



September 20th, 2024

VIA EMAIL

Taylor Meadows
Planning Supervisor – Development
The City of Welland
60 East Main Street
Welland, Ontario
L3B 3X4

**RE: File Nos. OPA No. 49 and ZBA 2024-01
418-430 Aqueduct Street and 650-678 Niagara Street
Official Plan Amendment & Zoning By-law Amendment Applications**

Introduction

We are pleased to submit revised materials regarding the concurrent Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications submitted in December 2023 for 418-430 Aqueduct Street and 650-678 Niagara Street in the City of Welland (the “Subject Lands”). We are not proposing to amend our original application; however, these revised materials are intended to address the concerns of Council, the Public and Staff.

The attached draft OPA would increase the maximum density of the Subject Lands to 230 units per hectare (of note the architectural design is based on a density of 227 units per hectare). While this exceeds the current maximum density stipulated in the Official Plan being 125 units per hectare, it is a reduction from the previously proposed 315 units per hectare in the 2023 submission. It is also less than the density identified in the City of Welland draft Official Plan being 300 units per hectare. The attached draft ZBA would continue to re-zone the Subject Lands from Single-Detached Dwelling - First Density Zone (R1) to Residential High Density (RH) under Zoning By-law No. 2017-117; however, a height and setback schedule has been included to address concerns of the public regarding shadowing and the provision of a 45-degree angular plane.

The Region of Niagara in comments dated March 18, 2024, noted that the wooded area on the Subject Lands meets criteria for being Significant Woodland due to the presence of White Wood Aster (*Eurybia divaricate*), a Provincially threatened species. The Region further requested that the Significant Woodland and associated buffer be placed into an appropriate restrictive environmental designation and zone. In response to comments from the Region, the attached draft OPA proposes to re-designate the land area associated with the Significant Woodlands from High Density Residential to Core Natural Heritage System, Environmental Conservation Area and Significant Woodlots in the Welland Official Plan to mitigate the potential for negative impacts. Similarly, the draft ZBA would rezone the land area associated with the Significant Woodlands from Single-Detached Dwelling – First Density Zone (R1) to Environmental Conservation Overlay Zone (EC). The draft OPA and draft ZBA are included in the appendices (**refer to Appendix A & B**).

Following the submission of the concurrent OPA and ZBA applications in December 2023, numerous comments were received from the public, the Region, and the City. A comprehensive comment response matrix is included in the appendices outlining the concerns of the responding members (**refer to Appendix C**). The general summary of the comments received on the proposal is as follows:

- Concerns were raised about the proposed developments perceived lack of compatibility which generally related to several factors, including:
 - That the proposed building massing did not comply with the 45-degree angular plane criteria as stipulated by the City's Urban Design Guidelines and the Region's Urban Design Guidelines; and
 - the height of the proposed towers would create excessive shadows and privacy issues for the adjacent low-density dwellings.
- Numerous questions were raised regarding the proposed development's impact on surrounding traffic circulation and off-street parking.
- Concerns were raised that the proposed development would have undue effects on the environment, including loss of wildlife and inadequate protection measures for the protected species located on the Subject Lands.
- Concerns were raised about whether the existing and proposed infrastructure would be adequate to prevent undue effects on surrounding residences and the city at large.

In response to the comments received, please find enclosed the following documents, which are included with the revised materials:

- Revised Architectural Plans including updated Site Plans, Building Elevations and Building Massing; prepared by McCallum Sather, dated August 27th, 2024;
- Revised Conceptual Landscaping Plan; prepared by RJ Burnside, dated September 9th, 2024;
- Revised Sun Shadow Study prepared by McCallum Sather, dated June 17th, 2024;
- Revised Angular Planes from North, South and East property lines;

- Revised Servicing and Grading Plans; prepared by RJ Burnside, dated September 4th, 2024;
- Revised Functional Servicing Report and Stormwater Management Plan; prepared by RJ Burnside, dated November 2023 (Revised September 2024);
- Revised Environmental Impact Statement; prepared by RJ Burnside, dated September 2024;
- Response to Transportation Comments provided by RJ Burnside, dated September 12th, 2024;
- Revised Environmental Noise Feasibility Assessment; prepared by RJ Burnside, dated September 2024.

Architectural Plan Changes

The comments summarized above, as well as those included in the appendices, were considered when making design changes to the proposed development. Below is a summary of the design changes made in response to the feedback received:

- The number of storeys in several of the high-rise residential towers was reduced, as follows:
 - Building A was reduced from twelve (12) storeys to ten (10) storeys
 - The residential Tower nearest Niagara Street on Building B was reduced from twenty-five (25) storeys to sixteen (16) storeys, and the easternmost tower was reduced from twenty-five (25) storeys to eight (8) storeys.
 - Building C was reduced from twenty-five (25) storeys to sixteen (16) storeys.
 - Buildings D & E remain unchanged.
- The changes listed above result in an overall reduction of 317 dwelling units. Previously 1,196 dwelling units were proposed. The revised proposal includes 879 dwelling units. The site density is proposed to be reduced from 315 units per hectare to 227 units per hectare.
- Due to the reduction in dwelling units, the total number of parking spaces has been decreased from 926 to 723. Notably, this revised parking allocation complies with Zoning By-law 2017-117, rendering the previously requested amendment unnecessary.
- The revised building designs ensure that the 45-degree angular plane is adhered to along the north, east and south property lines. Please refer to the attached figures for reference. Although there are minor intrusions into the angular planes adjacent to the north and south lot lines, Section 4a.6 of the Niagara Region Model Urban Design Guidelines indicate that such slight intrusions are considered acceptable.
- The revised building designs are compliant with the Niagara Region's Sun Shadow Study. Adjacent residential amenity areas receive a minimum of 6 hours of sunlight between 10am to 6pm between the dates of April 21st to September 21st. Refer to the Sun Shadow Studies which are included in this submission.

- The radius for the entrance to Private Street 'A' falls entirely along the frontage of the Subject Lands and no longer impacts the driveway of the house at 684 Niagara Street.

Summary of Updated Supporting Studies

Municipal Servicing Study

Modeling of the existing sanitary and watermain systems was deemed necessary to ensure adequate capacity for servicing the proposed development. On May 14th, 2024, the City shared the results of the completed modeling by GEI Consultants Canada Ltd. for the original proposal. GEI Consultants Canada Ltd. determined that the municipal infrastructure could accommodate the proposed development, with one (1) modification requested for the proposed servicing. GEI Consultants Canada Ltd. found that the proposed watermain sizing in the submitted servicing plan would not meet the required fire flow for each proposed building. RJ Burnside has reviewed these results and updated their submitted materials to align with the recommendations provided in the reports.

Updating the modeling was not deemed necessary in light of the recent design changes, as the proposal assessed by GEI Consultants Canada Ltd. exceeds the updated proposal in terms of unit count and scale.

Functional Servicing and Stormwater Management Report

In response to site plan changes and comments received from the City and the Region, RJ Burnside prepared an updated Functional Servicing and Stormwater Management Report (FSR&SWM) to the original version dated November 2023. The changes to the revised FSR&SWM report include, but are not limited to, the following:

- Implementing modifications requested by GEI Consultants Canada Ltd. through the municipal modeling process.
- Adjusting the servicing to be located outside the required daylight areas.
- Redesigning the connection to the local sanitary sewer within Niagara Street.

Environmental Impact Statement

In response to site plan changes and comments from the City and the Region, RJ Burnside prepared an updated Environmental Impact Statement (EIS). In January 2024, the *Endangered Species Act* was modified to include Black Ash as a newly listed species requiring consideration. The EIS specifies that individuals protected by the ESA must exhibit one of the following characteristics: be at least 1.37 meters tall, have a base diameter of 3 centimeters or greater, or be assessed as healthy by a qualified professional. A site inspection on May 30th, 2024, found no Black Ash meeting these criteria, despite an exhaustive search of the area.

Traffic Comments

Following the initial submission of the OPA and ZBA, comments were received from the Region, the City, and the public. These comments are included in the comment response matrix located in the **Appendix C**. RJ Burnside has prepared a response to the traffic comments in the form of an email, which was sent to Region Planning Staff on September 12th, 2024. This email is included with the resubmitted documents for review of city staff.

City staff and members of the public questioned why the intersection of Niagara Street and Roger Street was not included in RJ Burnside's review of surrounding intersections in the TIS. On May 1st, 2024, RJ Burnside conducted traffic counts at this intersection during both morning and afternoon peak periods. Their evaluation showed that all traffic movements currently operate with excess capacity and achieve Level of Service (LOS) B or better across all scenarios during peak hours. Queues are contained within their respective link distances and storage lengths. This supports the professional opinion of both the Region and RJ Burnside that further examination of this intersection in the TIS was unnecessary.

Since the proposed number of parking spaces complies with Zoning By-law 2017-117, the parking analysis has been omitted from the resubmitted document.

Environmental Noise Feasibility Assessment

In response to site plan changes and comments from the City and the Region, RJ Burnside prepared an updated Environmental Noise Feasibility Assessment to the original version dated November 2023. Comments and responses from RJ Burnside are included in the Comment Response Matrix, which is included in **Appendix 'C.'**

Proposed Official Plan Amendment

A draft OPA has been prepared, which would permit a maximum density of 230 units per net hectare for the Subject Lands. The draft OPA would permit a combined total of 853 dwellings units for the apartment buildings, consisting of:

- a ten (10) storey apartment building,
- an apartment building with a sixteen (16) storey tower and an eight (8) storey tower, and
- a sixteen (16) storey apartment building.

Though the proposed height and density of the apartment buildings does not comply with the City's current Official Plan, they do comply with the draft Official Plan update, which is currently open for public review and comment. In addition to supporting the proposed apartment buildings, the draft OPA would also permit two (2) stacked townhouse buildings, cumulatively consisting of twenty-six (26) dwelling units.

The area associated with the Significant Woodland, currently designated High-Density Residential, would be redesignated to Core Natural Heritage System, Environmental Conservation Area and Significant Woodlots. The planned function of the Core Natural Heritage System is to provide for the protection, maintenance, restoration, and, where possible, enhancement of Welland's natural systems, ecological health, integrity, and biodiversity.

These measures are included to ensure that development and site alteration are not permitted within Environmental Conservation Areas, except for specific activities. Permitted activities include:

- Forest, fish, and wildlife management.
- Conservation and flood or erosion control projects, provided they are demonstrated to be necessary in the public interest with no available alternatives.
- Small-scale, passive recreational uses and accessory structures, such as trails, boardwalks, footbridges, fences, docks, and picnic facilities, which must have no significant negative impact on the natural features or ecological functions of the Core Natural Heritage System.

Development may only be permitted when an EIS demonstrates that there will be no negative impact on the natural features or their ecological functions.

The revised text of the OPA is found in **Appendix 'A'**.

Proposed Zoning By-law Amendment

In line with the previously noted OPA, the area identified as a Significant Woodland and the associated thirty-meter buffer recommended in the Environmental Impact Study (EIS) would be rezoned to Environmental Conservation Overlay (EC) zone. This re-zoning ensures that no buildings, structures, or development, except for flood control works, will be permitted in this area.

Furthermore, the revised site plan seeks relief from the Zoning By-law to permit increased building height which is contextualized below. As previously noted, the proposed number of parking spaces exceeds the minimum requirements outlined in Zoning By-law 2017-117, thereby eliminating the need for zoning relief. Please refer to **Table 1 – Zoning Comparison Chart** intended to illustrate the design changes. Regarding parking provisions, parking rates are only calculated for the apartment building and associated retail in the table below, as there were no concerns raised regarding parking rates for the stacked townhouses.

Table 1 – Zoning Comparison Chart

PROVISION	RH ZONE REQUIREMENT	PJR DATED 2023	SEPTEMBER 2024 REVISED MATERIALS	COMPLIANCE
Section 6. Parking and Loading Regulation				
Table 6.4.1: Required Parking Spaces 6.4.2 Commercial Uses in All Zones except Downtown Zones - Required Parking Spaces	Apartment Dwelling: 1.0 space per unit, except for units ≤ 50.0 m ² , which require 0.3 spaces each. No visitor parking needed. Retail or Retail Centre - 1 space per 30.0 m ² GFA	Requirements: Apartment Dwellings: 1,111 Retail: 37 Total: 1,148 Provided: Within structures: 850 Site: 40 Total: 890	Requirements: Apartment Dwellings: 609 Retail: 37 Total: 646 Provided: Within structures: 657 Site: 40 Total: 697	Yes
Section 7 – Residential Zone				
Building Height (max.)	32.0 metres	84.7 metres (25 storeys)	Varies (As shown on Schedule 1)	No

No changes are proposed from the original ZBA submission with regards to parking provisions, including those for street townhomes and grade parking spaces. Additionally, there are no modifications to the permitted uses, lot area, lot frontage, lot coverage, minimum side and rear yard setbacks, or minimum landscaped area. Please refer to the Planning Justification Report dated December 8, 2023, for justification for the requested variances.

Building Heights

Concerns were raised regarding the uniform height restrictions applied to Building A, Building B, and Building C, each proposed to be built to 84.7 meters and 25 storeys. A height schedule has been prepared to address public comments, acknowledging the varying heights of towners and podiums throughout the development. This height schedule forms part of the Draft Zoning By-law. This schedule regulates both the building height, and the maximum number of storeys based on site location, imposing stricter limits closer to the property boundaries. The height schedule will prevent any increase in height or scale beyond what is compatible with surrounding land uses.

Number of Units

The ZBA will also limit the number of dwelling units permitted on the Subject Lands. The total number of units shall not exceed 890, in accordance with the density provision of 230 units per hectare as outlined in the Official Plan Amendment. Although the proposed application includes 879 units, the ZBA allows for some flexibility in the final number of units during implementation. It is important to note that the provision of 890 dwelling units would comply with the City's parking requirements. Additionally, the proposed apartment buildings will also be restricted to 16 storeys and maintain 45-degree angular planes.

CONCLUSION

We trust the above is satisfactory, and should you require anything further or have any questions, please do not hesitate to contact the undersigned. We kindly request the application be brought forth to Council for final approval at your earliest convenience.

Yours Truly,



Robert Smit, MSc RPD
Planner
NPG Planning Solutions Inc.



Jesse Auspitz, MCIP, RPP
Principal Planner, Toronto
NPG Planning Solutions Inc.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies constitutes Amendment No. XX to the Official Plan of the Corporation of the City of Welland.

TEXT CHANGES

1. The Official Plan of the City of Welland is hereby amended by adding the following:

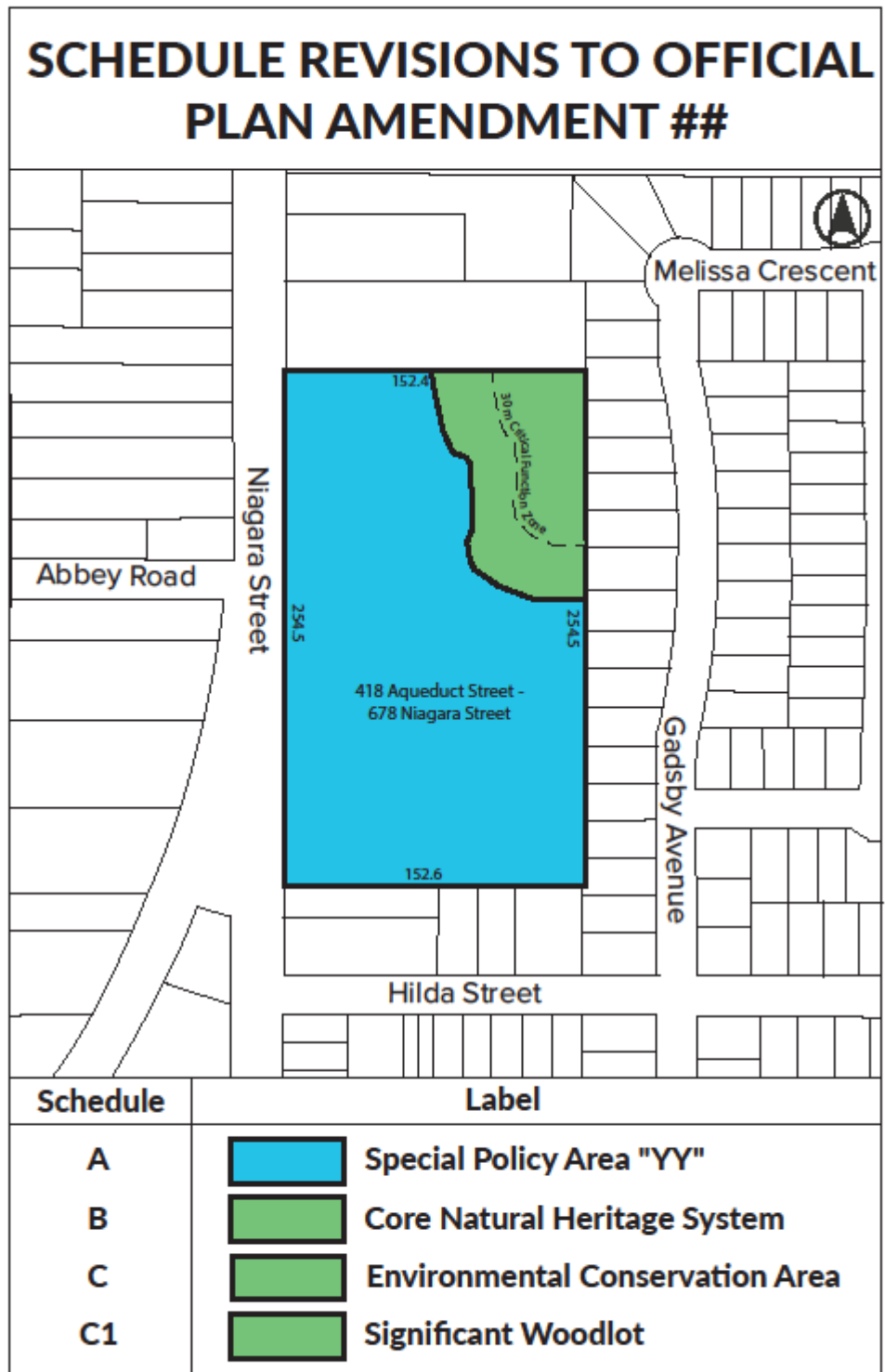
4.2.3.20 Exemptions

4.2.3.20 Notwithstanding the scale provisions under Section 4.2.2.4.C, a ten (10) storey apartment building, an apartment building with a sixteen (16) storey tower and an eight (8) storey tower and a sixteen (16) storey apartment building, which shall include a combined total of 853 dwelling units shall be permitted on the lands municipally addressed as 418-430 Aqueduct Street (even and inclusive) and 650-678 Niagara Street (even and inclusive). Additionally, notwithstanding the permitted uses noted in Section 4.2.2.4.B, a four (4) storey stacked townhouse building including fourteen (14) dwelling units and a four (4) storey stacked townhouse building including twelve (12) dwelling units shall be permitted on the lands municipally addressed as 418-430 Aqueduct Street (even and inclusive) and 650-678 Niagara Street (even and inclusive). Notwithstanding the density provisions of Section 4.2.2.4.A, the maximum permitted density of the lands located on and between municipally addressed as 418-430 Aqueduct Street (even and inclusive) and 650-678 Niagara Street (even and inclusive) shall be 230 units per net hectare.

MAP CHANGES

1. Schedule B, Land Use Map is hereby amended by identifying a portion of the Subject Lands as Core Natural Heritage System.
2. Schedule C, Core Natural Heritage System Map is hereby amended by identifying a portion of the Subject Lands as Environmental Conservation Area, inclusive of a 30-metre critical function zone.
3. Schedule C1, Components of Core Natural Heritage System Map is hereby amended, by identifying a portion of the Subject as Significant Woodlots, inclusive of a 30-metre critical function zone.

MAP CHANGES



Appendix B – DRAFT Zoning By-law Amendment

THE CORPORATION OF THE CITY OF WELLAND BY-LAW NUMBER 2021 - _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW 2017-117

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117 on the 17th day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend said Zoning By-law 2017-117.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

That Schedule "A" to By-Law 2017-117 be and the same is hereby amended as follows:

1. <ENTER LEGAL ADDRESS>, City or Welland, shown on Schedule "A" attached hereto as "Change to RH-XX" is hereby changed to RH-XX. Additionally, the lands shown on Schedule "A" as "Change to EC" are hereby changed to EC.
2. That the provisions in the RH-XX shall be those provided for in the RH Zone, save and except as follows:
 - All other general provisions of By-law 2017-117, as amended shall apply save and except for the following:
 - a. Notwithstanding Section 5.10.8, Height Exemptions:
 - i. a structure shall be permitted to enclose a space, thereby forming part or all of a penthouse (mechanical).
 - b. Notwithstanding Section 7.2, Permitted Uses:
 - i. That "Multiple Dwelling" be Permitted in RH-XX Zone; and
 - ii. be subject to the provisions outlined in **Table 1 – Zoning Provisions**.
 - c. Notwithstanding Section 7.3, Regulations for Residential Zones:
 - ii. the provisions of the RH-XX Zone shall be those provided in Zoning Provisions **Table 1 – Zoning Provisions** (attached).
 - d. The maximum number of dwelling units permitted in the RH-XX Zone shall not exceed 890.

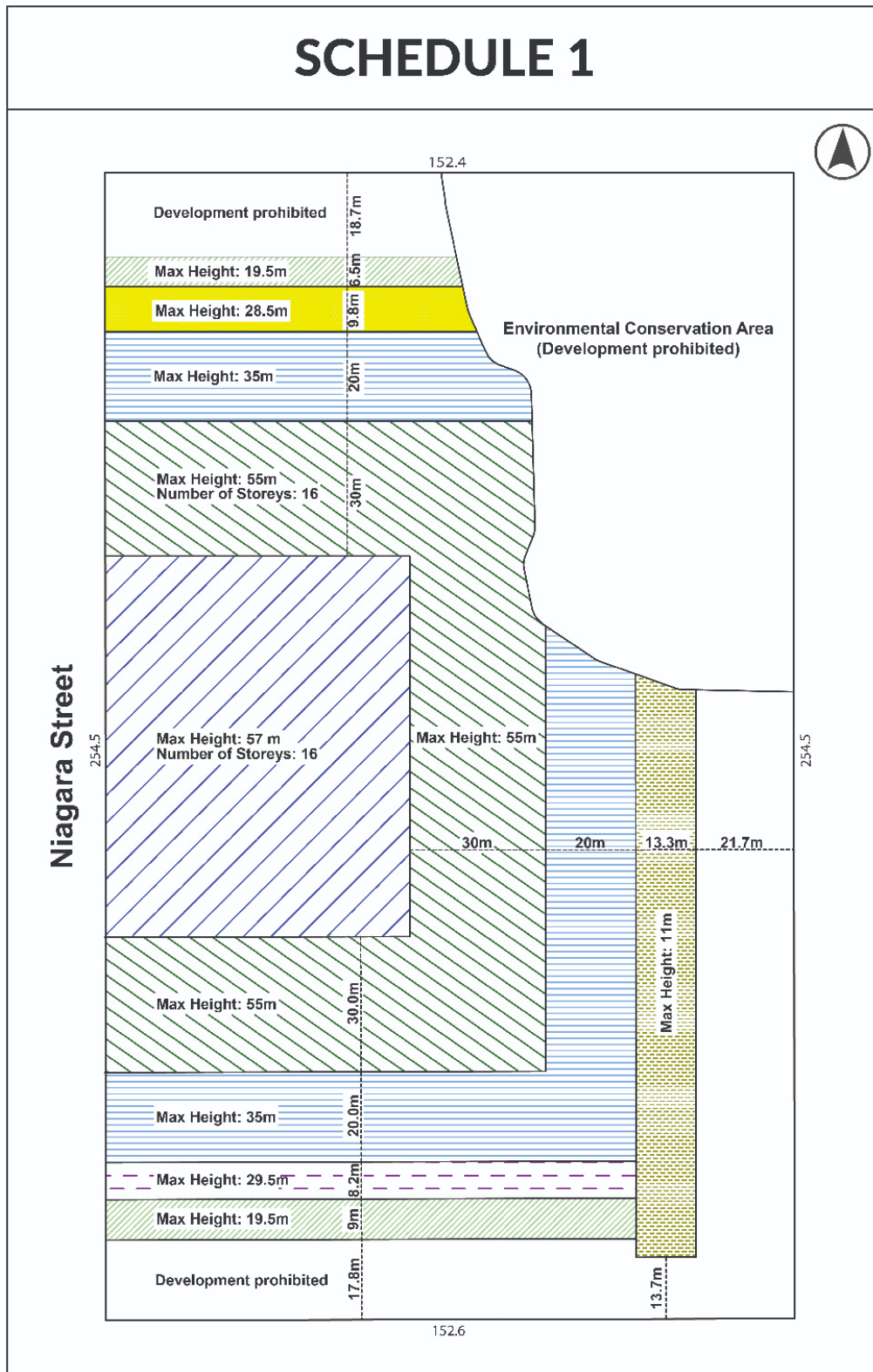


Table 1 – Zoning Provisions

	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min)
RH-XX									
Apartment Dwelling	1000.0 m ²	40.0 m	3.0 m	Refer to Schedule 1	N/A	Refer to Schedule 1	Refer to Schedule 1	50%	30%
Multiple Dwelling	N/A	N/A	N/A	Refer to Schedule 1	N/A	Refer to Schedule 1	Refer to Schedule 1	30%	30%

SCHEDULE "A" ZONE CATEGORIES



418-430 Aqueduct Street and 650-678 Niagara Street

REGION COMMENTS

Noise Consultant - Region

	Comment	Response
1	<p>Regional staff reviewed the ‘Environmental Noise Feasibility Assessment’, prepared by Burnside (dated November 2023).</p> <p>Staff note that in accordance with the Environmental Noise Guideline - Stationary and Transportation Sources – Approval and Planning (NPC-300), the recommendation of including the provision of in-unit installation in ‘Building A’ is unacceptable in high and medium residential developments as the maximum allowance of 40 dBA is usually surpassed by window air conditioning units.</p>	<p><i>Environmental Noise Feasibility Report is updated and included with re-submission. All medium and high-density dwellings will be specified to have mandatory air conditioning.</i></p>

Natural Heritage

	Comment	Response
2	<p>As it relates to the proposed OPA and ZBA applications, staff require that the extent of Significant Woodland and the associated buffer width recommended in the EIS are placed into an appropriately restrictive environmental designation and zone.</p>	<p><i>Draft OPA and ZBA updated and included with re-submission. Extent of Significant Woodland to receive additional OPA and Zoning provisions.</i></p>

Natural Heritage – Ministry of the Environment Conservation and Parks

	Comment	Response
3	Final correspondence included recommendations from the ministry that a 50 m buffer be used in accordance with recommendations within the Recovery Strategy. There was note of possible further consideration of a different buffer if more information on exact project details and footprint were provided for the SAR branch to review. No record of further correspondence related to this has been located.	<i>RJ Burnside to provide the MECP with the updated EIS (June 2024) that illustrates the existing and proposed conditions for consideration and further discussion as needed to accommodate the reduced buffer (30m)</i>
4	Black Ash is a newly listed species and must now be considered under the Endangered Species Act. The proponent or project team should review the new Black Ash regulations to determine if they meet the exemption or if a permit may be necessary.	<p><i>Individuals protected by the ESA must exhibit one of the following characteristics:</i></p> <ul style="list-style-type: none"> • <i>Be 1.37m tall or greater, or 8 cm DBH or greater</i> • <i>Healthy as determined by a qualified professional</i> <p><i>A site inspection on May 30th, 2024, found no Black Ash meeting these criteria, despite an exhaustive search of the area.</i></p>
5	There was some discussion pertaining to SAR bats on-site. If surveys were completed for SAR bats, please provide a copy of this for review by the ministry.	<i>RJ Burnside to provide the MECP with the updated EIS (June 2024) that documents the methodology and findings of the bat surveys (leaf-on, leaf-off and acoustic)</i>

Road Allowance

	Comment	Response
6	The Region requires a daylight easement triangle at the intersection of the new access and Niagara Street. The size of the daylight will be 6 metres x 6 metres. Future site plans are to show the daylight easements to ensure there are no obstructions to the sight lines; transfer of the easement will be part of the future site plan requirements	<i>The location of Private Street ‘A’ has been adjusted away from the north property line to accommodate the Daylight Triangle, as demonstrated in the site plans.</i>

Transportation – Region

	Comment	Response
7	The Region still requires a sightline assessment to assess the driveway location on the horizontal curve opposite to Abby Road.	<i>A sightline analysis has been included in Attachment 4 of the Response to Transportation Comments letter, which confirms that sightlines are adequate.</i>
8	Please clarify why the growth rate is applied only on the “through” movements at Niagara Street / Aqueduct Street intersection. Avoidance of the growth rate application will impact the signal warrant result at this intersection. Please revise the traffic volume counts and the subsequent assessments accordingly.	<i>The analysis incorporating the growth rate is detailed in the Response to Transportation Comments, which is included with this submission. Based on the results, there were no changes to the conclusions of the study.</i>
9	Under Section 4.1 Trip Generation, please clarify on how it was assumed that the modal split is to be 15%. The Region has concerns that this assumption is relatively high compared to the travel modal split found in the 2016 Transportation Tomorrow Survey. This will underestimate the impact of the trips generated from this development and ultimately impact the capacity analysis for the future scenarios.	<i>A review of the 2016 Transportation Tomorrow Survey indicates that 17% of Welland residents' trips are by transit (11%), walking (1%), or cycling (5%). The Region’s Transportation Master Plan (2017) forecasts an 80% increase in transit trips by 2041, raising the transit share from 11% to 14%. A 15% non-auto mode share is considered conservative. The site supports various travel modes and is within a 10-minute walk of the Seaway Mall bus hub. This modal split is consistent with other approved applications in the area. No reductions for pass-by</i>

		<p><i>or internal interaction trips were applied to the retail uses.</i></p> <p><i>Please refer to the response to Comment #4 in the Transportation re-submission.</i></p>
10	<p>Under Section 6 Traffic Operation Analysis, Table 8 and Table 11 provide the capacity analysis and the queue assessment for the South Driveway and North Driveway respectively. As per the 95% queue length shown, the generated traffic from the development is well accommodated within the clear throat length recommended in the site plan (Existing Storage / Link Distance). As per the analysis, it is proven that one driveway will suffice this development, and the generated queue can be accommodated within one access with a clear throat length of 30 metres.</p>	<p><i>Point is acknowledged. However, two driveways will lessen the impact of each driveway and provide better connectivity for the site without undue impact to Niagara Street.</i></p>
11	<p>The queue reports mentioned under Section 6 Traffic Operation Analysis are not attached to the appendices. Please attach in the resubmission for the Region's review.</p>	<p><i>95th percentile queues were included in the Synchro reports that were provided in Appendices B to F of the submitted TIS.</i></p>
12	<p>The saturation flow rate used for the Synchro analysis are higher than the values specified in the Transportation Impact Assessment guidelines (2023). Additionally, the peak hour factor was not consistent throughout the intersections in the study area and higher in the intersection of Niagara Street and Woodlawn Road. This will result in overestimating the existing and the background traffic conditions. Please revise capacity analysis using the rates highlighted in Table 1 of the TIA guidelines and use a peak hour factor of 0.92.</p>	<p><i>The TIS used existing peak hour factors (PHF) for each intersection and a Synchro default of 0.92 for proposed driveways, with an ideal saturation flow rate (ISFR) of 1,900. HCM7 recommends using existing PHF for accuracy and notes both PHF and ISFR increase with traffic volumes. The Region's guidelines likely underestimate capacity, while the TIS analysis aligns with HCM7 for a more accurate future prediction.</i></p> <p><i>Please refer to the response to Comment #7 located in the Transportation re-submission.</i></p>
13	<p>More detail required where Street A meets Niagara Street, in specific:</p>	<p><i>The location of Private Street 'A' has been revised to ensure that the radius for the entrance to Private</i></p>

	<ul style="list-style-type: none"> The radius curbing at the northeast corner – how does it impact the existing driveway of house #684. It appears to block it completely. Please provide line work for the existing driveway north of the construction limits Entrance at Street 'A' should be designed so that the curb return radius falls entirely within the property being served as per TAC 8.9.8. Currently, what is being proposed encroaches onto the adjacent property to the north. Staff require that the entrance be redesigned to adhere to this standard. 	<i>Street 'A' falls entirely along the frontage of the Subject Lands and no longer impacts the driveway of the dwelling at 684 Niagara Street.</i>
14	Where the step joint meets the proposed curb at the northern most construction limit, a note states: "match into asphalt elevations". Proposed works appear to terminate in the middle of the sidewalk. Also, please provide existing elevations at that location.	<i>Point is acknowledged. The driveway entrance location has been revised along with the step joint. The new configuration will tie into the existing asphalt.</i>
15	All proposed concrete curbs on Niagara Street shall be Curb and Gutter (OPSD 600.040). Please specify this on the plan.	<i>Point is acknowledged. The notes have been revised to reflect the curb and gutter.</i>
16	All existing curb depressions for existing driveways on Niagara Street shall be reinstated to Curb and Gutter (OPSD 600.040).	<i>Point is acknowledged. A note has been added where existing curb depressions require reinstatement.</i>
17	Details page missing OPSD 600.040.	<i>Acknowledged. This has been added to Drawing D1.</i>

Servicing

	Comment	Response
18	The submitted Functional Servicing Report indicates that all connections for servicing of the site will be to the existing municipal infrastructure. The design consultant is to ensure that all sewers, watermains and appurtenances are located outside the required daylight area.	<i>Point is acknowledged. The servicing has been revised to be located outside of the required daylight areas. Refer to Drawing S1, S2 and S3 for details.</i>

19	Staff note that the site falls within the Welland Wastewater Treatment Plant (WWTP). Based on the 2021 Regional Master Servicing Plan Update, the plant has sufficient capacity to accommodate the projected growth in the plan but will reach the trigger of 80% capacity in 2041 at which point a study will be completed. The removal of infiltration / inflow in the system will free up additional capacity in the system.	<i>Point is acknowledged.</i>
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Stormwater Management

	Comment	Response
20	It is unclear whether the subsurface storage facility will be a closed or open bottom tank. This may affect the water quality treatment strategy. Pre-treatment is required to the areas that bypass the tank isolator row.	<i>Point is acknowledged. A waterproof tank is proposed that will be closed bottom. At the time of detailed design, it will be reviewed to see if infiltration is possible on site. Pretreatment will be provided where inlets bypass the isolator row.</i>
21	Since the plan proposes that the site's 100-year flow be captured for flow attenuation, the mechanism that can minimize concerns for resuspension of settled pollutants is needed. Staff suggest an oil / grit separator be part of the treatment train.	<i>Point is acknowledged. An Oil / Grit Separator will be provided at the outlet of the stormwater management tank.</i>
22	Grading plan and the site's storm system are required to be adequately sized to capture and accommodate the site's 100-year flow to the tank without spill to Niagara Street. As Street A will convey significant flow to Niagara Street, please confirm if double CBs are needed.	<i>Point is acknowledged. The site will be designed such that the CBs within the private road convey the 100-year storm to the stormwater management tank to reduce the overland flow spilling to Niagara Street. Additional details will be provided at the time of detailed design.</i>

CITY COMMENTS

	Comment	Response
23	Modelling of the existing sanitary and watermain systems to ensure adequate capacity exists for the proposed development will be required should a complete application for Site Plan Control be received at a future date. This work will be undertaken by the City's modelling consultant and the current cost for this work is \$10,000 + HST per the 2024 fees bylaw. The Applicant is responsible for the cost of this work and payment must be received before the work is authorized.	<i>Point is acknowledged. The sanitary and water modelling has been completed and submitted to the Project Team. RJ Burnside has reviewed the results of the reports and included updates to the Functional Servicing Report to meet the recommendations of the sanitary and water modelling study.</i>
24	The proposed sanitary sewer for this should be connected to the existing City sanitary sewer located on Niagara Street. The existing sanitary sewers located in easements on these properties are to be capped at the property lines.	<i>Point is acknowledged. The design has been revised to connect into the local sanitary sewer within Niagara Street.</i>
25	Typically, the City only allows one watermain connection per property; however, given the number of units proposed on this site, if the second connection is identified as required for either fire protection or security of supply, the City would allow the second connection to be made. Please note that both connections will require water meter chambers installed at the property line.	<i>Point is acknowledged. Water meter chambers have been provided for each connection to the Municipal ROW. Additional details/standards for the chambers will require confirmation with the City of Welland at the time of detailed design.</i>

NPCA COMMENTS

	Comment	Response
26	The NPCA has also reviewed the Functional Servicing and Stormwater Management Report by Burnside Engineering (dated November 2023). Staff note that the site accounts for upstream areas getting into the storm system and accentuates flows appropriately.	<i>Point is acknowledged.</i>

QUESTIONS FROM RESIDENTS

Traffic

	Comment	Response
27	Why was the intersection of Niagara Street & Roger Drive not included in the Traffic Studies?	<i>On May 1st, 2024, RJ Burnside conducted traffic counts at this intersection during both morning and afternoon peak periods. Their evaluation showed that all traffic movements currently operate with excess capacity and achieve Level of Service (LOS) B or better across all scenarios during peak hours. Queues are contained within their respective link distances and storage lengths.</i>
28	Public expressed concern why future approved development was not considered when determining future traffic rates.	<i>Based on consultation with the Region and the City, no background developments were identified within the proximity of the site during the study horizon years.</i>
29	Public have inquired why estimates used in TIS differed from data included in the Regions Transportation Master Plan which provides exhibit of transportation trips by mode from 2011 to 2041.	<i>Please refer to the response to Comment #9 in the comment response matrix and review the response to Comment #4 in the Transportation re-submission.</i>

	<p>Note that reliance on personal vehicles not expected to change in 2041 according to chart below. Master Plan also notes that percentage of trips made by walking and cycling only 4-7% according to Master Plan, so questions the accuracy of the 15% projection included in TIS.</p> <p>Exhibit 2.9: Motorized Trips by Mode, 2011 and 2041</p> <table border="1"> <thead> <tr> <th>Mode</th> <th>2011 Trips</th> <th>2011 Share</th> <th>2041 Trips</th> <th>2041 S</th> </tr> </thead> <tbody> <tr> <td>Auto</td> <td>1,116,000</td> <td>96.0%</td> <td>1,614,000</td> <td></td> </tr> <tr> <td> Auto Driver</td> <td>883,000</td> <td>75.9%</td> <td>1,280,000</td> <td></td> </tr> <tr> <td> Auto Passenger</td> <td>234,000</td> <td>20.1%</td> <td>334,000</td> <td></td> </tr> <tr> <td>Public Transit</td> <td>19,000</td> <td>1.6%</td> <td>31,000</td> <td></td> </tr> <tr> <td>School Bus</td> <td>28,000</td> <td>2.4%</td> <td>36,000</td> <td></td> </tr> <tr> <td>Total Motorized</td> <td>1,164,000</td> <td>100.0%</td> <td>1,681,000</td> <td></td> </tr> </tbody> </table> <p>Source: Niagara Regional Travel Forecasting Model</p> <p>https://www.niagararegion.ca/2041/pdf/tmp-needs-report.pdf</p>	Mode	2011 Trips	2011 Share	2041 Trips	2041 S	Auto	1,116,000	96.0%	1,614,000		Auto Driver	883,000	75.9%	1,280,000		Auto Passenger	234,000	20.1%	334,000		Public Transit	19,000	1.6%	31,000		School Bus	28,000	2.4%	36,000		Total Motorized	1,164,000	100.0%	1,681,000		
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30	Public displayed concern that Niagara Street does not have bicycle lanes. Comments that in accordance to the Niagara Region Impact Assessment Guidelines, a bicycle accessing Niagara Street will encounter safety conflicts.	<i>This concern is not site-related and should be addressed by the City and Region.</i>																																			
31	Residents expressed concerns regarding Niagara Street & Woodlawn Road, stating that it was already one of the busiest intersections in the City. They noted that the TIS stated that the Region should monitor the intersection for future improvements but expressed concern whether improvements were possible, and if so, how?	<i>Traffic growth at this intersection is primarily a background issue. The Region should monitor whether improvements are necessary and determine the nature of such improvements.</i>																																			
32	Residents expressed concern that Seaway Mall should not be used as comparable due to contextual differences. Specifically questioned where parking	<i>In response to feedback from residents and council members, the development plan has been revised to ensure that the proposed number of parking spaces</i>																																			

	overflow would go. Overflow at Seaway Mall development would overflow into Seaway Mall Parking Lot. Where would overflow from Niagara Street development go? How would overflow be controlled?	<i>complies with Zoning By-law 2017-117. Consequently, no additional amendments to the By-law are required.</i>
33	Some residents who presently live on Niagara Street expressed concern turning onto Niagara Street in present day. Expressed concern that this issue will be extrapolated with proposed development.	<i>The Synchro analysis found no operational issues at either of the proposed site driveways. All movements at the driveways will operate with excess capacity, LOS C or better (delay less than 25 seconds) and minimal queuing.</i>

Parking

	Comment	Response
34	Residents expressed great concern that the proposed number of parking spaces is insufficient for the proposed number of dwelling units.	<i>In response to feedback from residents and council members, the development plan has been revised to ensure that the proposed number of parking spaces complies with Zoning By-law 2017-117. Consequently, no additional amendments to the By-law are required.</i>
35	Residents expressed concern over lack of visitor parking proposed.	<i>Zoning By-law 2017-117 has no requirements for visitor parking. The revised plans do provide for a parking excess for the mixed use apartment buildings of 51 spaces.</i>

Compatibility

	Comment	Response
36	Members of the public noted that the proposed building massing does not comply with the 45-degree angular plane criteria.	<i>The residential towers have been scaled down to comply with the 45-degree angular plane</i>

		<i>requirements along the north, east, and south property lines.</i>
37	Members of the public had concern of shadow impact on the adjacent low-density residential uses.	<i>The residential towers have been scaled down to comply with the Niagara Region’s Sun/Shadow Study.</i>
38	Members of the public expressed concern that residents will be able to view rear yards of adjacent low-density residential uses. Concerns over lack of privacy.	<p><i>The building heights have been revised as follows:</i></p> <ul style="list-style-type: none"> • <i>The tower closest to Niagara Street in Building B has been reduced from 25 storeys to 16 storeys.</i> • <i>The easternmost tower of Building B has been reduced from 25 storeys to 8 storeys.</i> • <i>Building A has been reduced from 12 storeys to 10 storeys.</i> • <i>Building C has been reduced from 25 storeys to 16 storeys.</i> <p><i>These height reductions significantly reduce the potential for overlook from the new development. The decrease in building heights results in a reduction of 317 dwelling units. Additionally, there are no balconies overlooking properties adjacent to the northern property line</i></p> <p><i>Planting is proposed along the eastern property line to mitigate long-term privacy concerns.</i></p>

Noise

	Comment	Response
39	Public expressed concern that RJ Burnside applied Ministry of Environments Class 1 criteria to adjacent low-	<i>Class 1 and Class 2 have had the same criteria since the last revision to the MECP’s noise standards in</i>



NPG Planning Solutions
 4999 Victoria Ave | Niagara Falls, ON L2E 4C9
npgsolutions.ca

(905) 321 6743
info@npgsolutions.ca

	density residence as opposed to more stringent Class 2 criteria.	<i>2013. Areas fully surrounded by suburban land have been treated as Class 1.</i>
40	Noise study should include internal stationary noise (i.e. cars, parking garage doors, garbage trucks, etc.) and their impact on adjacent residences.	<p><i>The noise impact from internal sources within the Subject Lands must not negatively affect neighboring developments. Specific measures to mitigate this noise will be determined during the site plan application phase. However, external factors like road noise affecting developments to the east are considered ambient noise and are not subject to regulation for maintaining specific noise levels.</i></p> <p><i>It is an open question how the mitigation we need to provided will be provided. It could not be determined at this time in the development process. But to get Site Plan approval RJ Burnside has to show exactly what the sources are and exactly how they will be mitigated. The City should also ensure that an acoustic engineer verifies the proper implementation of that mitigation before occupation.</i></p>

Environment

	Comment	Response
41	Members of the Public provided concern that a 30-metre buffer would be appropriate to protect the endangered species located in the woodlot, whereas a 50-metre buffer is typically required by the province.	<p><i>The reduced buffer is considered reasonable since the area that is currently occupied by the buffer has been manicured turf, swimming pool and outdoor amenity space.</i></p> <p><i>Supporting habitat for the White Wood Aster is ground layer to established deciduous forests. The enhancement of supporting habitat through the</i></p>

		<p><i>installation of forest woody vegetation that is reflective of the existing forest, leading to an overall increase in habitat.</i></p> <p><i>Other improvements to the supporting habitat include household waste removal and weed control for 2 years following construction. It is our opinion that these improvements combined with the low-quality existing habitat it is reasonable to reduce the 50-metre buffer to 30 metres.</i></p>
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Servicing

	Comment	Response
<p>42</p>	<p>Members of the Public expressed concern that existing municipal infrastructure would not be able to accommodate the proposed development.</p>	<p><i>Point is acknowledged. Studies have been undertaken by the City of Welland and can confirm that there is available sanitary and water capacity to support the proposed development. Stormwater is being controlled back on site to existing conditions, so there is no additional proposed flow to municipal infrastructure.</i></p>
<p>43</p>	<p>Members of the Public expressed concerns over frequency of 100-year storms given effects of climate change. Concern of flooding on adjacent properties.</p>	<p><i>Point is acknowledged. The site has been designed to control the 100-year storm event to the 2-year storm event and a stormwater management tank has been provided to meet the stormwater requirements on site.</i></p>

Affordability

	Comment	Response
<p>44</p>	<p>Many questions regarding affordability:</p> <ul style="list-style-type: none"> • How many units will be affordable? • What will the cost be of the units? 	<p><i>There is an intent by the developer to have some affordable units. Quantities and price points are not known at this time. The measures for ‘what are defined as affordable’ are based off income metrics and/or current market trends.</i></p> <p><i>Affordable: means</i></p> <p><i>a) in the case of ownership housing, the least expensive of:</i></p> <ol style="list-style-type: none"> <i>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</i> <i>2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;</i> <p><i>b) in the case of rental housing, the least expensive of:</i></p> <ol style="list-style-type: none"> <i>1. a unit for which the rent does not exceed 30 percent of gross annual household income for low- and moderate-income households; or</i> <i>2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.</i>

Schools / Public Services

	Comment	Response
45	Public expressed concerns that local schools are very busy. Also expressed concerns that Welland had sufficient public services (i.e. Policeman, Doctors, Fire Services, Paramedics) to accommodate the proposed development.	<i>The City has access to a variety of development charges bourn by the Developer which are intended to address these matters.</i>
46	Public had concern where School Bus pickup would be located? Concern expressed that pick-up would be along Niagara Street and would have potential to cause delays.	<p><i>Generally, the site is not eligible for transportation considering the proximity of elementary and secondary schools (Notre Dame College School, St Kevin Catholic Elementary School, and Ross Public School).</i></p> <p><i>However, Students enrolled in specialized programs like French Immersion and the DSBN Academy may qualify for transportation services from this address. Aqueduct and Hilda are the closest feasible bus stop options for any eligible students who may reside within the proposed complex.</i></p> <p><i>Moreover, students with specific transportation needs, such as those requiring wheelchair accessibility, are typically served with door-to-door transportation. The Site will accommodate bus-pickup on site as it is required.</i></p>

Developer

	Comment	Response
47	Members of the Public displayed concern over lack of transparency over the identify of the developer.	<i>The Development Squad is a land development company made up of approximately 10 principals who have backgrounds in project management, land development law, civil engineering, and development financing. The principals in the company have development experience in other parts of Ontario.</i>