



Report Committee of Adjustment

Filing Date: December 11, 2023

Hearing Date: January 23, 2024

File: A-2023-0384

**Owner/
Applicant:** 1335338 Ontario Limited, William Robert Hewson, 6602142 Canada Inc.
Glen Schnarr and Associates Inc (Patrick Pearson)

Address: 174, 178, and 180 Queen Street East

Ward: 1

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2023-0384 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Downtown Commercial 1 - Special Section 2913 (DC1-2913)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a gross floor area of 1900 square metres for each storey greater than 12 metres above grade containing residential dwelling units, whereas the by-law permits a maximum gross floor area of 800 metres for each storey greater than 12 metres above grade containing residential dwelling units;
2. To permit a maximum tower width of 66 metres (87.2% of the width of the building at grade) for the portion of the building greater than 12 metres above grade, whereas the by-law requires

that the maximum tower width for any portion of the building greater than 12 metres above grade shall not exceed 50% of the width of the building at grade; and

3. To permit 0% of the gross area of the side walls within 6 metres of the front lot line and less than 4 metres above grade will have windows and/or doors, whereas the by-law requires that a minimum 70% of the gross area of the side walls within 6 metres of the front lot line and less than 4 metres above grade shall have windows and/or doors.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as “Central Area” in the Official Plan and “Central Area Mixed Use (Commercial)” in the Queen Street Corridor Secondary Plan (Area 36). The property is located within an ‘Urban Growth Centre’ in the Official Plan (Schedule 1A – Urban Growth Centre). The property is located along Queen Street East which is designated as ‘Primary Intensification Corridor’ in the Official Plan (Schedule 1 – City Concept) and located within the Centre Street Major Transit Station Area. Staff note that the site re-designated and re-zoned through City File: C01E06.053 Official Plan Amendment (53-2019) and Zoning By-law Amendment (54-2019).

The ‘Central Area’ designation is highlighted as an important corridor located along Queen Street where significant public investment (i.e. improvements to the pedestrian environment and transit) has occurred to revitalize the area. With an improved pedestrian environment and upgraded transit, the Central Area is expected to realize significant residential, commercial and tourism activities during the life of this Plan. Additionally, the Central Area is identified a significant corridor with a wide range of land uses and day/night year-round activities. As stated in the Official Plan, this objective is supported by protecting the residential neighbourhoods in and near the Central Area and by increasing the number of dwelling units to provide people the opportunity to live and work in the same area.

The ‘Central Area’, including the ‘Urban Growth Centre’, serves as the major location for free-standing or mixed-use development including: i) A full range of office, retail and service activities; (ii) A variety of residential uses; as outlined in section 4.1.2 of the Official Plan. Furthermore section 4.1.1 of the Official Plan states Urban Growth Centre as shown on Schedule “1A” will be planned to achieve a minimum gross density target of 200 residents and jobs combined per hectare by 2031.

The subject lands are further designated ‘Central Area Mixed Use’ in the Queen Street Corridor Secondary Plan (Area 36). As previously mentioned, the subject lands are associated with an approved development application whereby the site-specific Official Plan Amendment (OP-157) provides the following policies in section 5.1.2.9:

- I. The maximum floor area shall be 22,600 square metres (exclusive of the parking garage) and the maximum height shall be 69 metres, except that if the building is used exclusively for commercial uses, the maximum floor area shall be 16,600 square metres (exclusive of the parking garage).

- II. The building shall demonstrate a high level of design, including a strong definition of the podium and tower, high quality building materials, a well articulated façade, and the incorporation of building and site elements that contribute to a strong pedestrian streetscape.
- III. A landscaped buffer shall be provided between the building and the Brampton Cemetery

The proposed variance seek to permit a gross floor area of 1900 square metres for each storey greater than 12 metres above grade containing residential dwelling units; maximum tower width of 66 metres (87.2% of the width of the building at grade) for the portion of the building greater than 12 metres above grade; and permit 0% of the gross area of the side walls within 6 metres of the front lot line and less than 4 metres above grade will have windows and/or doors. The requested variances do not interfere with Official Plan policy 5.1.2.9 (II) whereby the podium, tower and other site elements as part of this development will contribute to a strong pedestrian streetscape.

The property is located along Queen Street East which is designated as 'Primary Intensification Corridor' in the Official Plan (Schedule 1 – City Concept) and located within the Centre Street Major Transit Station Area (MTSA). MTSA's are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton's MTSA's are strategically located along Brampton's rapid transit corridors and the Kitchener GO rail line and are areas where significant intensification is to be located. MTSA's will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities.

The requested variances are aligned with the overarching policy framework and goals of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Downtown Commercial 1 Special Section 2913 (DC1-2913)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a gross floor area of 1900 square metres for each storey greater than 12 metres above grade containing residential dwelling units, whereas the by-law permits a maximum gross floor area of 800 metres for each storey greater than 12 metres above grade containing residential dwelling units. The intent of this regulation is to control the size, density, and the overall scale of the building, particularly with residential components on higher storeys.

Variance 2 is requested to permit a maximum tower width of 66 metres (87.2% of the width of the building at grade) for the portion of the building greater than 12 metres above grade, whereas the by-law requires that the maximum tower width for any portion of the building greater than 12 metres above grade shall not exceed 50% of the width of the building at grade. The intent of the by-law in regulating is to ensure that the development does not generate negative impacts to the site and neighbouring properties such as preserving open space, preventing excessive shading, maintaining a certain streetscape aesthetic, and ensuring that the massing and scale of the building are in harmony with the surrounding environment.

The original building concept proposed in 2019 generated the basis of the site-specific provisions included in Special Section 2913 of the Zoning By-law. As stated in the applicant's proposal description, the change in market conditions has resulted in the owner revising the building design. While the proposed development maintains a building height of 20 storeys, the revised proposal now contemplates a reduced block tower size of 12 storeys to the previous 17 storeys. Furthermore, revisions to the proposed development include a two-storey base podium, a three-storey terraced U-shaped block, and a one storey terraced U-shaped that is terraced back from Queen St E and a two-storey block tower. The revisions are intended to facilitate the integration of additional residential units. Staff are satisfied that the increase in gross floor area for each storey greater than 12 metres above grade containing residential units and tower width will not generate additional negative impacts given that the overall height of the development remains unchanged, and the proposed revisions include terraced podiums. Although the size of the podium has increased, the scale is sensitive to the existing neighbourhood and anticipated to reduce the potential shadowing impact on adjacent lands. Despite those physical changes to the composition in the block tower, the development will continue to maintain the intent of the By-law in facilitating the construction of a high density mixed-use development as contemplated through the rezoning of the site in 2019. Subject to the recommend conditions of approval, the variances 1 and 2 maintains the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit 0% of the gross area of the side walls within 6 metres of the front lot line and less than 4 metres above grade will have windows and/or doors, whereas the by-law requires that a minimum 70% of the gross area of the side walls within 6 metres of the front lot line and less than 4 metres above grade shall have windows and/or doors. The intent of this Zoning By-law requirement is for future buildings on the site to have a significant portion of their side walls designed with openings, to enhance the visual appeal, natural lighting, or architectural aesthetics of the structures. Furthermore, the goal of this provision is to ensure a certain urban design principles are achieved such as an animated pedestrian environment with the use of street wall massing, articulation, and overall design that is attractive from the sides of the building.

As noted by the applicant, the proposed development contemplates a 0 metre setback to adjacent properties to the east and west for the ground floor portions of the podium. The by-law requirement cannot be achieved in this instance due to the building being designed in a manner that will abut the lot line in anticipation of future mixed-use developments along Queen Street East. Furthermore, staff note that this variance is only applicable to windows and doors at grade. Staff have reviewed the floor plans provided by the applicant and are satisfied that the variance is limited to the areas depicted on the sketch submitted with the Minor Variance application and will not extend to the residential units of the proposed development. Therefore, it is anticipated that the proposed development will continue to be able to achieve the urban design objectives originally prescribed in the site-specific by-law. Variance 3 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances serve to facilitate an increased in the proposed gross floor area for each storey exceeding 12 metres above grade, an enlargement to the maximum tower width, and the exclusion of windows and doors on 0% of the gross floor area of the side wall within 6 meters of the

front lot line and less than 4 metres above grade. The requested variances are sought to enhance the building's streetscape appeal and reduce the perceived bulk of the tower block by improving sightlines.

In relation to variances 1 and 2, the increased gross floor area for storey containing residential units beyond 12 metres and the expanded tower width are not anticipated to pose adverse impacts on-site or off-site. The proposal reallocates the massing using a terraced podium configuration, creating additional residential units. As the applicant notes, the revised design aligns more suitably with current market conditions which is consistent with the Central Area policies and goals.

Variance 3 is requested for a limited area due to the proposed development contemplation a 0-metre setback to the east and west of the property line. Despite the elimination of windows and doors in select portions of the building at ground level, it will continue to achieve the overall urban design goals and objectives as contemplated in the Zoning By-law. The variance will ensure that the future development of the adjacent properties will not have a negative impact on the current development proposal.

The applicant has submitted this minor variance application in advance of site plan application being filed with the City. During the subsequent Site Plan review, a comprehensive technical assessment will be undertaken to evaluate the variances and the proposed development. Subject to the recommended conditions of approval, the variances are considered appropriate for the development of the land.

4. Minor in Nature

The requested variances aim to accommodate site specific conditions, allowing for an increased gross floor area for the residential footprint, an increased maximum tower width, and the elimination of windows and doors at grade along a portion of the side of the building.

Variance 1 is proposed to permit an increase in gross floor area by approximately 1,100 square metres for the previously approved 800 square metres for each storey greater than 12 above grade containing residential units. Variance 2 is proposed to permit a maximum tower width of 66 metres (87.2% of the width of the building at grade) for the portion of the building greater than 12 metres above grade. These variances are essential to align the by-law with recent market changes. In particular, these variances will provide the applicant/owner with flexibility to increase the number of residential units in the proposed development.

Variance 3 is requested to permit the absence of windows and doors along 0% of the gross area of the side walls within 6 metres of the front lot line and less than 4 metres above grade. This adjustment is required for this proposed development as the revised concept proposes a 0-metre setback to the adjacent properties to the east and west.

The proposed variances do not change the intended use or impede the intended function of the subject lands for a mixed-use development. The proposed development is not significantly altered from the concept that was approved by City of Brampton Council as part of City File: C01E06.053. Rather, they represent minor revisions to support the implementation of the proposed development and are consistent with the overarching policies, contributing to the creation of a robust Central Area that is integral to Brampton's community identity.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner