 2 km arc or redevelopment restrictions with 200 metres from the Cytec arc. Height restrictions are referred to and shown on Figure 6, as discussed above.



The subject Land is outlined in red on the extract from Figure 19 shown above. Two areas, Area A and Area B, are added to the extract and are outlined in blue. Area A is within the Forestview Subdivision and zoned Residential Apartment 5B Density Zone (R5B) Modification 1149 and Area B is within the Warren Woods, Phase 5 and zoned Residential Mixed Zone (R3) Modification 1042.



Area A is Block 116 within Registered Plan 59M-484. This block was originally zoned Residential Low Density, Grouped Multiple Dwellings (R4-1083) when the plan was registered. In 2021, the applicant requested a Residential Apartment 5B Density (R5B) Zone. The rezoning was approved to permit four (4) apartment buildings with a maximum height of 14.5 metres and 4 storeys (By-law No. 2021-97 passed on September 14, 2021).

The recommendation report associated with the rezoning stated: "The proposal represents an efficient use of urban land, utilizes existing services, and contributes to the mix of housing types within the area." It was also stated that the four (4) storey apartment buildings are "consistent with higher density residential development adjacent to higher capacity arterial roadways."

The Subject Land is proximal to Area A and proximal to the 2 km Cytec arc (approximately 150 metres). The proposed designation for the Subject Land is *Residential Medium*, and the built form is stacked townhouses to a maximum height of 12.2 metres. Area A is designated *Residential Medium* and the zoning applied to the Site permits four, 4-storey apartment buildings with a height of 14.5 metres and a maximum of 80 dwelling units. Within Area A, the density is lower than the Subject Land given both its size and the absence of natural features.

As discussed in this report, if the proposed density on the Subject Land was distributed across the total Site Area, the density would fall within the medium density range at approximately 65 units per hectare. The OPA application requests an increase in the maximum density, and the increase represents nine (9) additional units.

In our opinion, between the Subject Land and Area A there is a gradation of height from 14.5 metres to 12.2 metres which meets the intent of the NFOP. The proposed density increase on the Subject Land must be weighed against the area designated and to be designated *Environmental Protection Area* and the many other NFOP and GSSP objectives met through the provision of 51 stacked townhouse units, such as a transit supportable density, a varied housing option, streetscape improvements, pedestrian connectivity and the potential for affordable or attainable housing units.

Area B is proximal to the 2 km Cytec arc on the east side of Garner Road. Area B is zoned Residential Mixed Zone (R3) Modification 1042. By-law 2017- 44 was passed on April 25, 2017. The Zoning By-law Amendment contains permitted uses and regulations for several areas, including the area zoned R3-1042 (Area B above). The permitted uses include an on-street townhouse dwelling and accessory building and accessory structures. The maximum height of a building or structure is 12.5 metres. Portions of the land zoned to permit a height of 12.5 metres lay closer to the 2 km Cytec arc than the Subject Land.

The issue, with respect to Cytec, is if it is appropriate to permit a *Residential Medium* designation on the Subject Land to permit three (3) storey stacked townhouse units at 12.2 metres in height with an increase in net residential density. We have assumed that beyond

the 2 km arc, Cytec wishes to limit the height of buildings and limiting density is somewhat related to height but presumably also the number of people residing just beyond the arc.

Regarding height, given the distance from the 2 km arc, in our opinion the 3 storey height proposed on the Subject Land is appropriate. A height of 12.5 metres has already been permitted in closer proximity to the 2 km arc. Further, the maximum height for stacked townhouses, as permitted in the City's R4, R5A and R5B zones is only 10.0 metres. Generally, depending on site grade and design, it is difficult to provide a stacked townhouse building at or under 10.0 metres. In our opinion, the 12.2 metre height is still considered a 'lower height' and is appropriate for the Subject Land.

If density is reviewed based on individual lots or areas with a specific zone, then it is true that the proposed density (in terms of dwelling units) is higher on the Subject Land than specific areas to the east of Garner Road. Net Density is defined in the NFOP as "the number of residential units on an individual parcel or block of land, exclusive of lands for such uses as public roadways, public parks and school site."

Without calculating specific densities on the east side of Garner Road, within the area beyond the 2 km arc but proximal to it, there is a significant number of single detached dwellings and based on persons per household, the number of people residing on the east side of Garner Road is considerably greater than the population resulting from redevelopment potential on the west side of Garner Road.

The Figures provided throughout this report show that the developable area on the west side of Garner Road is limited given environmental constraints. If a general objective is to limit the number of people residing within 200 metres of the Cytec arc, west of Garner Road the natural features themselves limit the area available for development and provide a buffer surrounding the development. On the Subject Land, there is an opportunity to provide additional density, with 51 housing units while meeting the lower height criterion.

As noted above, the Subject Land is not located immediately adjacent to the 2 km arc but is approximately 150 metres north of the arc. The proposed height of the stacked townhouse buildings is three (3) storeys, considered a low-profile building form. When/if the land to the south of the Subject Land is redeveloped, i.e., between the 2 km arc and the Subject Land, the height will also be limited to 2 and 3 storeys.

7.2 Provincial Planning Statement, 2024 (PPS)

Chapter 1 of the 2024 PPS discusses the vision for the province. It is stated that:

Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the

necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.

The province has a goal of achieving at least 1.5 million homes by 2031. The PPS states that municipal official plans are the most important vehicle for implementing the many policies within the PPS. The PPS also references that zoning by-laws should be “forward-looking and facilitate opportunities for an appropriate range and mix of *housing options* for all Ontarians.”

The PPS, 2024 definition of housing options includes, in part: “means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low-and mid-rise apartments.”

New development and intensification are anticipated for the Subject Land which is currently zoned Development Holding (DH) Zone. The GSSP Area has been developed, and the Subject Land is part of the final phase. This report has justified that the Subject Land can be suitably redesignated and rezoned for a residential development with a higher density than low density.

The developable area excludes the PSW/Woodlands and buffer, and the density associated with 51 stacked townhouse units is 92 units per net hectare rather than a maximum of 75. The PPS directs municipalities to permit and facilitate all types of residential intensification and that communities include a range and mix of housing options.

The Subject Land is located beyond the Cytec Arc and the natural heritage features on the Site are protected and buffered. Given this, the decision to provide additional housing units on the Subject Land is primarily a matter of local interest.

7.3 Region of Niagara Official Plan (NOP)

The rear portion of the Subject Land contains a Provincially Significant Wetland and associated Significant Woodland. The proposed buffer area is 20 metres whereas the NOP requires 30 metres. An Environmental Impact Study was required to justify the buffer area, in association with a Wetland Water Balance Assessment that included a one-year monitoring period.

The Concept Plan (Figure 7) shows the edge of the PSW, and the dripline of the woodland extends beyond the wetland edge. The EIS has assessed the wetland and woodland and concludes that a 20-metre buffer from the wetland edge will prevent potential negative impacts to the features. The EIS includes several mitigation measures to be implemented, including a buffer enhancement plan. The NOP policies pertaining to the Natural Environment System have been met.

A Stage 1 & 2 Archaeological Assessment was prepared for the Subject Land, and the Stage 2 survey did not identify any archaeological resources / sites requiring further assessment or mitigation of impacts.

The NOP requires that 20% of all new housing is affordable. This percentage is applied across the entire Region and is not applied to each development or redevelopment with new dwelling units. The Applicant has indicated that for 10% of the units the rent will be affordable. There is potential that the rents for some of the other units will be attainable.

7.4 Niagara Falls Official Plan Policies

The key interests to balance regarding the Subject Applications are the benefit of providing additional housing units along Garner Road in the GSSP Area, the proposed increase in site density in relation to the distance from the 2 km Cytec arc and protection of the PSW and Woodlands at the rear of the Subject Land. Another matter addressed is the impact to abutting or surrounding land uses resulting from a change from the *Residential Low* to the *Residential Medium* designation.

The strategic direction within Part 1 of the NFOP addresses the need for a diversity of housing types and choice for residents. The concept of complete communities is also addressed within Part 1 which includes not only a diversity of housing types, but also amenities such as transit, employment, open space etc. The stacked townhouse built form will provide another housing option in Garner South. The NFOP indicates the importance of an urban form that is transit supportive and pedestrian friendly. Transit is currently available on Garner Road, however the potential to increase transit frequency improves with additional population benefiting from transit.

By placing the Site and surrounding area within the Development Holding Zone (DH) Zone, the City is anticipating that the land south of the Forestview Subdivision, on the west side of Garner Road (Plan 59M-484) will be redeveloped. The proposed redevelopment exceeds the maximum density of 75 units per net hectare for a *Residential Medium* designation, but the height is low at 3 storeys / 12.2 metres.

The OPA is required to redesignate the Site *Residential Medium* and to add a special policy to the GSSP that permits an increase in density. An argument has been made throughout this report that the *Residential Medium* density would be met if the total lot area could be utilized to calculate the density, i.e., it would be 64 units per net hectare.

In our opinion, if 75 units per net hectare is permitted at the 2km arc then an increase to 92 units per net hectare is acceptable at 150 metres north of the arc. The additional density requested results in nine (9) additional units. The Site is located at the periphery of the community along an arterial road. The proposed unit yield is a more efficient use of land, results in a more compact built form and is more transit supportive.

The proposed stacked townhouse buildings have been designed to provide connected walkways throughout the Site with connection to the Garner Road sidewalk. Transit stops are located a short walking distance from the Site.

The land use policies in Part 2, Section 11 (Environmental Policies) of the NFOP have been addressed. The rear of the Site contains the Thompson Creek Provincially Significant Wetland Complex (PSW) and Significant Woodland are the natural features are designated EPA. Through the scoped EIS prepared for the Site, a 20-metre vegetated buffer area is supportable from the staked edge of the PSW. A Wetland Water Balance Assessment was undertaken, and water levels were monitored for a year. It was determined that the proposed redevelopment will not have a negative impact on the wetland.

The intervening land use designations between Brown Road and the Subject Land on the west side of Garner Road are *Employment, Environmental Protection Area* and *Residential Low* (Subject Land and lots south of the Subject Land). South of the *Residential Low* designated land, the lands are zoned Light Industrial (LI) Zone. The intention is to retain the Employment lands south of Warren Woods Avenue and north of Brown Road.

The Land Use Compatibility and Air Quality Study prepared for the Site established that there are two Class I industries, and one Class II industry located at the appropriate distances from the Subject Land. The study concludes that “Based on field observations and the study within a 1000 metre radius, all facilities are adequately separated, and no facilities were identified as potentially, or likely to have an adverse impact as a result of the proposed sensitive land use in accordance with the D-6 Guideline.”

Future light industrial uses will be separated from the Subject Land by the additional lands designated *Residential Low*. There are limited opportunities for redevelopment and intensification west of Garner Road, beyond the Cytec 2 km arc.

As mentioned, the proposed density is 92 units per net hectare and the maximum density permitted in the *Residential Medium* designation is 75. It is not appropriate to apply a *Residential High* designation to the Site because the buildings are not apartment buildings, and the density is closer to the high end of the medium density range (difference of 17 units per net hectare) than the high density range. High density development is currently permitted within the east portion of the GSSP, along McLeod Road and in proximity to the Niagara Square Retail District.

The increase in density from 75 to 92 units per net hectare is in part due to smaller unit sizes, and the area of land designated EPA (including the buffer) which cannot be included in the density calculation. Smaller units lend themselves to the potential to be rented at affordable or attainable prices.

7.5 Requested Zoning Modifications

To achieve the intensification proposed through the provision of stacked townhouse units, modifications to the standard Residential Apartment 5B Density (R5B) Zone are required.

The Zoning By-law does not separate resident parking and visitor parking. Using a 0.25 ratio for visitor parking spaces, 13 parking spaces would be required. 10 visitor parking spaces are provided within the surface parking area. This represents a visitor parking ratio of 0.196 parking spaces per unit. The proposed modification for visitor parking can be lowered if two rather than three accessible parking spaces are provided. This can be further discussed with staff.

Based on the net developable area, the lot area per dwelling unit is 108.78 square metres whereas 133 square metres is required. Given the more compact nature of stacked townhouse units and the variation in unit size, it is not unusual that required lot area per dwelling unit is not met. The modification from 133 square metres per unit to 108.8 square metres per unit is justified and results in (9) additional units.

The required minimum front yard depth is 7.5 metres and the front yard depth provided is 7.1 metres. This modification is minor, and there is an adequate depth to provide front yard landscaping and the internal walkway.

The maximum lot coverage permitted is 30% of the lot area. The proposed lot coverage is 33.5%, not significantly above the 30% maximum. For reference purposes, the lot coverage would be approximately 23.5% if the total lot area were used in the calculation.

The Zoning By-law requires that a minimum of 35% of the lot area be landscaped open space. The total Landscaped Open Space is 26.27% of the net developable area. An enhanced buffer area will be provided within 12-15 metres of the 20 metre setback from the PSW. If 500 square metres of the buffer area is used in the calculation, the 35% requirement would be met. In our opinion a landscaped open space of 26% is appropriate given the environmental protection measures proposed for the Subject Land.

The maximum height permitted is 10 metres whereas 12.2 metres is proposed. The height of the buildings from grade to the midpoint of the roof is approximately 10.7 metres and 12.2 metres to the peak of the roof. If the height is of concern to the City or others, it is possible to work with the designers to potentially reduce the height of the roof portion of the structure.

The required interior minimum side yard is required to be half the height of the buildings; thus, the required interior side is 6.1 metres. For Block A, the interior side yard is 3.0 metres, for Block B it ranges from 2.97 to 3.47 metres and for Block C it ranges from 3.15 metres to 3.64 metres. Currently the end unit elevations show three (3) windows. Given the reduction in the interior side yard required, the designer can review the location of the windows and privacy concerns can be addressed at the Site Plan stage through window placement, fencing and landscaping.

8.0 CONCLUSIONS

It is our opinion that the proposed redevelopment and associated Official Plan and Zoning By-law Amendments represent good land use planning and should be approved for the following reasons:

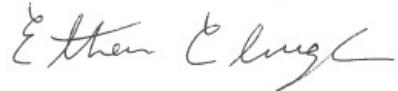
1. The proposed *Residential Medium* designation and Residential Apartment 5B Density Zone (R5B) to permit the proposed three-storey stacked townhouse redevelopment ("Subject Applications") are consistent with the PPS, 2024.
2. The Subject Applications conform with the provincial, regional and local policies pertaining to the protection of natural heritage features and policies pertaining to achieving a transit-supportive, compact built form.
3. The Subject Applications conform to the Niagara Official Plan, 2022.
4. The request for a new Special Policy Area, to be included in the City's Official Plan to permit an increase in site density, is supportable given the land area to be designated *Environmental Protection Area* at the rear of the Site, the 12-15 metre wide enhanced buffer from the woodlands and the medium density nature of the proposed redevelopment based on mass and height.
5. The modifications to the proposed Apartment 5B Density Zone (R5B) are appropriate and justified and cumulatively do not result in any negative impacts to the surrounding land uses.
6. The proposed redevelopment is located approximately 150 metres from the outer edge of the Cytec 2 km arc. The Land Use Compatibility Study prepared for the Site does not indicate that the three (3) storey building height will negatively impact the Cytec operations.

It is recommended that the proposed Official Plan and Zoning By-law Amendments be approved as they represent good planning and will facilitate the construction of an alternative housing option in the GSSP community.

Respectfully,



Nancy Frieday, MCIP, RPP
Senior Planner



Ethan Cleugh, BURPI.
Planner



City of Niagara Falls Pre-Consultation Checklist

(Revised: September, 2023)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

OFFICE USE ONLY: PRE-CONSULTATION WAIVED BY DIRECTOR

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date:

Signature:

PRE-CONSULTATION

Day: May 16th, 2024

Time: 3:00 PM

1. SUBJECT PROPERTY INFORMATION

Street Address: 7525 Garner Road

Legal Description: STAMFORD; PT LOT 184

Land Area: ~0.81 ha

Lot Frontage: ~ 60.96 m

Municipal Land Involved: Yes No

2. CONTACT INFORMATION

Owner Information

Registered Owner: Bruno Graovaz

Mailing Address: N/A

Phone Number: N/A

E-mail Address: N/A

Applicant/Agent Information (if applicable)

First and Last Name: Nancy Frieday (GSP Group)

Mailing Address: 162 Locke Street South, Suite 200, Hamilton, ON, L8P 4A9

Phone Number: 289-778-1431

E-mail Address: nfrieday@gspgroup.ca

Contact for all future correspondence (select one): Registered Owner Authorized Agent

3. PROPOSAL

Three blocks of three-storey stacked townhouse dwellings. A total of 54 dwelling units are proposed.

4. PROPOSED DEVELOPMENT INFORMATION

Entire Useable Area: 0.57 ha

Building Height: 3 storeys

# Dwelling Units: 54	# Commercial Units: N/A
----------------------	-------------------------

Location:

Brownfield Greenfield Built-up
Outside Urban Boundary NEP Area *CIP Area

**Note: If within a CIP Area, please speak to the City's CIP Coordinator*

5. DESIGNATIONS

Regional Official Plan: Designated Greenfield Area

Niagara Escarpment Plan: N/A

City Official Plan: Residential, Low Density, in part, and Environmental Protection Area, in part

Secondary Plan: Garner South Secondary Plan

Zoning: Development Holding (DH) Zone in accordance with Zoning By-law No. 79-200, as amended

6. PROPOSED APPLICATION(S)- Check all that are applicable

Regional Policy Plan Amendment	<input type="checkbox"/>	City Official Plan Amendment	<input checked="" type="checkbox"/>	Zoning By-law Amendment	<input checked="" type="checkbox"/>
Subdivision Approval	<input type="checkbox"/>	Condominium - Vacant Land	<input type="checkbox"/>	Condominium - Standard	<input checked="" type="checkbox"/>
Site Plan Approval	<input checked="" type="checkbox"/>	Consent/Severance	<input type="checkbox"/>	NEC	<input type="checkbox"/>
Other:					

7. REQUIRED INFORMATION AND STUDIES

Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

OPA/ZBA	SITE PLAN CONTROL	DRAFT PLAN CONDO	Reports, Studies, Plans <u>(See notes for additional details)</u>	Number of Copies		Notes
				Digital	Paper	
			Agricultural Impact Assessment			
X			Air Quality Study	X		<ul style="list-style-type: none">Peer review required at the applicant's expense
X			Stage 1 & 2 Archeological Assessment (at minimum) and Ministry Acknowledgement Letter	X		
X	X	X	Standard & Coloured Site Plan & CAD .dwg file to City projection standards	X		<ul style="list-style-type: none">With zoning matrix / site statistics chartBuilding Code Matrix at Site Plan Control stagePlease indicate the location of all required 'No Parking' signsPlease indicate the principal entrance to each dwelling unit for firefightersPlease refer to the City's Site Plan Guidelines

	X	X	Engineering Drawings & CAD (.dwg) files to City projection standards	X		<ul style="list-style-type: none"> • Site Servicing Plan <ul style="list-style-type: none"> - Please show the locations of any proposed and/or existing fire hydrants (private/public) • Grading Plan • Erosion and Sediment Control Plan • Sanitary Drainage Area Plan • Storm Drainage Area Plan • Photometric Plan
		X	Signed Draft Plan of Condominium & CAD .dwg file to City projection standards	X		
X	X	X	Plan of Survey & CAD .dwg file to City projection standards	X		<ul style="list-style-type: none"> • In metric and prepared by an Ontario Land Surveyor • Please refer to the City's Development Guide.
X	X	X	Roof Plans	X		
X	X	X	Floor Plans	X		<ul style="list-style-type: none"> • Please refer to the City's Development Guide.
X	X	X	Building Elevations	X		<ul style="list-style-type: none"> • Please refer to the City's Development Guide.
X	X	X	Renderings	X		
X			Sanitary Sewer Servicing Design Brief	X		
			Context Plan			
			Concept Plan / Massing Drawing			
X	X		Unit Plan	X		
			Cultural Heritage Impact Analysis			
			Draft Regional Policy Plan Amendment			
X	X	X	Environmental Impact Study & Wetland Water Balance & Terms of References	X		Terms of References with the Region and NPCA are required to be submitted
	X	X	Restoration Landscape Plan	X		See Regional comments
			Environmental Planning Study/ Sub-Watershed Study			
			Phase 1-2 Environmental Site Assessment, Record of Site Condition & Letter of Reliance			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
X	X	X	Functional Servicing Report	X		
X			Third-party infrastructure modeling for mid scale development is required to verify available sanitary sewer capacity	X		Fee must be paid by applicant as part of a complete application. Fees are to be paid in accordance with the City's Schedule of Fees at time of application. The 2024 fee is \$3,955.00
			Gas Well Study/Gas Migration Study			
			Geotechnical Investigation / Study			
			Hydrogeological Study and Private Servicing Plans			
X	X	X	Land Registry PIN sheet & map	X		
X	X	X	Corporate Profile Report*	X		*Required if the property owner is a numbered corporation.
X			Land Use Compatibility Study	X		Peer review required at the applicant's expense
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
			Municipal Servicing Study			

X	X	X	Noise Impact Study	X		<ul style="list-style-type: none"> • Peer review required at the applicant's expense • Detailed Noise Impact Study required at the Draft Plan of Condominium/Site Plan Control stage
			Other			
X		X	Housing Impact Statement	X		<ul style="list-style-type: none"> • Please refer to Part 1, Section 4, Subsection 4.4 of the Official Plan
X		X	Planning Justification Report	X		<ul style="list-style-type: none"> • Prepared by a Registered Professional Planner • Review and analyze applicable Provincial, Regional, and City policies • Please refer to the City's Terms of Reference
X			Draft Official Plan Amendment & Zoning By-law Amendment Text and Map Schedules	X		<ul style="list-style-type: none"> • Please refer to the City's Development Guide.
			Schedule B to the Draft Zoning By-law Amendment & CAD .dwg file to City projection standards			
			Traffic Impact Study & Terms of Reference			
			Parking Demand Study & Terms of Reference			
	X	X	Daylight Triangles (see Transportation comments below)			<ul style="list-style-type: none"> • To be secured at the future Site Plan Control/Draft Plan of Condominium stage • Please show the daylight triangles on all plans submitted with the Official Plan/Zoning By-law Amendment application
X	X		Truck Turning Templates	X		
			Sun/Shadow Study			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X	X	X	Detailed Stormwater Management Report	X		
X	X	X	Tree Inventory & Preservation Plan	X		<ul style="list-style-type: none"> • Prepared by a certified professional • Please refer to the City's Site Plan Guidelines and Development Guide.
			Architectural Design Review Form			
X	X	X	Urban Design Brief	X		<ul style="list-style-type: none"> • Please refer to the City's Terms of Reference and the Region's Model Urban Design Guidelines
X	X	X	Landscape Plan	X		<ul style="list-style-type: none"> • Please submit a conceptual Landscape Plan at the OPA/ZBA stage • Prepared by an Ontario Landscape Architect • Please refer to the City's Site Plan Guidelines and Development Guide.
			Pedestrian Level Wind Study			

8. COMMENTS

Planning Comments:

- The subject lands are designated Residential, Low Density, in part, and Environmental Protection Area, in part, in the Garner South Secondary Plan. The lands are also identified as a Designated Greenfield Area.
- The Environmental Protection Area corresponds with the Thompson Creek Provincially Significant Wetland Complex. The lands are also impacted by a Significant Woodland.
- The applicant is proposing to complete an Environmental Impact Study in support of a 20-m wetland buffer and a reduced setback (12.5 m) to the Significant Woodland. Staff note that the developable area may change subject to the results of the Environmental Impact Study and corresponding Wetland Water Balance. See Regional and NPCA comments for more detail.
- An Official Plan Amendment is required as the Residential, Low Density designation only permits single and semi-detached dwellings and a maximum density of 30 units per hectare, whereas the applicant is proposing stacked townhouse dwellings and a density of 94 units per hectare. The Residential, Medium Density Designation is proposed, with a special policy area for the proposed density.
- The lands are zoned Development Holding (DH) Zone, which limits their developability. The applicant is proposing to rezone the lands to a site-specific Residential Apartment 5B (R5B) Density Zone. Please see the attached Zoning comments.
- In principle, Staff are generally supportive of the proposed development. However, the Environmental Impact Study and Wetland Water Balance are necessary to confirm the developable area.
- Staff are pleased that the proposal will exceed the minimum landscape open space and minimum amenity area requirements of the Residential Apartment 5B (R5B) Density Zone.
- A setback of $\frac{1}{2}$ the building height (6 m for a 12 m-high building) is largely accommodated adjacent to the south lot line, except for adjacent to the electrical room of Block 1. However, the applicant has confirmed that the electrical room will only be one storey in height. As such, Staff are satisfied with the proposed southerly setback.
- The Secondary Plan states that landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening. However, only a one-metre landscape buffer is proposed adjacent to the north property line. Staff are generally looking for a 3-metre landscape buffer so that tree plantings can be accommodated. Staff recommend increasing the depth of this buffer.
- Staff recommend exploring alternative locations for the molocks as it is currently proposed adjacent to the rear yard of 7493 Garner Road.
- The overall greenfield density target for the Secondary Plan Area shall be 53 people and jobs per hectare.
- Notices regarding the proximity of heavy industrial land uses to residential dwellings and the inherent possibility of noise, odour and air emissions will be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements.
- Any application to amend these Official Plan Policies or related implementing Zoning By-law(s) and any other Planning Act application(s) within the Garner South Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the heavy industrial lands south of Brown Road and west of Garner Road and north of Chippawa Creek Road within the municipal boundaries, which lands are as the date of adoption of this Official Plan Amendment owned by Cytec Canada Inc.
- If a Draft Plan of Condominium is not applied for concurrently with the Official Plan and Zoning By-law Amendment application, Staff will be recommending the inclusion of a 3-year sunset clause in the amending by-law to encourage timely development.
- The submission of a Housing Impact Statement is required with a complete Official Plan Amendment and Zoning By-law Amendment application to demonstrate how the proposal implements the City's Housing Strategy. Please refer to Part 1, Section 4, Subsection 4.4 of the

Official Plan. Please consider how affordable units can be integrated into the proposed development.

Urban Design / Landscape Comments:

Landscape Plan

A Landscape Plan is requested as part of the application and must conform to the City's Standards for Site Planning. The Plan shall be prepared and stamped by an Ontario Landscape Architect. The design of the Landscape Plan shall have consideration for enhancing street frontage (in compliance with the City's Urban Design Guidelines), improving walkability, supporting active transportation and sustainability, and reducing the heat island effect of hard surface areas. The planting of native plant species is preferred. Further comments are to be made at the Site Plan Control stage.

Tree Preservation Plan & Inventory

A Tree Inventory and Preservation Plan will be required as part of the OPA/ZBA application. The plan shall be developed by a certified/licensed professional arborist. The plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by the adjacent landowner(s). The recommendations of the plan shall be implemented at the Site Plan Control application stage. This includes potential modifications to the project layout, site servicing, site grading and photometric plans.

The recommendations of the Tree Inventory and Preservation Plan shall be implemented at the Site Plan Control application stage.

Urban Design Brief

The Urban Design Brief is a tool to review and evaluate such matters as the arrangement and design of the buildings, site and landscape design, compatibility with adjacent land uses, accessibility and safety, function and design of the building and its adjacent streetscapes and public spaces, as well as mitigation of negative impacts on the surrounding area to ensure high-quality design of the public and private realm. Furthermore, the Urban Design Brief should demonstrate that the functional needs of the users of the site will be met over the long term. Please refer to the City of Niagara Terms of Reference for further details: Urban Design Brief Guidelines.

Cash-in-Lieu of Parkland

Parkland dedication shall be provided as cash-in-lieu at the current prescribed rate of 5% for the residential units. Payment can be made at the Site Plan Control stage.

Building Comments:

- Please see the attached comments.

Municipal Works (Development Engineering):

- Please see the attached comments.

Fire Department:

- Please see the attached comments.

GIS (Addressing):

- The property will keep its current single civic address of 7525 Garner Road.
- At the Site Plan Control stage, we will require the submission of Unit Plan, level by level, in a spatial format.
- Numbering of the civic units (think door/mail) should follow a logical plan and correlate with the legal unit number.

Municipal Works (Transportation Services):

- Garner Road is a City arterial road. It has a planned 26.0 m right-of-way. Garner Road adjacent to the subject lands is 23.15 m wide. A 2.94 m road widening will be required along the frontage of the subject lands to establish a 13.0 m setback from the original centre line of Garner Road.
- A Traffic Impact Study is not required. A 54-unit apartment building is expected to generate less than 20 new two-way trips in the peak hours.

- A 54-unit apartment requires 76 parking spaces at a rate of 1.4 parking spaces per unit. A total of 68 parking spaces are proposed (36 garage and 32 outdoor), at a rate of 1.25 parking spaces per unit. Transportation Staff will support a 1.25 parking rate for this proposal. There are 2 transit routes that pass the site (route 113 northbound and route 105 southbound), and both connect with the transit hub at Niagara Square.
- The minimum number of accessible parking spaces is based on the parking lot capacity. A parking area having 68 parking spaces requires a minimum of three (3) accessible parking spaces and this is determined through the following formula for parking lots between 13 – 100 parking spaces: 4% of the total number of parking spaces, rounding up to the nearest whole number, thus $0.04 \times 60 = 2.40$, rounded up to 3 accessible parking spaces. Two (2) accessible parking spaces are noted.
- Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:
 - a. one authorized disabled parking sign on display;
 - b. one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
 - c. both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
 - d. be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
 - e. have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
 - f. shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
 - g. located on a level surface; and,
 - h. placed in a location as to minimize the distance to building entrances.
- The driveway is to be designed according to OPSD 350.010, which entails a minimum 7.2 m throat width, and curb returns with 4.5 m radius. The sidewalk must continue uninterrupted through the driveway. This can be addressed at detailed design.
- The dead end at the southwest corner is undesirable, however, it can be offset with parking at the back being allocated to certain units while parking at the side is reserved for visitors. Parking is prohibited on Garner Road next to the site.
- Molok waste containers are noted. Enough space should be provided to enable a molok truck driver to carry out a three-point turn without having to encroach into a parking space. Turning templates demonstrating the vehicle movements will be requested at detailed design.
- A walkway connection from the back blocks to the Garner Road sidewalk is recommended. Staff note the bicycle racks to encourage active transportation. Bike lanes are in place on each side of Garner Road, with the neighbouring Warren Woods subdivision having a good trail system.
- The site is directly serviced by Niagara Region Transit routes 105/205 for southbound buses, and routes 113/213 for northbound buses. A bus stop is present on each side of Garner Road at Sourgum Avenue, slightly more than 100 m away. A continuous sidewalk is present to allow pedestrians to walk to the bus stops.

Mississaugas of the Credit First Nation (MCFN):

- Please see the attached comments.

Niagara Region:

- Please see the attached comments.

Niagara Peninsula Conservation Authority:

- Please see the attached comments.

Metrolinx

- The property is located outside of Metrolinx's GO Rail Zone of Influence. As such, Metrolinx has no GO Rail concerns with the application and does not need to be circulated moving forward.

9. APPLICATION FEES- Please contact the City for current fees when ready to proceed

Application	City of Niagara Falls	Niagara Region	NPCA
Combined Major Official Plan & Zoning By-law Amendment	\$21,630.00	Please see the attached comments	Please see the attached comments
Site Plan Control	\$8,750.00		
Draft Plan of Standard Condominium	\$10,910.00		

Notes:

Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. Additional fees may be required at a later date based on the fee schedule by-law.

Separate cheques are required made payable to each appropriate agency and are submitted to the City with the complete application. The Region is accepting on-line payments on the Niagara Region website.

Additional Agencies to be contacted:

MTO NPC NEC Hydro Pipeline CN/CP Other:

10. ATTENDEES

City	Applicant	Agency
Mackenzie Ceci (Senior Planner) mceci@niagarafalls.ca	Nancy Frieday (GSP) nfrieday@gspgroup.ca	Katie Young (Region) katie.young@niagararegion.ca
Ben Trendle (Fire) btrendle@niagarafalls.ca		Abby Lee La Forme (Mississaugas of the Credit First Nation – MCFN) abby.laforme@mncfn.ca
Marcus Wahrstaetter (Engineering) mwahrstaetter@niagarafalls.ca		Meghan Birbeck (NPCA) mbirbeck@npca.ca
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Olivia Fraser (Urban Designer/Landscape Architect) ofraser@niagarafalls.ca		
Jesse Mancino (Building) jmancino@niagarafalls.ca		
Signature		
Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.		
Signature		

11. NOTES

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within one year from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.

5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent.

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

PLANNING, BUILDING & DEVELOPMENT

Inter-Departmental Memo

To: Mackenzie Ceci, Senior Planner (Current Development)

From: Sue Scerbo, Senior Zoning Administrator

Date: May 16, 2024

Re: **Official Plan Amendment, Zoning By-law Amendment, Site Plan Control and Draft Plan of Condominium 7525 Garner Road Proposed two 3-storey stacked townhouse dwellings**

Summary:

The applicant is proposing to construct three blocks of three-storey stacked townhouse dwellings, providing a total of 54 dwelling units. The subject property currently zoned Development Holding (DH), in accordance with Zoning By-law 79-200, as amended.

The applicant is proposing to rezone the lands to a site specific Residential Apartment 5B Density (R5B) Zone to facilitate the proposed development.

The following table compares the regulations of the R5B zone with what is proposed:

Provision	Requirement	Proposal	Comply
Minimum lot area	133 square metres for each dwelling unit 133 sq.m. x 54 dwelling units = 7182 square metres	105.93 square metres for each dwelling unit 105.93 sq.m. x 54 dwelling units = 5720.63 square metres	No Please confirm lot area within the proposed R5B zone and excluding 3 metre widening
Minimum lot frontage	30 metres	60.96 metres	Yes
Minimum front yard depth	7.5 metres + 13 metres from the original centreline of Garner Road (from Mountain Road to Chippawa Creek Road)	7.5 metres + 13 metres from the original centreline of Garner Road	Yes 3 metre widening shown
Minimum rear yard depth	10 metres	52.03 metres	Yes
Minimum interior side yard width	One-half the height of the building	6 metres	Yes

	Proposed building height: 12 metres/2= 6 metres	2.95 metres (electrical room)	No
Minimum exterior side yard width	7.5 metres	n/a	n/a
Maximum lot coverage	30%	29.49%	Yes Please confirm post widening
Maximum height of building or structure	10 metres, subject to section 4.7	12 metres	No
Number of apartment dwellings on one lot	1 only	n/a	n/a
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces for each dwelling unit: 54 dwelling units x 1.4 = 75.6 parking spaces	1.25 parking spaces for each dwelling unit: 54 dwelling units x 1.25 = 67.5 parking spaces (36 garages + 32 visitor spaces)	No
Minimum parking stall width	2.75 metres	Not noted	Information required
Minimum parking stall length	6 metres	6 metres (visitor) Not noted (garages)	Yes Please show garage dimensions
Minimum manoeuvring aisle	6.3 metres (for stalls 2.75 metres wide) 5.9 metres (for stalls 3 metres wide)	6 metres	Information required Please provide parking stall width
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14		
Minimum Landscaped Open Space Area	35% of the lot area	36.1%	Yes Please confirm post widening
Minimum amenity space for an apartment	20 square metres for each dwelling unit	21.9 square metres for each dwelling unit	Yes

dwelling or a stacked townhouse dwelling	20 sq.m. x 54 = 1080 square metres	(21.9 sq.m. x 54=1182 square metres)	
Parking in a front yard	<p>Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless either a landscaped open space strip or a decorative wall or decorative fence and a landscaped open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street, except that part thereof crossed by an access driveway or sidewalk, an in accordance with the following regulations;</p> <p>(i) If only a landscaped open space is provided such landscaped open space strip shall have a minimum width of 3 metres, unless a decorative wall or decorative fence in accordance with subsection (ii) is provided; in which case the landscaped open space strip shall have a minimum width of 1.5 metres.</p> <p>(ii) The height of a decorative wall or fence shall be a minimum of 1 metre above the average</p>	<p>Parking space #7 is partially located within the front yard</p> <p>6 metre landscaped open space is proposed</p>	Yes

	<p>level of the parking area in the front yard.</p> <p>(iii) Any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line;</p> <p>Where a daylighting triangle is required, no such decorative wall or decorative fence shall be located within such daylighting triangle.</p>		
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Comments:

- Additional information is required as noted above.

SS

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PLANNING, BUILDING & DEVELOPMENT

Inter-Departmental Memo

To: **Mackenzie Ceci, MCIP, RPP**
Senior Planner, Current Development
Ext. 4364

From: **Jesse Mancino, C.E.T.**
Intermediate Plans Examiner
Ext. 4220

Date: **5/14/2024**

Re: **PLPCA20240288**

I have reviewed the submitted documents and offer the following comments for the applicant:

1. A demolition permit shall be obtained to remove each structure existing on site.
2. A water/sewer permit shall be obtained to construct site services.
 - a. Private water supply pipes shall be designed and installed according to MOE PIBS 68813, "Design Guidelines for Drinking-Water Systems".
 - b. Private sewers shall be designed and installed according to MOE PIBS 6879, "Design Guidelines for Sewage Works".
 - c. No plumbing serving a dwelling unit shall be installed in or under another unit of the building unless the piping is located in a tunnel, pipe corridor, common basement or parking garage, so that the piping is accessible for servicing and maintenance throughout its length without encroachment on any private living space (OBC Div. B, 7.1.5.4 – Separate Services)
3. A building permit shall be obtained if granted approval. Standard requirements for architectural/structural drawings apply and include plumbing/mechanical drawings for each block. This does not exclude pre-engineered systems, shop drawings, material specifications, fire alarm/sprinkler drawings and structural engineering etc. Contact extension 4001 for permit requirements.
4. Radon Mitigation may be required for new construction projects. See City website for more information.
5. All further detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process.
6. Spatial separation/fire protection measures will be reviewed during permit review.
7. All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.

8. Municipal, Regional, and Educational Developments Charges will be assessed at time of building permit review. Parkland Dedication is payable on the first permit (appraisal report required).
9. Signs are to be in accordance with municipal sign-bylaw and may be subject to separate sign permit application. Contact extension 4001 for permit requirements.
10. All other applicable law approvals to be obtained prior to building permit application.
11. The owner/applicant may apply for permits after the project/agreement has received registration.
12. The owner/applicant may apply for permits after the appeal period has lapsed.
13. Building permit applicants are required to obtain a zoning compliance certificate prior to making an application for a building permit.
14. Owner/Agent/Applicant to consult with GIS department regarding unit naming and addressing requirements.
15. Fire Prevention to assess the site proposal as it relates to on-site fire-fighting practices, i.e., private fire-route accesses, fire-hydrant locations (private and / or public), fire-department connection(s), etc

Pre-Consultation Meeting – May 16th, 2024 – Item #4 – Mackenzie Ceci

Proposed: Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium & Site Plan Control

Applicant: Bruno Graovaz

Agent: Nancy Frieday (GSP Group Inc.)

Property: 7525 Garner Road

Proposal: Three blocks of three-storey stacked townhouse dwellings. A total of 54 dwelling units are proposed.

Note: Previous Pre-Con 2023-11-02

Existing infrastructure on Garner Road:

250mmØ PVC Sanitary (1998)
375mmØ PVC Sanitary Sewer (2020)
900mmØ Concrete Storm Sewer (2020)

Zoning By-law Amendment Requirements:

- Functional Servicing Report which identifies the existing and proposed servicing characteristics of the development, as well as the existing municipal infrastructure available for connection, to the satisfaction of Engineering staff. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request from mwdev@niagarafalls.ca.
- Detailed Stormwater Management Report balancing post- to pre-development for the 5-year minor storm event, contained and controlled on-site and directed to a suitable outlet, with major storm events directed overland to an acceptable outlet, to the satisfaction of Engineering staff. The report should also address stormwater quality control measures, if applicable. Municipal storm design criteria is available upon request from mwdev@niagarafalls.ca.
- Third party infrastructure modelling for mid scale development is required to verify available sanitary sewer capacity, at the applicant's expense. In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of modeling fees are required. Fees to be in accordance with the City's Schedule of Fees at time of application.
- Engineering drawings of existing underground infrastructure are available upon request from mwdev@niagarafalls.ca.

Site Plan/Condominium Requirements:

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, erosion and sediment control plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- Full asphalt overlay restoration following installation of services.
- Removal of existing driveway aprons and replacement of existing depressed curbs with full barrier curbs, unless existing driveways are being reused for new lots.
- Reinstatement of all disturbed boulevards.
- Decommission existing services.
- Costs associated with laterals installed to the property line during the Garner Road Reconstruction project will be recuperated through the Site Plan Agreement. Cost to be determined at later date.
- Road Occupancy Permit for work within the City's road allowance to be obtained through Josh Caughell - (905) 356-7521 ext. 4549.

FIRE DEPARTMENT COMMENTS PRE-CONSULTATION MEETING

DATE: May 16, 2024	OFFICER: Ben Trendle
EMAIL: btrendle@niagarafalls.ca	PHONE: 905-356-1321 ext. 2211

AGENDA ITEM #4

ADDRESS: 7525 Garner Road	APPLICATION TYPE: Official Plan, Zoning By-law Amendment, Draft Plan of Condominium & Site Plan Control
COMMENT(S): Official Plan	
1. The Fire Department has no comments or concerns with respect to the official plan amendment.	
COMMENT(S): Zoning By-law Amendment	
1. The Fire Department has no concerns with respect to the zoning by-law amendment.	
2. Permits to demolish any existing structures shall be obtained from the City of Niagara Falls Building Department.	
COMMENT(S): Draft Plan of Condominium	
1. The developer shall provide site servicing drawings showing the locations of any proposed and/or existing fire hydrants (private/public).	
2. The shared/combined fire protection and life safety systems will be considered 'common element' and will be the responsibility of the condominium corporation to maintain in accordance with the requirements of the Ontario Fire Code.	
COMMENT(S): Site Plan	
1. The principal entrance to each dwelling unit for firefighters is to be indicated on the site plan.	
2. The site plan shall indicate the location of all required 'No Parking' signs in accordance with City of Niagara Falls By-law No. 2019-97.	
3. The fire route will be required to be designated under municipal by-law for enforcement. There is a \$150.00 fee for this process and can be initiated at the Fire Prevention Office once the property is assigned a municipal address. There is to be 'No Parking' along the fire route.	
4. The cost of signage as well as the installation of signage that complies with the fire access route by-law is at the expense and responsibility of the developer/owner.	



May 16, 2024

Mackenzie Ceci
Senior Planner
City of Niagara Falls

RE: 7525 Garner Road, Niagara Falls

Dear Mackenzie,

The Mississaugas of the Credit First Nation (MCFN), Department of Consultation and Accommodation (DOCA) submit the following comments:

The Mississaugas of the Credit First Nation hereby notifies you that we are the Treaty Holders of the land on which the development of three blocks of three-storey stacked townhouse dwellings will be taking place. This project is located on the Between the Lakes Treaty No. 3, of 1792.

Therefore, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Thank you

Abby (LaForme) Lee
Consultation Officer, MCFN DOCA- Abby.LaForme@mncfn.ca

Cc: Mark LaForme, Director, MCFN DOCA – Mark.LaForme@mncfn.ca
Cc: Craig King, Consultation Officer, MCFN DOCA- Craig.King@mncfn.ca



DEPARTMENT OF CONSULTATION AND ACCOMMODATION

Mississaugas of the Credit First Nation
4065 Hwy #6, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Pre-consultation Notes

7525 Garner Road, Niagara Falls

May 16, 2024

Region Contact: Katie Young

Local Contact: Mackenzie Ceci

Proposal Description: Proposal for three blocks of three-storey stacked townhouse dwellings. A total of 54 dwelling units are proposed.

Applicant/Owner/Agent: Bruno Graovaz (Applicant); GSP Group Inc. c/o Nancy Frieday (Agent)

Application Type:

- Official Plan Amendment (designated Residential Low Density; does not allow for Residential stacked town- density for stacked towns).
- Zoning By-law Amendment (currently zoned Development Holding)
- Draft Plan of Condominium
- Site Plan

Site Designation:

Provincial Policy Statement (PPS)- Settlement Area

Provincial Growth Plan- Designated Greenfield Area

Niagara Official Plan (NOP)- Designated Greenfield Area

Planning Comments

- Designated greenfield areas are to achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. Such areas are to be planned as complete communities by ensuring development is sequential, orderly and contiguous with existing built-up areas, utilizing secondary planning tools as appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration of sustained viability of public transit service. Staff acknowledge this property is within the Garner South Secondary Plan area in the City of Niagara Falls Official Plan.
- Regional staff request the submission of a **Planning Justification Report**, prepared by a Registered Professional Planner to address Provincial and Regional policies for the Designated Greenfield Area, including how the proposal will meet the minimum density target.

Land Use Compatibility

- The property is in proximity to several industrial uses and industrially zoned lands. To address land use compatibility, a **Land Use Compatibility Study** is requested that

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

evaluates the proposal relative to the Ministry of the Environment, Conservation, and Parks (MECP) D6 Guideline (including items noted in Section 4.10.3 of the Guideline).

- Staff also request the submission of a **Noise Impact Study** relative to the MECP NPC-300 Guideline and an **Air Quality Assessment** to evaluate the impact of stationary (industrial) sources on the proposed development, to prevent or minimize future land use problems and to inform the Land Use Compatibility Study.
- These studies will need to be peer reviewed at the Owner's expense.

Archaeological Potential

- The subject lands are in an area of archaeological potential. A **Stage 1 and 2 Archaeological Assessment** shall be completed and submitted to the Ministry of Citizenship and Multiculturalism (MCM) for review. No demolition, grading or other soil disturbances shall take place on the property until a letter from the MCM is submitted to the Area Municipality confirming that the required archaeological assessment report(s) have met licensing and resource conservation requirements.
- Before any archaeological work can proceed, the extent of environmental features must be reviewed and approved by Regional staff. This review ensures that archaeological activities do not adversely affect the environment and helps to mitigate any potential harm to ecosystems or cultural resources.

Environmental Comments

- The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland and the Thompson Creek Provincially Significant Wetland Complex (PSW). Niagara Official Plan (NOP) Policy 3.1.9.8.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of Significant Woodland or PSW. The EIS must demonstrate that there will be no negative impact on the features or their ecological function. Within settlement areas, mandatory buffers from Significant Woodland and Wetlands are required. The widths of the mandatory buffers are determined through the EIS. In this location, with both Significant Woodland and PSW present, a Wetland Water Balance (WWB) Assessment would also be required as part of the EIS.
- In Nov. 2 2023 pre-con, staff offered the following in lieu of an EIS w WWB:
 - "... provided that the following conditions are satisfied:
- The Significant Woodland edge is surveyed (drip-line staking) and a 20 m Vegetation Protection Zone (VPZ) buffer is established, as measured from the surveyed drip-line of the woodland. The woodland staking shall be completed with a Region of Niagara Environmental Planning staff member;
- In lieu of the WWB Assessment, that the SWM design incorporates one or more LID features and roof leaders to direct clean roof water runoff to the edge of the NES buffer;

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- A Landscape Plan is provided for the restoration of the NES PSW/Woodland buffer. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community. Salt-tolerant plant species should be incorporated in the vicinity of the area (including 5 m surrounding) designated for snow storage. “
- The current proposal indicates only a 12.5 m woodland buffer. As per pre-con notes, an EIS is required to support a buffer less than 20 m.
- Staff conducted a site visit Feb. 7, 2024, and in Apr. 2024 reviewed and approved a prepared WWB TOR proposal.
- For staff to support the OPA/ZBA application, an **Environmental Impact Study** is required to support a smaller VPZ, or else a revised site plan showing the 20 m buffer previously described.
- At time of SP/DP, staff will require a **Restoration Landscape Plan** for the VPZ natural heritage buffer.

Transportation/ Roads

- Garner Road – Local

Servicing

- Water – 250 D UNK – Local (Garner Road)
- Sanitary – Private – if there is an existing private septic system the system will have to be decommissioned through a permit with the Region.
- Extension of the municipal system is to be approved through the City’s Consolidated Linear Infrastructure (CLI) Environmental Compliance Approval (ECA) – capacity of the Region system is to be confirmed prior to approval by the City.
- This proposed development is within the South Side High Lift Sewage Pumping Station (SPS). Based on the 2021 Master Servicing Plan (MSP) the Region provides the following comments:
 - This site falls within the South Side High Lift SPS sewershed. This sewershed has been allocated growth out to 2051 in consultation and collaboration with the City of Niagara Falls. The study was completed at a high level and did not allocate capacities to individual properties.
 - The current operational firm capacity of the South Side High Lift SPS is 760.0 L/s. The MSP has identified the existing design peak wet weather is close to the capacity of the station and the projected 2051 design peak wet weather flow will exceed the current capacity.
 - The MSP did note that the combination of this sewershed and the other SPS sewersheds contributing to the South Side High Lift SPS will develop constraints during wet weather events.
 - The MSP has identified the need for a new South Niagara Falls Wastewater Treatment Plant (WWTP) to accommodate anticipated future growth in South Niagara Falls which is

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anticipated to be in service by 2028. The Environmental Assessment for this new WWTP has been completed and project information is available using the following link:

<https://www.niagararegion.ca/projects/south-niagara-falls-treatment-plant/default.aspx>

- Therefore, no upgrades were planned for the South Side High Lift SPS; however, a wet weather flow reduction program for South Niagara Falls was identified in the MSP. The Region and City are working together on a South NFLS Servicing Strategy and wet weather/Inflow & Infiltration reduction program to accommodate some development in the interim before the new South Niagara Falls WWTP is in service.
- The MSP can be found at the following link:
 - <https://www.niagararegion.ca/projects/www-master-servicing-plan/default.aspx>
- We will require that you submit a subsequent **Sanitary Sewer Servicing Design Brief**. This brief will be required to contain the following calculations:
 - Estimated dry weather flow from the proposed development calculated on the current City of Niagara Falls design standards for number of people per unit and estimated flow per person.
 - Estimated wet weather flow (at the beginning of the sanitary sewers lifecycle) from the proposed development based on the OPSS 410, which requires testing of public side sewers with allowable leakage of 0.01 L/s/ha (22 L/c/d or 0.075 L/mm/100m of sewer per hour). If post monitoring is completed, this will be the acceptable level of wet weather flow portion for the new sanitary sewer system;
 - Estimated wet weather flow (at the end of the sanitary sewers lifecycle) long term wet weather flow from the proposed development with a maximum infiltration allowance of 0.286 L/ha/s;
 - If the development is to be phased the calculations should be completed for each phase and the timing of the phases should be detailed in the brief.

Stormwater Management

- The site is affected by Provincially Significant Wetland (PSW). If the development storm water from parking area/driveways will discharge to PSW, an Enhanced level of quality treatment and peak flow control must be provided, and the Region will require a **Stormwater Management Brief** (and the associated fee) indicate in detail how the water quality and quantity control will be satisfied.

Waste Collection (Multi Residential)

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

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- Blue/grey – no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit, max. 24 bags per unit (bi-weekly)
- **Curbside collection only**
- **Note:** the development is proposing to utilize in-ground waste containers, this method of waste storage is **not** eligible for Regional collection and waste collection for the subject property will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

Required Studies for Regional Review

- Planning Justification Report – OPA/ZBA
- Land Use Compatibility Study – OPA/ZBA * *The applicant is advised that a Peer Review is required for these Studies. In accordance with the pre-consultation agreement, the applicant is responsible to cover the cost of any Peer Reviews.*
 - Air Quality Study – OPA/ZBA
 - Noise Impact Study – OPA/ZBA
 - Detailed Noise Study – Draft Plan / Site Plan
- Stage 1 & 2 Archaeological Assessment (at minimum) and Ministry Acknowledgement – OPA/ZBA
- Terms of Reference, Environmental Impact Study, and Wetland Water Balance – OPA/ZBA
- Restoration Landscape Plan – Draft Plan / Site Plan
- Sanitary Sewer Servicing Design Brief – OPA/ZBA
- Stormwater Management Brief (if development stormwater will discharge to the PSW) – Draft Plan/Site Plan

Required Fees

The Region's 2024 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

Development Application Review Type	Fee Amount
Minor Official Plan Amendment	\$5,695
Zoning By-law Amendment Review	\$1,440
EIS Terms of Reference	\$535
Environmental Impact Study	\$2,700
Restoration Plan Review	\$600



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Site Plan	\$465
Private Sewage System Review	\$400
Stormwater Management Fee * if development stormwater will discharge to the PSW.	\$700

Mackenzie Ceci

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: Wednesday, May 15, 2024 1:06 PM
To: Mackenzie Ceci
Cc: Planning Emails
Subject: [EXTERNAL]-NPCA Response Regarding NF May 16 Pre-con
Attachments: Regulated Land Map - ARN 272511000207405.pdf; Regulated Land Map - 7525 Garner Rd.pdf

Good morning Mackenzie,

As a follow up / continuation from the email I sent last week please see NPCA's comments for the remaining properties below:

- 7525 Garner Rd - Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium & Site Plan Control
 - o The subject property is impacted by the Thompson Creek Wetland Complex (PSW) and its associated buffer
 - o There were previously 2 other pre-consultations for the subject property where the development was proposed to be outside of the 30 m buffer of the wetland complex
 - o Current plans are now showing that the wetland boundary is being proposed to be realigned and that development is now proposed to encroach the 30 m buffer
 - o As such, the NPCA is now requesting both a Water Balance and EIS, to the satisfaction of the NPCA, to demonstrate no interference with the regulated wetland. The NPCA will require that a TOR is provided for both in advance of the reports to ensure the scope is appropriate prior to submission
 - A ToR was submitted for a Water Balance Report in April 2024, to which NPCA staff had no objections
 - It is also acknowledged that Coville Consulting is working on a ToR for an EIS (as of April 2024), which is still to be submitted to NPCA staff for review and comment
 - o It appears to be noted on the submitted Preliminary Site Plan that the Region has been out on site to confirm the wetland and woodland boundary. Please note that NPCA staff will also need to confirm the NPCA regulated wetland boundary. Please note that this may vary from the PSW boundary. As such the NPCA will require that a site visit is completed prior to formal application submission
 - o Additionally, the NPCA will request circulation of the Storm Water Management Report / Functional Servicing Plan, Grading Plan, & Erosion and Sediment Control Plan
 - o As such, the NPCA will require formal circulation and a review fee
 - o Currently, the fees are:
 - Official Plan Amendment – Major - \$6,893
 - Zoning By-law Amendment – Major - \$6,893
 - Draft Plan of Condo
 - ∨ Less than 100 lots - \$4,746
 - ∨ More than 100 lots - \$7,684
 - Site Plan Control – Multiple Residential - \$9,040
 - Plan review applications that fall into one or more categories will be charged one fee, at the highest rate, when the applications are submitted at the same time
 - o Please note that any future development (including Storm Water Outfalls) within the NPCA regulated area will require NPCA review and approval

- South side of McLeod Rd; east of Garner Rd - Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium & Site Plan Control
 - o The subject property is impacted by the Warren Creek Wetland Complex (PSW) and its associated buffer
 - o The NPCA has reviewed the site plans provided by UCC (Concept Plan of Subdivision option 10) dated January 25, 2024.
 - o The NPCA has no objections as the proposed plans identify a 30.03m buffer from the PSW
 - o NPCA staff highly recommends that ESC measures be installed to prevent sediment or deleterious materials from exiting the work area
 - o At this time the NPCA does not require formal circulation or a review fee
 - o Should the proposed development boundaries change the NPCA would request to be circulated for review and approval
 - o Please note that any future development (including Storm Water Outfalls) within the NPCA regulated area will require NPCA review and approval

Best,
Meghan

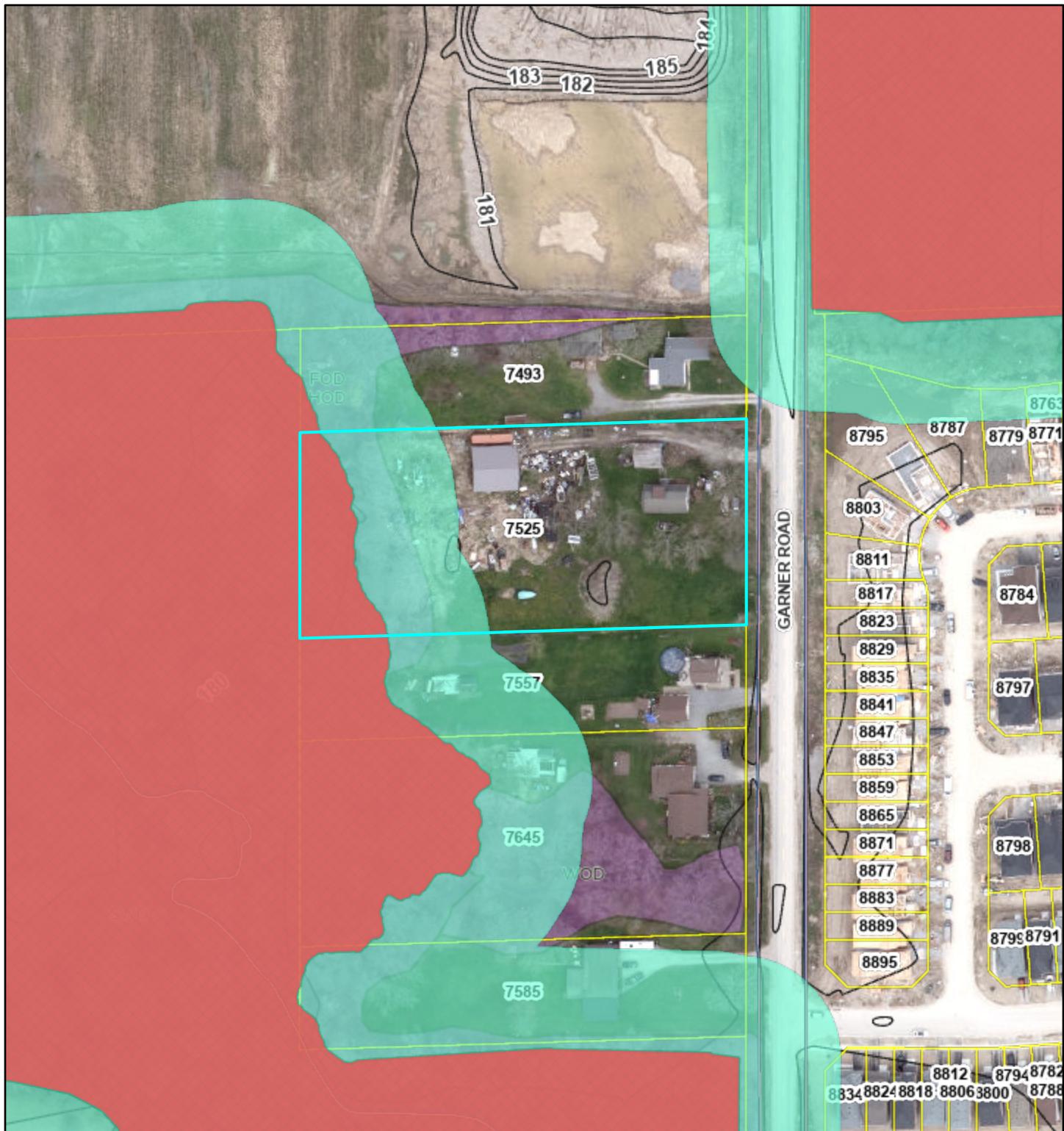


Meghan Birbeck (MS)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

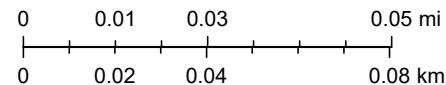
905.788.3135 Ext 278
www.nPCA.ca
mbirbeck@nPCA.ca

Regulated Land Map - 7525 Garner Rd



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1:2,257

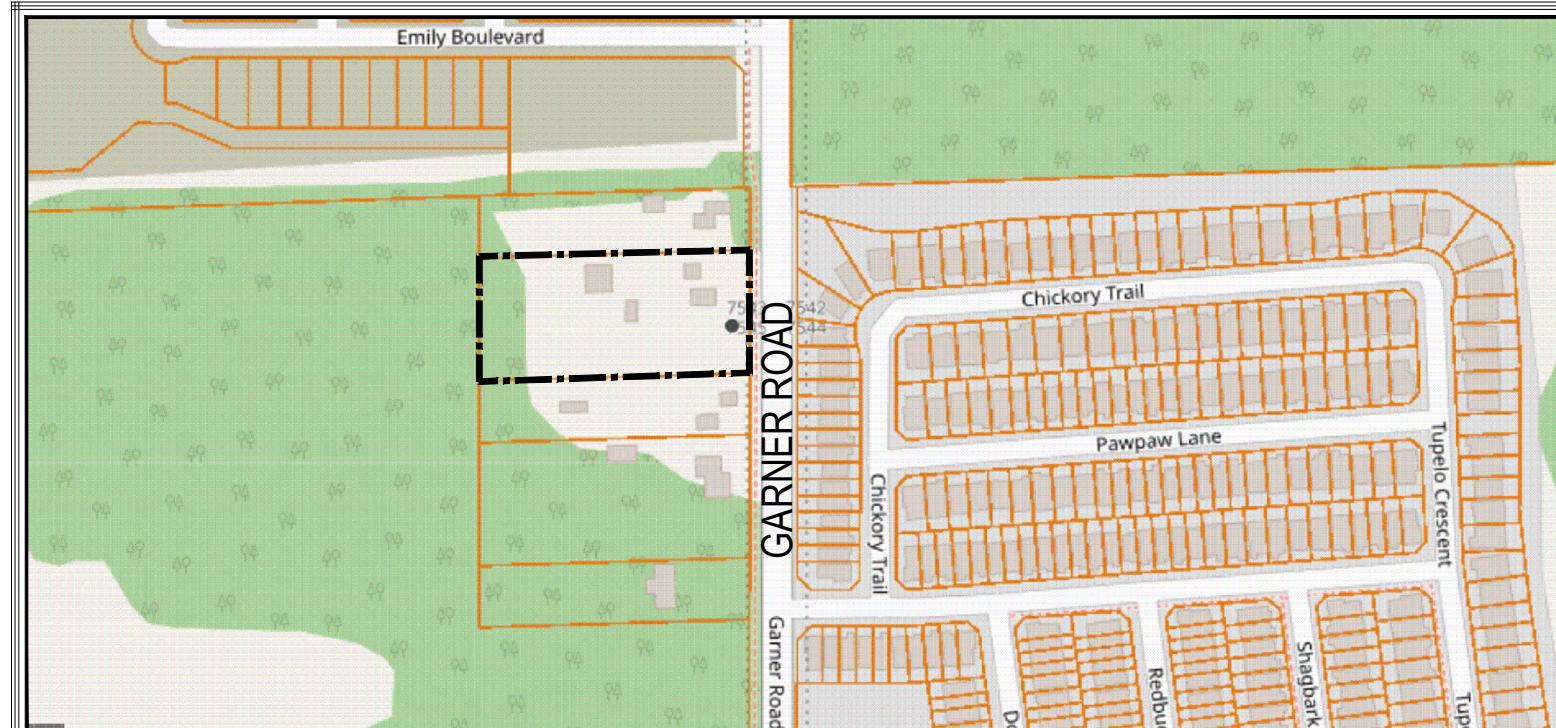


SWOOP 2020 NPCA	NPCA APPROXIMATE REGULATION LANDS
Red: Band_1	FLOWLINES Enhanced Local Feature Type Flowlines
Green: Band_2	Slough
Blue: Band_3	Culvert
LIO - Wetland DRAFT	Ditch - Roadside
Evaluated-Provincial	Wetland Allowance
Roads	

NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

City of Niagara Falls, City of Welland, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA,



2 KEY PLAN
SP1
NTS

7525 GARNER ROAD COMPLIANCE CHART FOR NIAGARA FALLS ZONING BY-LAW 79-200	REQUIREMENT	PROPOSED
RESIDENTIAL APARTMENT 5B DENSITY (R5B) ZONE REGULATION	APARTMENT/ STACKED TOWNS	54 UNIT STACKED TOWNS
PERMITTED USES		
MIN. LOT AREA	133 sq.m FOR EACH DWELLING UNIT	5,720.63 sq.m (EXISTING WITHIN ZONE)
MIN. LOT FRONTAGE	30 m	60.96 (EXISTING)
MIN. FRONT YARD DEPTH	7.5 m PLUS ANY APPLICABLE DISTANCE SPECIFIED IN SECTION 4.27.1 (MIN. DISTANCE FROM CENTRELINE OF ORIGINAL GARNER ROAD ALLOWANCE: 13m)	7.5 m
MIN. REAR YARD DEPTH	ONE-HALF THE HEIGHT OF THE BUILDING OR 10m WHICHEVER IS GREATER PLUS ANY APPLICABLE DISTANCE SPECIFIED IN SECTION 4.27.1 (MIN. DISTANCE FROM CENTRELINE OF ORIGINAL GARNER ROAD ALLOWANCE: 13m)	52.03 m
MIN. INTERIOR SIDE YARD WIDTH	HALF OF THE HEIGHT OF THE BUILDING	6 m (STACKS) AND 2.95 m (ELEC. RM.)
MIN. EXTERIOR SIDE YARD WIDTH	7.5 m PLUS ANY APPLICABLE DISTANCE SPECIFIED IN SECTION 4.27.1 (MIN. DISTANCE FROM CENTRELINE OF ORIGINAL GARNER ROAD ALLOWANCE: 13m)	N/A
MAX. LOT COVERAGE	30% = 1,716.18 sq.m	29.49% = 1,687.16 sq.m
MAX. HEIGHT OF BUILDING STRUCTURE	10 m	MAX. 12 m (TBD W/ GRADING)
# OF APARTMENT DWELLINGS ON LOT	ONE ONLY	3 STACKED BLOCKS (54 UNITS)
PARKING AND ACCESS REQUIREMENTS		
STANDARD	1.4 PER DWELLING	STANDARD 54 UNITS @ 1.25 (PROPOSED) = 67.5 REQUIRED SPACES
BARRIER FREE	4% OF 13-100 SPACES	36 ATTACHED GARAGES 32 SURFACE SPACES PLUS 4% OF 32 = 2 BARRIER FREE SPACE
MIN. LANDSCAPED OPEN SPACE	35% OF LOT AREA = 2,002.22 sq.m	36.10% = 2,065.48
MIN. AMENITY SPACE FOR AN APARTMENT DWELLING UNIT	20 sq.m AT 54 UNITS = 1,080 sq.m	897 sq.m PLUS 285 sq.m (PRIVATE BALCONIES) = 1,182 sq.m
OPEN BALCONIES PROJECTION ENCROACHMENT	OPEN BALCONIES NOT COVERED BY A ROOF MAY PROJECT INTO ANY REQUIRED: • FRONT YARD OR REAR YARD A DISTANCE OF NOT MORE THAN 1.8M • SIDE YARD A DISTANCE OF NOT MORE THAN 0.45M	MAX. 1.22 m (FRONT YARD ONLY)

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB
CONDITIONS BEFORE PROCEEDING WITH WORK.
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS
FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE
ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK
THE CONTRACTOR IS RESPONSIBLE FOR DRAWINGS NOT SPECIFICALLY MARKED
FOR CONSTRUCTION. THE CONTRACTOR MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS
FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS OR HER WORK.

KEY TO DETAIL LOCATION
No. DETAIL NUMBER
No. DRAWING SHEET NUMBER

DRAWING SETS ISSUED	DATE (DD MM YY)
FOR CLIENT REVIEW	1 11/09/23
FOR CLIENT REVIEW	2 16/11/23
FOR CLIENT REVIEW	3 07/12/23
FOR PLANNING REVIEW	4 06/03/24
FOR PLANNING REVIEW	5 05/04/24

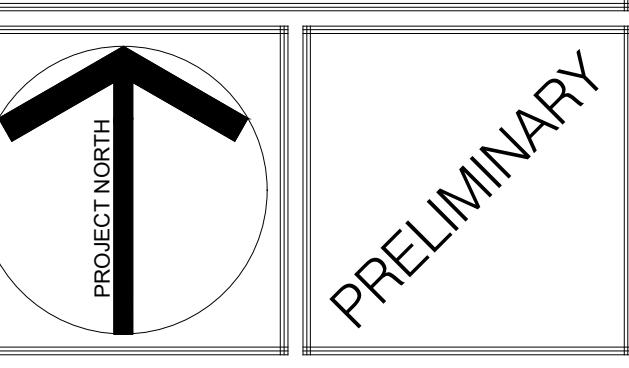
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING DATE (DD MM YY)

BUILDING PERMIT NUMBER:
NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMH
ARCHITECTURE • SOLUTIONS

KNYMH INC.
1006 SKYVIEW DRIVE • SUITE 101
BURLINGTON, ONTARIO • L7P 0V1
T 905.639.6595
F 905.639.0394
www.knymh.com info@knymh.com



GARNER ROAD

7525 GARNER ROAD
7525 GARNER ROAD NIAGARA FALLS,
ONTARIO

DRAWING SHEET TITLE:
PRELIMINARY SITE
PLAN

DRAWING SCALE:
1:200

PROJECT NUMBER:
23040

DRAWING SHEET NUMBER:
SP1

DRAWING VERSION:
001

PLOT DATE:
April 5, 2024



1 SITE PLAN
SP1
1:200

CITY OF NIAGARA FALLS

By-law No. 2026-xxx (Draft)

This by-law provides for the adoption of Amendment No. ____ to the City of Niagara Falls Official Plan.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. Amendment No. ____ to the City of Niagara Falls Official Plan, constituting the attached text and map, is hereby adopted.

Read a First, Second, and Third time; passed, signed and sealed in open Council __ day of _____, 2025.

BILL MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR

OFFICIAL PLAN AMENDMENT NO. ____**PART 1 – PREAMBLE****i. Purpose of the Amendment**

The purpose of the amendment is to redesignate the Subject Land to Residential, Medium Density / *Residential Medium* in the Garner South Secondary Plan and to permit a maximum density of 92 units per hectare for three (3) storey stacked townhouse units.

ii. Location of the Amendment

The amendment applies to the lands shown as ____ on Schedule A3 to the Official Plan – Garner South Secondary Plan.

iii. Details of the Amendment**Map Changes**

Map 1 – Schedule “A3” to the Official Plan – Garner South Secondary Plan has been amended to show Residential Medium Density designation with Special Policy Area ____

Text Change

PART 2, SECTION 13 – SPECIAL POLICY AREAS, is amended by the addition of Subsection 13.____.

iv. Basis of the Amendment

The applicant proposes to construct 51 stacked townhouse dwelling units at a maximum density of 92 units per net hectare.

The Subject Land is designated Residential, Low Density on Schedule A3 to the Official Plan – Garner South Secondary Plan and the proposal is to redesignate the Subject Land to Residential, Medium Density with a special policy area to permit an increase in density.

The amendment meets the intent of the Official Plan as the proposal represents the efficient use of serviced urban land and both transportation and municipal infrastructure have adequate capacity to accommodate the proposal and will assist in achieving the required density in Greenfield Areas.

PART 2 – BODY OF THE AMENDMENT

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

DETAILS OF THE AMENDMENT

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

1. MAP CHANGE

The “Area Affected by this Amendment”, shown on the map attached hereto, entitled “Map 1 to Amendment No. ___”, shall be identified as Residential Medium Density, Special Policy Area ___ on Schedule A3 to the Official Plan – Garner South Secondary Plan.

2. TEXT CHANGE

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

13. ___ SPECIAL POLICY AREA “ ___ ”

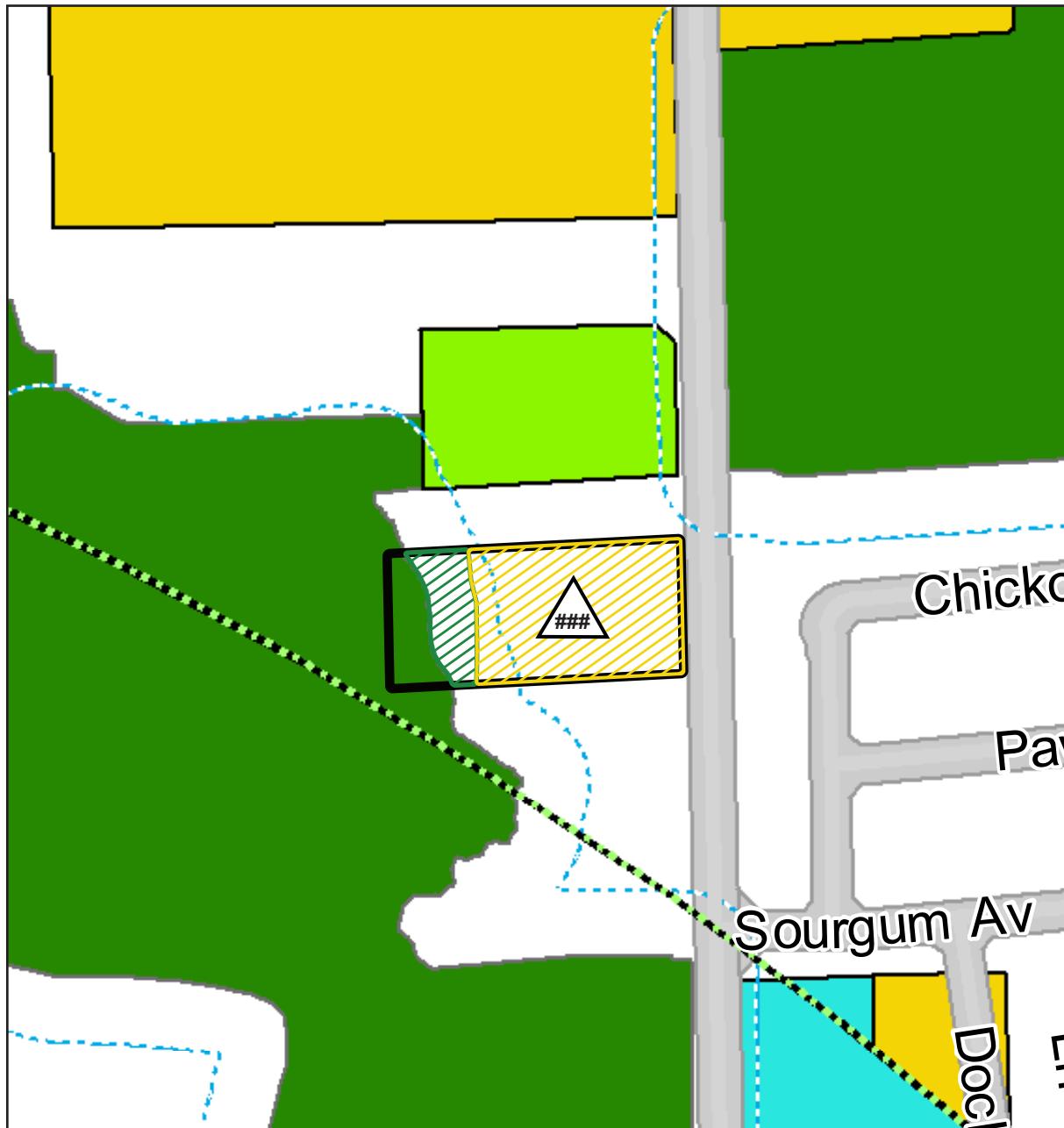
Special Policy Area “ ___ ” applies to approximately 0.55 hectares of land located on the west side of Garner Road, south of McLeod Road and municipally known as 7525 Garner Road. Notwithstanding the policies of Part 5, Section 2.2.3, the lands may be developed with a maximum density of 92 units per hectare.

MAP 1 TO AMENDMENT NO. ### SCHEDULE A3 TO THE OFFICIAL PLAN

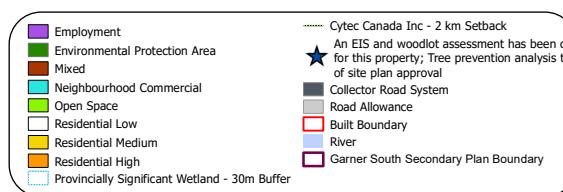
Area to be Redesignated from Residential Low to Environmental Protection Area



Area to be Redesignated from Residential Low to Residential Medium with a Special Policy Area



City of Niagara Falls Official Plan Excerpt from SCHEDULE A3 - GARNER SOUTH SECONDARY PLAN



Note: This Schedule is part of Amendment No. ### to the Official Plan for the City of Niagara Falls and it must be read in conjunction with the written text.

APPENDIX C

Draft Zoning By-law Amendment

Schedule X

7525 Garner Road, City of Niagara Falls

THE CORPORATION OF THE CITY OF NIAGARA FALLS

BY-LAW NO. _____

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate 7525 Garner Road, Niagara Falls, Regional Municipality of Niagara.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are subject of, and affected by the provisions of this by-law, are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands".
2. The purpose of this by-law is to amend the zone category and provisions of By-law No. 79-200 on the Lands to a Site-Specific Residential Apartment 5B Density (R5B) Zone to permit the use of the Lands in a manner that would otherwise be prohibited by this by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the permitted uses and regulations of the R5B Zone shall apply, notwithstanding the site-specific provisions outlined below:
4. The permitted uses shall be:
 - a) The uses permitted in the R5B zone.
5. The site-specific provisions for the Land shall be:

Minimum Lot Area	108 sq. m. per dwelling unit
Minimum Front Yard Depth	7.0 metres
Minimum Interior Side Yard Width	2.9 metres
Maximum Lot Coverage	33.5%
Maximum Building Height	3 Storeys (12.2 metres)
Minimum Landscape Open Space	26%
Parking	75 resident parking spaces and 10 visitor parking spaces

APPENDIX C

6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands for a use that is contrary to the regulations.
9. The provisions of this by-law shall be shown on Sheet ___ of Schedule "A" of By-law No. 79-200 by rezoning the Lands from the DH Zone to a site-specific R5B-xxx Zone.
10. Should the owner of the Lands not execute a Site Plan agreement to the satisfaction of the City within three (3) years of this by-law coming into effect, then this by-law shall be deemed to be repealed and the zoning of the lands zoned R5B-xxx shall be of no force and effect, and the zoning of the Lands will revert to the Development Holding (DH) zone.
11. Notwithstanding clause 10 above, the approval of this by-law may be extended by one (1) year at the discretion of the General Manager of Planning, Building, and Development.
12. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.xxx

Refer to By-law No. 2026-xxx

**Read a First, Second, and Third time; passed, signed and sealed in open Council this
____ day of _____ 2025.**

CITY CLERK

MAYOR

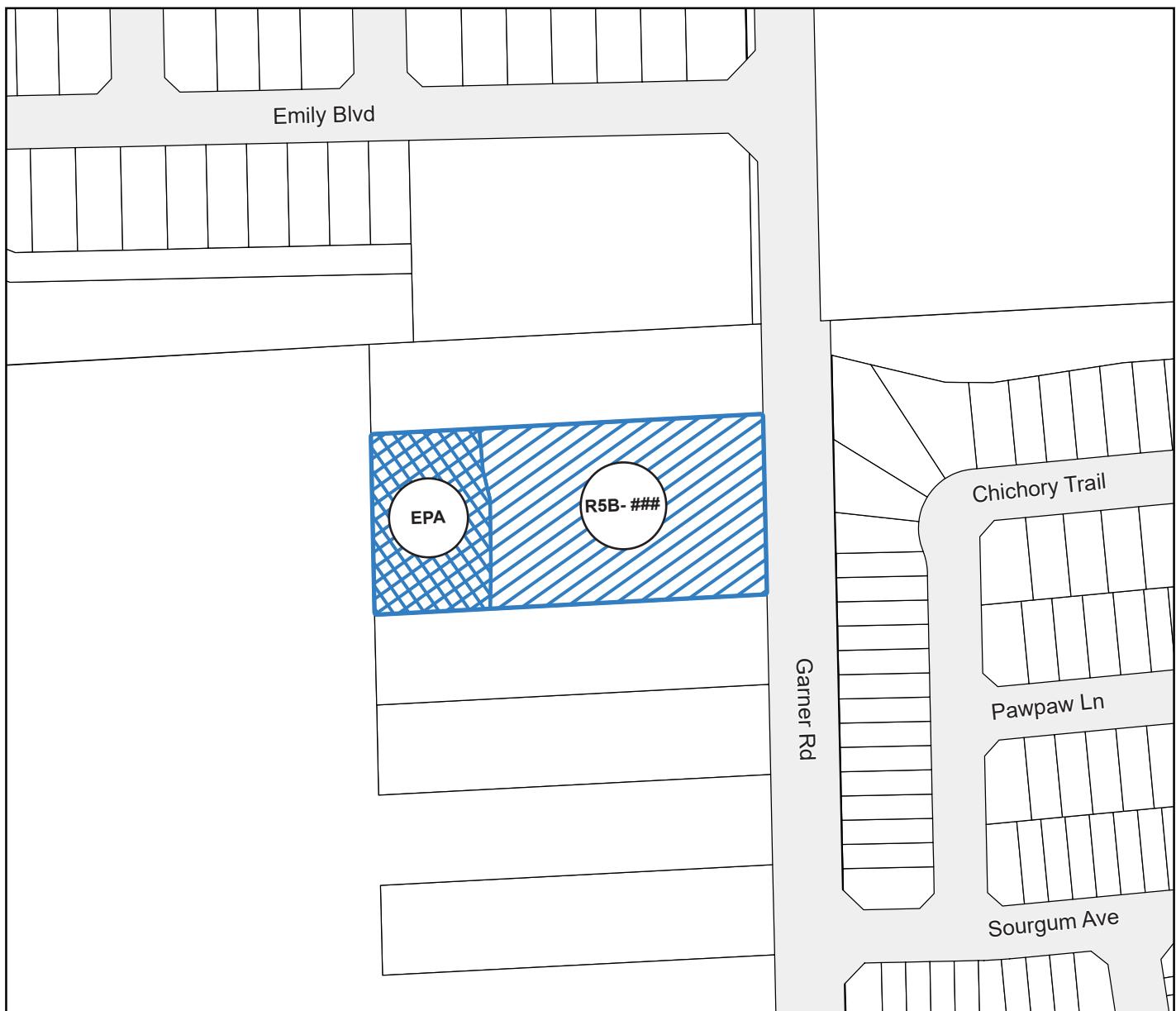


SCHEDULE 1 TO BY-LAW NO. 2025-xxxx (Draft)

Rezoned from Development Holding (DH) Zone to a Modified Residential Apartment 5B (R5B) Density Zone



Rezoned from Development Holding (DH) Zone to Environmental Protection Area



Amending Zoning By-law No. 79-200

Description:

Applicant: Madan-Arianna Developments Inc.

Assessment:

APPENDIX D

SUMMARY OF KEY FINDINGS FROM SUPPORTING STUDIES

The Pre-Consultation Checklist identified the reports and plans required for a complete application. In addition to this Planning Justification Report, the materials required are:

- Stage 1 & 2 Archaeological Assessment
- Functional Servicing Report as well as a detailed Stormwater Management Report and Sanitary Sewer Servicing Design Brief;
- Environmental Impact Study & Terms of Reference;
- Wetland Water Balance & Terms of Reference;
- Housing Impact Statement and Urban Design Brief (included in this Planning Justification Report);
- Environmental Noise Impact Study
- Land Use Compatibility and Air Quality Study,
- Standard & Coloured Site Plan;
- Tree Inventory & Preservation Plan;
- Conceptual Landscape Plan;
- Plan of Survey;
- Roof Plans, Floor Plans, Building Elevations, Renderings; and
- Land Registry PIN Sheet & Map.

While not required, a Phase One Environmental Site Assessment was prepared for the Site. The subsection below summarizes the key findings and conclusions of the completed studies. Each report/plan should be referred to for further details.

Stage 1 & 2 Archaeological Assessment

The Archaeologists Inc.

The Archaeologists Inc. prepared a Stage 1 and 2 Archaeological Assessment. Stage 1 included research regarding the Site's geography, history, previous fieldwork, and current condition to evaluate the Site's archaeological potential and to inform strategies for the Stage 2 survey. The Stage 1 background study determined that the Site had potential for archaeological resources of cultural heritage value. The Stage 2 assessment consisted of a test pit survey at 5-metre intervals, and no artifacts were found. The Archaeologists Inc. concluded that no further archaeological work is required.

Environmental Noise and Odour Impact Study

dBA Acoustical Consultants Inc.

The Environmental Noise and Odour Impact Study examined noise levels from Garner Road vehicular traffic. The current road traffic volumes are from the 2022 Annual Average Daily Traffic

(AADT) data set. Growth in the area was applied at 2% over 22 years, which is reflective of the 'worst-case scenario'.

The calculated daytime road noise levels at the Plane of Window (POW) exceeded the 55 dBA criteria for Receptor 1 (R1) being Block A. Calculated nighttime noise levels at the POW exceed the 50 dBA for indoor spaces for Block A.

The study recommends that the following noise control measures be implemented.

- Provisions for Central Air Conditioning is recommended for all Blocks
- OBC for Window, Door, and Wall construction
- Registered Warning Clause Type "C" for all Blocks
- That a qualified acoustical consultant certify that the required noise control measures have been incorporated into the builder's plans prior to issuance of a building permit and,
- That a qualified acoustical consultant certify that the required control measures have been properly installed prior to an occupancy permit.

The study recommends that the appropriate warning clauses be inserted into all Offers and Agreements of Purchase and Sale or Lease.

Functional Servicing Report, including Stormwater Management Brief

S. Llewellyn and Associates Ltd.

The stormwater discharge rate from the Site will be controlled to the pre-development condition discharge rate for the five (5) year storm event with Level 2 (Normal) stormwater quality control. Approximately 0.52 hectares of the Site drains to the existing 900 mm diameter storm sewer along Garner Road. The balance of the Site drains towards the wetlands. When redeveloped, water from roofs, asphalt surfaces, concrete walkways and landscaped areas will outlet via the proposed storm sewer on the Site and discharge to the Garner Road storm sewer. There will be sheet drainage to the roadway and to the wetlands. Stormwater quantity control for most of the Site will be through a 100mm diameter orifice plate within a manhole. The orifice plate will restrict discharge from the Site to the allowable rate.

The Site can accommodate sufficient stormwater storage on the surface of the parking area. A total storage volume of 131 cubic meters is provided while only 46 cubic meters is required during the 5-year storm event. The post-development condition discharge rates to the wetlands will not exceed the pre-development condition discharge rates. Stormwater will be treated before discharging to the Garner Road storm sewer. Filters are proposed within the proposed catch basins and will contribute to the removal of suspended solids.

During grading and site servicing, the following measures must be implemented:

- Install silt fencing along the outer boundary of the site to ensure that sediment does not migrate to the adjacent properties;
- Install sediment control (silt sacks) in the proposed catch basins as well as the nearby existing catch basins to ensure that no untreated runoff enters the existing conveyance system;
- Stabilize all disturbed or landscaped areas with hydro seeding/sodding to minimize the opportunity for erosion.

There is an existing 375mmØ diameter sanitary sewer along Garner Road that outlets to Brown Road. A 200mm diameter sanitary sewer is proposed and adequately sized to service the redevelopment.

There is an existing 250mmØ watermain along Garner Road with a fire hydrant fronting the Site. As the hydrant does not meet the 90-metre separation to the building, as per the Building Code, an additional private hydrant is required.

Scoped Environmental Impact Study, June 2025

Colville Consulting Inc. (“Colville”)

The Significant Woodland and the Thompson Creek PSW are mapped natural features which are part of the Region’s Natural Environment System (NES). Approximately 1.2 % of the larger woodland/wetland feature is on the Subject Land.

Niagara Region staff advised that provided a 20 metre Vegetation Protection Zone (VPZ) was established from the surveyed dripline of the woodland, no EIS would be required. The PSW buffer required is typically 30 metres. An EIS was required as the PSW will be protected by a 20 metre wide buffer and the VPZ associated with the woodland ranges between 12.0 metres and 15.0 metres.

A site visit was conducted with NPCA staff on October 10, 2024, to refine / verify the boundary of the PSW. The PSW is classified as a Red Maple Mineral Deciduous Swamp (SWD3-1). The canopy is dominated by Swamp Maple, along with White Elm, Pin Oak and Swamp White Oak, with occurrences of Red Oak and Black Walnut. There are a few shallow vernal pools within the wetland, and the nearest is located approximately 10 metres west of the rear property line.

No endangered species were documented by field surveys undertaken by Colville. Colville presumed that SAR bats are utilizing the woodland feature. Given that woodland trees will not be disturbed, Colville concludes that the proposed redevelopment will have no impact on potential bat roosting habitat or on significant habitat of other Endangered or Threatened Species.

Eastern Wood-peewee, a Species of Special Concern (SSC) was documented. While still considered common, declining populations resulted in the federal and provincial governments designating the species as Special Concern. Colville observed the Eastern Wood-peewee

utilizing the interior of the woodland with the nearest observation approximately 50 metres from the woodland edge. Colville concludes the proposed redevelopment will have no impact on habitat of the Eastern Wood-peewee.

Colville concludes that the variable buffer will be “sufficient to avoid directly impacting trees in the woodland, as well as avoiding any impacts to species using the woodland area.” Colville also concludes that the redevelopment will have no effect on the hydrological functions of the wetland. Specific mitigation measures are recommended during detailed design, construction and post construction. A further recommendation is to “minimize any increases in ambient light to lands adjacent to the redevelopment, it is recommended that security lighting be directed away from the woodland and wetland areas.” Shades must also be installed on lighting to avoid directing light upwards which may adversely influence bird behaviours.

Wetland Water Balance

Terra Dynamics Consulting Inc.

The Wetland Water Balance was completed by Terra Dynamics Consulting Inc. to inform the EIS, confirm the adequacy of the 20-metre wide PSW buffer, and to determine if the proposed redevelopment will impact the hydrologic function of the wetland.

The assessment provided the following results:

- On average potential evapotranspiration exceeded precipitation for June, July, and August, i.e., soil water utilization occurred. In 2024, evapotranspiration exceeded precipitation earlier than average in May, however due to above-average wet conditions monthly precipitation exceeded evapotranspiration in June. No recharge was seen during September due to below-average precipitation;
- Average water holding capacities are less than saturated, i.e., less than 400mm and 350mm, for months of June to October; and,
- Soil water recharge would be expected to occur in September and October.

Modelling determined that pre-development runoff is insufficient to maintain saturated conditions during June to October. If desired, the addition of clean roof runoff may provide additional supply during periods of below average precipitation. Based on a detailed review of the hydrologic function of the wetland, it was concluded that a 20-metre buffer is sufficient.

Phase One Environmental Site Assessment

Fortis Environmental Inc.

Fortis Environmental Inc. prepared a Phase One Environmental Site Assessment. The filing of a Record of Site Condition is not required as the Site is not transitioning to a more sensitive land use.

Environmental databases, historical records and additional information was obtained through a records review, interview, and Site inspection. The Site was historically used for agricultural purposes and first developed for residential uses in the early 1950s.

No areas of concern were identified based on the current and historical land use. Findings include the following:

- The Site has always been developed for residential purposes;
- No chemical storage was identified to exist;
- No evidence of USTs / ASTs was identified to exist;
- No records indicating spillage of any significant potential contaminants of concern were identified within the Study Area;
- Inspection of the property boundaries did not identify any significant potentially contaminating activities taking place within a minimum of a 75m buffer surrounding the Site; and,
- An assessment of the neighbouring properties did not identify any retail fuel outlets, bulk fuel outlets, buried fuel storage infrastructure or dry-cleaning facilities within 75 m of the Site.

It was noted that the tenant of the property utilizes the rear and side yards for the storage of sizable items including tools, miscellaneous building supplies, recreational equipment and vehicle parts. However, upon inspection of the materials, no suggestive evidence of impact was found to be associated with the storage activity. No potentially contaminating activities (PCAs) were assigned to the Site. No further investigation was recommended.

Tree Inventory & Preservation Plan

Kuntz Forestry Consulting Inc.

Kuntz Forestry Consulting Inc. undertook a tree inventory on April 24, 2024. Trees measuring 10cm DBH and greater on and adjacent to the Site with the potential to be impacted by the proposed redevelopment and trees of all sizes within the public right-of-way were included in the inventory. Tree resources consisted of Manitoba Maple (*Acer negundo*), Poplar species (*Populus* sp.), Red Oak (*Quercus rubra*), Silver Maple (*Acer saccharinum*), Swamp White Oak (*Quercus bicolor*), White Ash (*Fraxinus americana*), White Elm (*Ulmus americana*), and White Spruce (*Picea glauca*).

The findings from the study indicate a total of 25 trees and three polygons on and within six metres of the Site are impacted by the proposed redevelopment. The removal of 16 trees and three polygons will be required to accommodate the proposed redevelopment. The remaining nine trees can be saved provided appropriate tree protection measures are installed prior to the redevelopment.

The following recommendations were suggested to minimize impacts to trees identified for preservation:

- Tree protection barriers and fencing should be erected at locations as prescribe in the Preservation Plan. All tree protection measures should follow the guidelines as set out in the tree preservation plan notes and the tree preservation fencing detail.
- No construction activity including surface treatments, excavations of any kind, storage of materials or vehicles, unless specifically outlined above, is permitted within the area identified as a tree protection zone (TPZ) at any time during or after construction.
- Branches and roots that extend beyond prescribed tree protection zones that require pruning must be pruned by a qualified Arborist or other tree professional. All pruning of tree roots and branches must be in accordance with Good Arboricultural Standards.
- Site visits pre, during, and post construction are recommended by either a certified consulting arborist (I.S.A.) or registered professional forester (R.P.F.) to ensure proper utilization of tree protection barriers. Trees should also be inspected for damage incurred during construction to ensure appropriate pruning or other measures are implemented.

Land Use Compatibility and Air Quality Study

SONAIR Environmental

SONAIR Environmental prepared a Land Use Compatibility and Air Quality Study, dated July 2025. The study investigated noise/vibration, dust and odour emissions from surrounding land uses that might adversely impact the proposed redevelopment. The study was conducted in accordance with the Ministry of the Environment, Conservation and Park (MECP) Guidelines, Guideline D-1: Land Use Compatibility and Guideline D-6: Compatibility between Industrial Facilities and Sensitive Lands Uses. SONAIR reviewed seven (7) land uses within 1,000 metres of the Subject Land. 1,000 metres equates to the Potential Influence Area of Class III industries. Five (5) industrial/employment land uses are Class I uses; one is Class II and Cytec is Class III. Based on the 2022 Amended Environmental Compliance Approval (ECA), Cytec operates at a maximum production limit of 40,000 tonnes of phosphine-based chemical per year and assessments and reports must be updated yearly.

SONAIR concludes that while the introduction of a high-rise residential building on the Site would likely require Cytec to reassess their impact, i.e., new elevated receptor, the proposed low-rise redevelopment does not introduce new receptors. The facility must meet air quality standards at ground level at their property line and beyond.