

Project No. 21146

Tuesday November 4th, 2025

Mackenzie Ceci
Planning, Building and Development
City of Niagara Falls
4310 Queen Street
Niagara Falls, ON L2E 6X5

Dear Mackenzie,

**Re: *Draft Plan of Subdivision and Common Elements Draft Plan of Condominium Application – 3770 Montrose Road*
Planning & Urban Design Rationale Letter
*Cassone Dwellings (BT) Inc.***

On behalf of our client Cassone Dwellings (BT) Inc., the owners of the property municipally addressed as 3770 Montrose Road in the City of Niagara Falls (the “**subject site**” or “**site**”), we are pleased to submit this Planning and Urban Rationale Letter in support of an application for a Draft Plan of Subdivision (“**DPOS**”) and Common Elements Draft Plan of Condominium (“**DPOC**”) (together, the “**applications**”).

The purpose of the applications is to subdivide the subject site into two blocks for new residential development through the DPOS, and identify common elements of the DPOC, such as roads, parkettes, and visitor parking.

The following provides background on the site, describes the proposal, includes a summary of applicable planning policy and regulatory framework, as well as provides our analysis of the proposed DPOS and DPOC applications.

1.0 SITE & SURROUNDINGS

1.1 Subject Site

The subject site is located on the east side of Montrose Road, west of the Queen Elizabeth Way (QEW), approximately 170 metres north of Thorold Stone Road, in the City of Niagara Falls, in the Region of Niagara (see **Figure 1**). The subject site is municipally addressed as 3736-3770 Montrose Road and is a larger parcel of land, which includes the locally known “Mount Carmel Centre” (the “**subject block**”). The subject block is approximately

10 hectares (24.7 acres) in size; however, only the northern portion (i.e the subject site) is proposed to be redeveloped with residential uses, and the remainder of the property will be maintained as a commercial plaza.

The subject site is approximately 5.45 hectares (13.5 acres in size) with a frontage of approximately 159 metres along Montrose Road and a depth of approximately 280 metres. The subject site is currently vacant as the former commercial uses were demolished in 2023.



Figure 1 – Aerial of Subject Site

1.2 Surroundings

The subject site is located in the eastern edge of the Carmel neighbourhood, an area predominately characterized by low-density residential uses, parks, natural heritage areas, and commercial uses along Thorold Stone Road.

To the immediate north of the subject site are 2- storey single detached dwellings, semi-detached dwellings and street townhouses fronting onto Monastery Drive and Trinity Court. Further north along Montrose Road the low-density residential neighbourhood continues with 1-2 storey single detached dwellings, semi-detached dwellings, and

townhouses, as well as 3-storey seniors apartment building (3568 Montrose Road). Continuing further north, the residential neighbourhood is bisected by the Shriner's Creek.

To the immediate east of the subject site is the QEW and its associated buffer area. East of the QEW is the City's Rolling Acres neighbourhood, which is comprised of single detached dwellings, parks and schools.

To the immediate south of the subject site is the balance of the subject block, which is commercial plaza consisting of numerous commercial, service and retail uses, including a Food Basics grocery store, Dollarama, Taco bell, among others. Further south of the subject block is Shriner's Creek. South of the creek are commercial and services uses at the intersection of Montrose Road and Thorold Stone Road.

To the immediate west of the subject site, on the west side of Montrose Road, are 1-2 storey single detached dwellings fronting onto Cameron Court, Southwood Drive and Mount Carmel Boulevard. Further west is the Mount Carmel Park and an established low-rise residential neighbourhood.

1.3 Planning History

Official Plan and Zoning By-law Amendment applications, which received final approval on September 6, 2022 (By-laws 2022-087 and 2022-088, respectively) first introduced permissions for residential uses on the subject site. The Site-Specific Zoning applied via By-law 2022-088 rezoned the subject site to the Residential Low Density, Group Multiple Dwelling Zone, and a Holding Provision ("R4-H") was applied.

An application to lift the Holding Provision was filed on January 12, 2023 and subsequently approved by Council on February 28, 2023 and the site-specific performance standards apply as per By-law 2023-013.

On July 25, 2023, a Minor Variance Application (City File No. A-2023-014) was approved at the Committee of Adjustment to facilitate changes to the plan that was approved as part of the Official Plan Amendment and rezoning, which included the development of 18-semi-detached dwellings, 109 block townhouse dwelling units, and 148 stacked townhouse units for a total of 275 dwelling units.

A draft plan of vacant land condominium application (City File No. 26CD-11-2022-066) was granted draft plan approval on January 5, 2024. The draft approval of the vacant land condominium will lapse if final approval is not approved by the City on January 5, 2027.

On May 21, 2024, another Minor Variance Application (City File No. A-2024-010) was approved at the Committee of Adjustment to facilitate changes to the plan, which included the 244 new dwelling units, consisting of 52 stacked townhouses, 66 rear lane townhouses, 108 street townhouses, and 18 semi-detached units with secondary basement units.

A consent application (City File B-2024-00) was conditionally approved on July 30, 2024, separating the future residential development from the existing commercial uses. The final date to fulfill conditions is July 30, 2026.

On September 25, 2025, a Minor Variance Application (City File No. A-2025-050) was submitted to the City to facilitate changes to the plan in response to changing market conditions. The revised proposal contemplates 260 dwelling units, consisting of 78 stacked townhouses (apartments), and 182 rear lane townhouses, a private road network and two parkettes. A Committee of Adjustment hearing is scheduled for November 11, 2025.

The proposed DPOS and DPOC applications are generally reflective of the revised proposal as illustrated in September 2025 Minor Variance Application.

2.0 PROPOSAL

The proposal seeks to implement the vision for the subject site established by the Official Plan and Zoning By-law Amendment development applications approved in 2022 to provide a new mixed-use area with residential uses and the balance of the Mount Carmel Centre with commercial uses remaining in the south. The proposed development for the site is reflective of the in-force site-specific zoning, the previous minor variances and the September 2025 Minor Variance Application.

The proposal includes a total of 257 new dwelling units, comprised of 75 (30%) 3-storey stacked townhouses (apartments), and 182 (70%) 2- to 3- storey rear lane townhouses, a private condominium road network, an internal walkway system and two urban parkettes. The total number of parking spaces proposed is 473 spaces, comprised of 75 spaces provided for the stacked townhouses, 364 spaces for the rear land townhouse units, and 34 visitor parking spaces provided throughout the site. The Site Plan illustrating the proposal is included as **Attachment 1**.

The revised proposal will result in a net density of 50.7 units per hectare¹ which meets density requirement for medium-density residential intensification established in the Official Plan.

2.1 Draft Plan of Subdivision

The Plan of Subdivision defines two development blocks for the proposal, inclusive of the condominium road network, parkettes and visitor parking. Block 1 has an area of 4.63 hectares and includes the 182 2- to 3- storey rear lane townhouses. Block 2 has an area of 0.822 hectares and includes the 75 3-storey stacked townhouses. The Draft Plan of Subdivision is included in this letter as **Attachment 2**.

2.2 Draft Plan of Condominium

The Draft Plan of Condominium is included as **Attachment 3** and illustrates the proposed parcels of tied land and common elements (i.e roads, visitor parking, urban parkettes). The proposed Plan of Condominium does not include the 75 stacked townhouse units or the associated 19 visitor parking spaces (Part 183, 184 and 185) directly west of the stacked townhouses.

3.0 POLICY & REGULATORY CONTEXT

The proposed residential development is supportive of key policy directions set out in the *Planning Act*, the 2024 Provincial Planning Statement, the Region of Niagara Official Plan, and the City of Niagara Falls Official Plan, all of which promote and encourage intensification within built-up urban areas.

3.1 Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act*, R.S.O. 1990, c. P.13 (the “*Planning Act*”) outlines the matters of provincial interest for which the council of a municipality, a local board, a planning board and the Tribunal shall have regard to, in carrying out their responsibilities pursuant to the legislation. Matters of provincial interest include, among others:

- the protection of ecological systems, including natural areas, features and functions (a);

¹ Net density is based on the total land area proposed for residential uses (i.e minus the 14 metre MTO buffer area). Calculation derived from a total of 257 units / 5.13ha = 50.1 units per hectare.

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems (f);
- the orderly development of safe and healthy communities (h);
- the adequate provision of a full range of housing, including affordable housing (j);
- the protection of public health and safety (o);
- the appropriate location of growth and development (p);
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians(q); and
- the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant (r).

Section 51(24) forms criteria on which a Draft Plan of Subdivision is assessed. Section 51(24), specifies that, in considering draft plans of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare to the present and future inhabitants of the municipality and to:

- a. the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b. whether the proposed subdivision is premature or in the public interest;
- c. whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d. the suitability of the land for the purposes for which it is to be subdivided;
- e. the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f. the dimensions and shapes of the proposed lots;
- g. the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h. conservation of natural resources and flood control;
- i. the adequacy of utilities and municipal services
- j. the adequacy of school sites;
- k. the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l. the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m. the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this

Act or subsection 114 (2) of the *City of Toronto Act, 2006*, 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

For the reasons set out in Section 4.0 of this letter, it is our opinion that the proposal meets the requirements of the *Planning Act* and has appropriate regard to the matters of provincial intersect in Section 2.

3.2 Provincial Planning Statement

On August 20, 2020, the Ministry of Municipal Affairs and Housing released the Provincial Planning Statement (“2024 PPS”), 2024, which came into effect on October 20, 2024. The 2024 PPS replaces the Provincial Policy Statement (2020) as well as the Growth Plan for the Greater Golden Horseshoe (2019).

The 2024 PPS provides policy direction on matters of Provincial interest related to land use planning and development and will apply to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024. In accordance with Section 3(5) of the *Planning Act*, all decisions that affect a planning matter are required to be consistent with the PPS. In this regard, Policy 6.1.1 provides that the 2024 PPS “shall be read in its entirety and all relevant policies are to be applied to each situation”.

As compared with the 2020 PPS and 2019 Growth Plan, the 2024 PPS is intended to reduce and streamline planning rules, simplify approvals to build homes and eliminate duplication between planning documents. It emphasizes flexibility, with the intent of helping get more homes built across the province, while continuing to protect agricultural lands and cultural heritage and natural areas.

Chapter 1 of the 2024 PPS sets out the Province’s current vision for Ontario, emphasizing the importance of building housing to serve a fast-growing province:

“More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031. 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.”

Chapter 2 goes on to describe Ontario's land use planning framework, stating that this framework and the decisions that are made within it:

“...shape how our communities grow and prosper. Prioritizing compact and transit supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians.”

One of the key policy directions in the 2024 PPS is the importance of building complete communities with a mix of housing options and promoting efficient development and land use patterns.

Policy 2.1.1 directs that planning authorities shall, as informed by provincial guidance, base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and that they may modify these, as appropriate, though they may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning (Policy 2.1.2). This direction is a departure from the Growth Plan, which previously identified specific targets within the plan itself.

Policy 2.1.6 provides that planning authorities should support the achievement of complete communities by, among other things, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

With respect to housing, Policy 2.2.1(a) provides that 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 establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households.

Policy 2.2.1(b) provides that this should also be done by permitting and facilitating all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, and all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites such as 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 (see below).

Further, Policy 2.2.1(c) directs that an appropriate range and mix of housing options and densities is provided by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.

Section 2.3 of the 2024 PPS contains policies related to settlement areas. As it relates to the subject site, Policy 2.3.1.1 directs that settlement areas shall be the focus of growth and development. Policy 2.3.1.2 goes on to state that land use patterns within settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and are freight-supportive.

Policy 2.3.1.3 directs planning authorities to 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.

Section 2.9 of the 2024 PPS addresses energy conservation, air quality, and climate change. Policy 2.9.1 directs planning authorities to plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: support the achievement of compact, transit supportive, and complete communities; incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities; support energy conservation and efficiency; promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

Chapter 3 of the 2024 PPS includes policies related to infrastructure and facilities. Generally, the infrastructure policies set out in Chapter 3 place an emphasis on the need to integrate planning for infrastructure and public service facilities with land use planning and growth management.

Policy 3.1.1 provides that infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs, and that planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are financially viable over their life cycle, leverage the capacity of development proponents, where appropriate, and are available to meet current and projected needs.

The need to make good use of existing infrastructure is emphasized by Policy 3.1.2, which provides that, before consideration is given to developing new infrastructure and public service facilities, the use of existing infrastructure and public service facilities should be optimized, and opportunities for adaptive re-use should be considered, wherever feasible. Policy 3.6.8(a) provides that planning for stormwater management shall be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle.

Section 3.9 addresses the need for public spaces, including parks, trails and open spaces. Policy 3.9.1 of the 2024 PPS promotes the development of healthy, active and inclusive communities by planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity. The policy also promotes planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly accessible built and natural settings for recreation including facilities, parklands, public spaces, open space areas, trails and linkages.

With respect to implementation, Policy 6.1.6 requires that planning authorities keep their zoning by-laws up to date with their official plans and the 2024 PPS by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

As set out in Section 4.0 of this letter, it is our opinion that the proposal is consistent with the 2024 PPS, specifically the policies relating to residential intensification within settlement areas and the efficient use of land and infrastructure.

3.3 Niagara Region Official Plan

The Niagara Region Official Plan (“NROP”) is the Region of Niagara’s long-term, strategic policy planning framework for managing growth, and the policies of the plan will guide land use and development in Niagara until 2051 and beyond. The NROP was adopted by Regional Council on June 23, 2022, and on November 4, 2022, the Minister of Municipal Affairs and Housing approved the current NROP, with modifications. Subsequently, modifications were approved by the Minister on December 6, 2023. The current consolidation of the Regional OP, dated May 2024, reflects these changes.

On June 6, 2024, Bill 185, the *Cutting Red Tape to Build More Homes Act*, 2024, received royal assent. Through this Act and the subsequent regulations, Niagara Region became an upper-tier municipality without planning responsibilities as of March 31, 2025, meaning that land use planning responsibilities will be downloaded to lower-tier municipalities, such as the City of Niagara Falls. As set out in the transition regulations, on that date the NROP

will be deemed to be an official plan of the City of Niagara Falls (and of other municipalities within Niagara Region).

The subject site is identified within the *Urban Area – Delineated Built-Up Area* of the NROP on Schedule B - Regional Structure.

Section 2.2 of the ROP provides that most development is planned to occur in urban areas, where municipal water and wastewater systems/services exist or are planned, and a range of transportation options can be provided. Specifically, Policy 2.2.2.1 provides that within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:

- a. strategic growth areas, including:
 - i. Downtown St. Catharines urban growth centre;
 - ii. protected major transit station areas;
 - iii. regional growth centres; and
 - iv. district plan areas identified in Section 6.1;
- b. areas with existing or planned public service facilities;
- c. other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and
- d. local growth centres and corridors, as identified by Local Area Municipalities

Policy 2.2.2.5 provides that a minimum of 60% of all residential units occurring annually will be within the built-up areas. Table 2-1 of the ROP identifies that the Niagara Falls municipality has a forecasted population and employment of 141,650 people and 58,110 jobs. Table 2-2 provides that the minimum residential intensification target for the City of Niagara Falls is established at 10,100 new units or a 50% intensification rate between 2021-2051. Policy 2.2.2.6 provides that these intensification targets shall be met or exceeded.

Section 6.2 of the NROP includes policies related to urban design. Policy 6.2.1.1 speaks to excellence and innovation being promoted in architecture, landscape architecture and site planning, among others. Policy 6.2.1.5 provides that the public realm shall be enhanced through urban design and improvements that contributes to safe, attractive complete streets and desirable communities. Section 6.2.3 speaks to tools for urban design implementation, including the Region's Model Urban Design Guidelines.

For the reasons set out in Section 4.0 of this letter, it is our opinion that the proposal conforms to the NROP.

3.4 City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan (“OP”), as amended, office consolidation January 1, 2024, was originally approved on October 6, 1993 by the Ministry of Municipal Affairs. The OP is intended to guide growth and development in the City to the year 2031. At the time of writing this letter, the City has begun the process of developing a new OP with an outlook to 2051 that will ultimately conform with the new NROP and Provincial policies.

The subject site is identified within the City’s Built Up Area in the Urban Area Boundary on Schedule A2 – Urban Structure Plan of the OP. As per Policy 2.4, opportunities for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit. Table 1 of the OP provides that a total of 42,740 households and 53,640 jobs are to be accommodated in Niagara Falls by 2031.

Part 1, Section 4 (introduced through Official Plan Amendment No. 149, adopted in August of 2022) includes policies related to housing and implementation of these goals. These include, among others:

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. 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).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.

Policy 4.1 provides that the City supports a range of housing uses and built form types, including housing that is affordable. Policy 4.3 states that 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. Policy 4.3 continues, stating that in order to achieve this goal, the City shall support the following, among other items:

- “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.”*

Policy 4.6 provides that the City, in its review of subdivision/rezoning applications, will encourage the provision of varying housing forms and unit sizes in order to contribute to affordability.

Finally, Policy 4.8 provides that the City has set an annual target of 40% of new housing units meeting the definition of "affordable". Of these units, 20% would be targeted to be below rental or purchase price as identified by Niagara Region's definition of affordable (see below), and 20% would be built as rental units which would be affordable for households in the 30th income percentile or lower.

The subject site is designated as *Major Commercial* on Schedule A – Future Land Use. The preamble to the commercial policies (Part 2, Section 3) provides that commercial areas can be strengthened through the introduction or expansion of residential uses to create mixed use areas. Further the OP promotes and encourages residential intensification in order to regenerate the vitality of existing commercial areas.

Section 3.2 of the OP provides for the Major Commercial policies. As per Policy 3.2.1, Major Commercial Districts, shown on Schedule "A", represent the largest concentrations of commercial space in excess of 10,200 square metres of gross leasable retail floor area. The predominant land uses include a full range of retail outlets, personal service shop, accommodations, medical services, and office space to serve the needs of the entire market population and may include mixed use developments, recreational, community and cultural facilities as secondary uses. In addition, residential projects may be permitted subject to appropriate provisions in a zoning bylaw amendment and other relevant sections of this Plan.

The General Commercial policies are contained in Section 3.5 of the OP. These policies indicate that Commercial areas will be designed to effectively minimize their incompatibility with adjacent residential, institutional, and recreational areas. Additionally, Policy 3.5.3 states that where commercially designated lands are in excess of demand, zoning by-law amendments for medium and high-density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied.

Policy 3.5.3.3 states that development will be arranged in a gradation of building heights and densities. Policy 3.5.3.4 provides that the proposed development is designed to be compatible with commercial development in the surrounding area. Policy 3.5.3.5 directs that the development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment. Lastly, Policy 3.5.3.6 states that the proposal does not hinder commercial traffic patterns.

Official Plan Amendment No. 148 ("OPA 148"), implemented through By-law 2022-087, provided a Site-Specific Policy "83" for the subject site which establishes permissions for

the site to redevelop with a mix of semi-detached, townhouse and apartment dwellings as a form of residential intensification, with a minimum density of 50 units per hectare (“uph”) and a maximum density of 75 uph.

For the reasons set out in Section 4.0 of this letter, it is our opinion that the proposal conforms to the OP, particularly Special Policy 83.

3.5 Zoning

The in-effect City of Niagara Falls Zoning By-law No.79-200 (the “ZBL”), as amended, zones the subject site Residential Low Density, Group Multiple Dwelling Zone with a Site-Specific exception (R4-1187).

The R4 Zone permits townhouse, apartment, and group dwelling units, and the site-specific exception (implemented through By-law 2022-088) applicable to the site created permissions for semi-detached dwelling units. Site-Specific By-law 2022-088, Minor Variance Application (City File No. A-2023-014) and Minor Variance Application (City File No. A-2024-010) applied several site-specific regulations to accommodate the proposed development.

4.0 PLANNING & URBAN DESIGN ANALYSIS

4.1 Land Use

The proposal is consistent with the 2024 PPS, Niagara Region Official Plan, and City of Niagara Falls Official Plan, all of which support the efficient use of lands within the City’s urban area boundary. Development of the subject site will implement the Council approved Official Plan and Zoning By-law Amendment applications (By-laws 2022-087 and 2022-088, respectively) and will contribute to accommodating the projected Regional and City growth.

Official Plan Amendment No. 148 implemented through By-law 2022-087, provided a Site-Specific policy area for the subject site which establishes permissions for the site to redevelop any type of residential use, with a minimum density of 50 units per hectare (“uph”) and a maximum density of 75 uph. The proposal meets the minimum density of 50 residential units per hectare in the developable area as required by OPA 148. This was calculated based on a total of 557 units over the net density area of 5.13 hectares, which results in 50.1 uph, which conforms.

The proposal supports the achievement of complete communities by providing for a mix of housing options on the north half of the site, with the balance of the Mount Carmel

Centre to the south of the site reaming as a commercial use. These uses are compatible with the existing uses on the surrounding lands.

The proposal includes a diverse mix of dwelling types and choices to accommodate a variety of households, including stacked townhouse units as purpose-built rental units and rear-lane townhouses as condominium units. In addition, the proposal includes two urban parkettes, which provides residents with space for leisure, as well as maintains the required 14-metre Ministry of Transportation buffer area from the QEW.

It is our opinion that the proposed residential uses are appropriate and conform to the applicable policy framework. There are no changes to the land use designations or uses proposed, as such, the Proposal conforms with the land use permission established in the PPS, NROP, and OP. Furthermore, the proposal will add a range of housing types that are not found in the neighbourhood today and, as such, adding new housing types to an existing neighbourhood in close proximity to commercial amenities is appropriate and desirable in land use planning terms.

4.2 Draft Plan of Subdivision Criteria

As noted in Section 3.1 above, Section 51(24) forms criteria on which a Draft Plan of Subdivision is assessed. **Table 1** identifies each of the provincial criteria that must be considered for applications to subdivide land, including applications for a plan of condominium, and provides a response in the column beside them.

Table 1 - Criteria for Considering Draft Plans of Subdivision

Criteria	Response
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	The application have regard to matters of provincial interest as referred to in Section 2 of the <i>Planning Act</i> . The applications will allow for the development of the subject site with a mixture of townhouse dwellings that conforms to the Official Plan, including Special Policy 83. The subject site does not contain any Regional or City natural heritage systems or features, conservation area, or other environmental protections as set out in the Regional and City Official Plans. There is sufficient infrastructure including a fine-grained condominium

	road network to support the use of transit and active transportation.
(b) whether the proposed subdivision is premature or in the public interest;	The applications are not premature and are in the public interest. The purpose of the DPOS and DPOC is to implement the approved Official Plan and Zoning By-law Amendment (By-laws 2022-087 and 2022-088) for the subject site and is in an area with existing infrastructure and community services.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	The applications conform to the Official Plan, as amended by OPA 148 for the subject site. No adjacent subdivisions will impact or be impacted by the proposed development.
(d) the suitability of the land for the purposes for which it is to be subdivided;	The subject site is suitable for the proposed uses. The proposed residential built form is compatible with the surrounding residential neighbourhood and serves the commercial uses to the south.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;	No affordable housing units are being proposed. However, the range of unit types and tenure between the rear-lane townhouse and stacked townhouse type units will create housing options at different price points in the market. In addition, the price point of the units has not been determined at this stage.
(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;	The proposal contemplates a private street network within its boundaries. The private streets are generally 7.0 metres wide and are consistent with the grades of adjacent municipal and Regional roads.
(f) the dimensions and shapes of the proposed lots;	The proposed lot dimensions and shape are appropriate as they can comfortably accommodate the proposed dwelling units with appropriate setbacks and yards and be at a scale of development that is sufficient for the intended

	townhouse use within a common element Plan of Condominium.
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	There are no restrictions or proposed restrictions within the portion of the subject site that would preclude the approval of the proposed DPOS or DPOC.
(h) conservation of natural resources and flood control;	The subject site does not contain any natural resources or potential sources of flooding, as per the Regional and City Official Plans.
(i) the adequacy of utilities and municipal services;	The proposed development can be serviced by and connected to existing municipal water and sanitary services. Capacity has been determined based on the Functional Servicing and Stormwater Management Report prepared by Counterpoint Engineering dated October 30, 2025.
(j) the adequacy of school sites;	The subject site is in proximity of multiple school sites within the District School Board of Niagara and the Niagara Catholic District School Board including: Orchard Park Elementary School, Saint Vincent de Paul Elementary School, and Saint Paul Secondary School.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	Not applicable.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	The proposal has used an efficient grid-like street pattern and compact low-rise built form. The proposal is located within in an existing community, in proximity to a range of uses, and transit. As such, the proposal makes efficient use of municipal infrastructure.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006.	The proposal is exempt from the Site Plan control process.
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4.3 Zoning Modifications

As noted, a Minor Variance Application for the subject site was submitted to the City on September 25, 2025 and a Committee of Adjustment Hearing is scheduled for November 11, 2025. The purpose of this Minor Variance Application is to reflect the variance provisions for the Site Plan required to accommodate the proposed Draft Plan of Subdivision and Draft Plan of Condominium applications.

In total, six (6) variances are requested, including:

1. Relief from the minimum front yard depth for a townhouse dwelling;

Section 7.9.2(c)(i) of the parent Zoning By-law No. 79-200 requires a 6 metre minimum front yard setback for a townhouse dwelling. Section 5(b)(ii) of Site-Specific Zoning Bylaw 2022-088 established a minimum front yard setback for townhouse dwellings at 36 metres.

The minimum front yard setback for a townhouse dwelling provided in the proposal is 5.5 metres, which is 0.5 metres less than the parent Zoning By-law No. 79-200 and 30.5 metres less than the Site-Specific Zoning By-law 2022-088.

2. Relief from the minimum rear yard depth for a townhouse dwelling;

Section 7.9.2(d)(i) of the parent Zoning By-law No. 79-200 requires a 7.5 metre minimum rear yard setback for a townhouse dwelling. Section 5(c)(ii) of Site-Specific Zoning By-law 2022-088 established a minimum rear yard setback for townhouse dwellings at 55 metres.

The minimum rear yard setback for a townhouse dwelling provided in the proposal is 17.6 metres, which is 10.1 metres more than the parent Zoning By-law No. 79-200 and 37.4 metres less than the Site-Specific Zoning By-law 2022-088.

3. Relief from the minimum interior side yard width for a townhouse dwelling;

Section 7.9.2(e) of the parent Zoning By-law No. 79-200 requires a minimum interior side yard of one-half the height of the building. Section 5(d)(ii) of Site-Specific Zoning By-law 2022-088 established a minimum interior side yard setback for townhouse dwellings at 36.5 metres.

The minimum interior side yard depth provided in the proposal is 5.9 metres, which is 1.1 metres less than the parent Zoning By-law No. 79-200 and 30.6 metres less than the Site-Specific Zoning By-law 2022-088.

4. Relief from the minimum interior side yard width for an apartment dwelling;

Section 7.9.2(e) of the parent Zoning By-law No. 79-200 requires a minimum interior side yard of one-half the height of the building. Section 5(d)(i) of Site-Specific Zoning By-law 2022-088 established a minimum interior side yard setback for apartment dwellings at 5.5 metres to the north property line and 1.2 metres to the south property line.

The minimum interior side yard depth for an apartment dwelling provided in the proposal is 3.3 metres to the north property line, which is 3.7 metres less than the parent Zoning By-law No. 79-200 and 2.2 metres less than the Site-Specific Zoning By-law 2022-088.

5. Relief from the minimum privacy yard depth for a townhouse dwelling; and

Section 7.9.2(n) of the parent Zoning By-law No. 79-200 requires a minimum privacy yard depth of 7.5 metres for each townhouse dwelling unit as measured from the exterior rear wall of every dwelling unit for a townhouse dwelling. Section 5(d)(ii) of Site-Specific Zoning By-law 2022-088 requires a minimum privacy yard depth of 5.5 metres for a townhouse dwelling.

The minimum privacy yard depth provided in the proposal is 2.3 metres, which is 5.2 metres less than the parent Zoning By-law No. 79-200 and 3.2 metres less than the Site-Specific Zoning By-law 2022-088. T

6. Relief from the landscaped open space requirement.

Section 7.9.2(m) of the parent Zoning By-law No. 79-200 requires a minimum landscaped open space of 45 square metres for each dwelling unit. Section 5(f) of Site-Specific Zoning By-law 2022-088 established a minimum landscape open space of 77 square metres for each dwelling unit.

The proposal provides for 71 square metres of landscaped open space for each dwelling unit, which is 26 square metres more per dwelling unit than the parent Zoning Bylaw No. 79-200 and 6 square metres less per dwelling unit than the Site-Specific Zoning By-law 2022-088.

Please refer to our Planning Letter dated September 25, 2025 for our analysis on how the requested variances satisfy the four tests set out in Section 45(1) of the *Planning Act*.

4.4 Housing Impact Statement

The City's Housing Strategy emphasizes an urgency to focus on meeting specific rental housing needs, including the creation of new purpose-built rental dwellings. In our opinion, the proposal will contribute to the achievement of complete communities by providing a diversity of unit types and contribute to the range and mix of tenure options for current and future Niagara Falls residents.

In accordance with Part 1, Section 4, Policy 4.4 of City's OP, housing impact from the proposal has been considered based on the applicable policies.

The proposal includes 257 new dwelling units, comprised of 75 (30%) 3-storey stacked townhouses (apartments), and 182 (70%) 2- to 3- storey rear lane townhouses. It is our understanding that our client intends to develop the stacked townhouse units as purpose-built rental units and the rear-lane townhouses as condominium units. As such, the introduction of these purpose-built rental units and condominium units will contribute to the range of housing typologies and tenure available within the Carmel neighbourhood and Niagara Falls more broadly.

With respect to achieving the City's annual housing targets, the proposal will introduce 257 new housing units. This will contribute to the City's annual housing target of 674 new units as outlined in Part 1, Section 4, Policy 4.8a) and b) of the Official Plan.

Compared to existing housing options within the neighbourhood, it is anticipated that the new dwelling units will be relatively attainable and offer a diversification housing options. Formally secured affordable housing is not currently contemplated as part of the proposal; however, we note that the OP policy speaks to affordable housing targets not requirements.

In our opinion, the Proposal would contribute to the City's Housing Strategy policies through the provision of a large multi-family dwelling development and the diversification of the City's housing supply.

5.0 CONCLUSION

The application for a Draft Plan of Subdivision and Draft Plan of Condominium will facilitate the redevelopment of north portion of the subject site for residential uses that are permitted under the City's Official Plan and Zoning By-law and would result in residential intensification on an underutilized site, creating a mixed-use destination. The proposal provides for additional housing options and tenures in the neighbourhood, including purpose-built rental dwelling units and condominium dwellings to meet the varying financial needs of existing and future residents.

The proposed applications can be serviced by full municipal water and wastewater services in accordance with the City of Niagara Falls, Niagara Region and Provincial standards.

In our opinion, the proposal is consistent with the Provincial Planning Statement, conforms to the Niagara Region Official Plan, City of Niagara Falls Official Plan, and generally complies with the City of Niagara Falls Zoning By-law, subject to the Minor Variance Application decision on November 11, 2025. For the reasons set out in this letter, it is our opinion that the proposal is appropriate and desirable and represents good planning.

Should you require any additional information or clarification, please do not hesitate to contact the undersigned or Celina Hevesi (chevesi@bousfields.ca) of our office.

Respectfully Submitted,
Bousfields Inc.



David Falletta, MCIP, RPP
Partner

cc. *Brandon Rossi, Cassone Dwellings (BT) Inc.*

Attachment 2



