



Report Committee of Adjustment

Filing Date: February 21st, 2023

Hearing Date: March 28th, 2023

File: A-2023-0050

**Owner/
Applicant:** ROSE GARDEN NOMINEE INC.

Address: 122-130 MAIN ST NORTH, 6 AND 7 NELSON STREET EAST, AND 7 AND 11 CHURCH STREET EAST

Ward: WARD 1

Contact: Alex Sepe, Principal Planner

Recommendations:

That application A-2023-0050 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalizes site plan approval under City File SPA-2021-0269, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

A Zoning By-law Amendment (City File: C01E06.056) was enacted and passed by City of Brampton Council on December 11th, 2019. That Amendment (By-law 294-2019) rezoned the subject parcel to a split-zoned designation consisting of 'Downtown Commercial (Holding) – Section 2967) (DC(H)-2967) and 'Residential Apartment A (Holding) Section 2968 (R4A(H)-2968)'. The implementing zoning by-law permits a maximum of 590 dwelling units on the subject property, subject to site specific zoning performance standards and a Holding (H) provision (see Appendix A).

A Site Plan Application (City File: SPA-2021-0269) for the subject lands was submitted on December 8th, 2021 and is currently under review. The site plan application proposes a development comprised of two (2) 29-storey buildings (Towers A and B) which will contain 676 residential units, 572.4 sqm. of low rise residential, 538.3 sqm. of commercial space, 2237.1 sqm of office space, and 641 underground parking spaces (see Appendix B).

Existing Zoning:

The subject lands are zoned 'Downtown Commercial Special Section 2967 with Holding Provision (DC(H)-2967)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a maximum of 676 dwelling units, whereas the by-law permits a maximum of 590 dwelling units; and
2. To permit a maximum floor plate area of 2,800 sqm. for floors 1 to 6, whereas the by-law permits a maximum floor plate area of 800 sqm.

Current Situation:

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

The subject lands are designated 'Central Area' in the Official Plan and further designated 'Central Area Mixed Use' in the Downtown Brampton Secondary Plan (Area 7). Moreover, as per the Downtown Brampton Secondary Plan (Area 7) Schedule SP7 (C2), the subject lands are also located within Special Policy Area 3A (see Appendix C).

As per the Downtown Brampton Secondary Plan Area 7, the area identified as Special Policy Area Number 3A on Schedule SP7(C2) has been determined by the Toronto and Region Conservation Authority (TRCA) as subject to flooding in major storm events. Section 5.6.3.3 of the Downtown Brampton Secondary Plan (Area 7) sets out the Land Use and Density requirements for Special Policy 3A. Policy 5.6.3.3 (a) (ii) states that a maximum of 900 new residential units shall be permitted over the entire Special Policy Area 3A. There is currently one other active development application located within Special Policy Area 3A, on the lands municipally known as 18-28 Elizabeth Street and 31-33 George Street (City File: OZS-2021-0053 and SPA-2022-0122). File OZS-2021-0053 for the property was approved by the Planning and Development Committee on September 26th, 2022, proposing a total of 928 residential units; however, through the associated site plan application (File: SPA-2022-0122) it is now confirmed by staff that only 214 of those zoned/permitted units are located within Special Policy 3A.

Therefore, the 214 units contemplated through OZS-2021-0053/SPA-2022-0122, combined with the 676 units at the subject property will result in a total of 890 new residential units within Special Policy Area 3A, maintaining the 900-unit threshold as per Policy 5.6.3.3(a)(ii) of the Downtown Brampton Secondary Plan (Area 7). There are no other active residential development applications located

within Special Policy Area 3A. Furthermore, there are no applicable Official Plan or Downtown Brampton Secondary Plan (Area 7) policies relating to maximum floor plate area restrictions.

As such, the requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

On December 11th, 2019, the Council of the Corporation of the City of Brampton approved By-law 294-2019 (City File: C01E06.056) amending Zoning By-law 270-2004, and thus permitting a maximum of 590 dwelling units on the subject lands (see Appendix A). Further, Section 6.35 of the Zoning By-law's, "General Provisions" limits the maximum residential units constructed Area A, as shown on Schedule B6, after May 7th, 2014 in the Downtown Floodplain Regulation Area to 900 units.

Variance 1 is requested to permit a maximum of 676 dwelling units, whereas the by-law permits a maximum of 590 dwelling units. The intent of the Site-specific zone is to regulate the maximum number of dwelling units to ensure developments do not generate negative impacts to both the site and neighbouring properties. The intent of Section 6.35 is to limit the number of residential units permitted to be developed within the Special Policy Area susceptible to flooding.

The implementing of zoning by-law DC(H)-2967 includes a Holding (H) provision for the subject lands, which requires a variety of studies, reports and plans to be submitted, reviewed and approved by the City of Brampton in order to remove the holding provision. These include but are not limited to; Concept Plan and Elevations, Functional Servicing Report, Building Safety Plan, Traffic Impact Study, Shadow Study and Engineering Design Report. The revised unit count will be reflected in the materials and studies submitted through the lifting of the Hold submission, ensuring City Staff and commenting agencies have the necessary studies, reports and plans to adequately review the revised unit count. Through review of the proposed variance, the 86-unit increase to the maximum number of permitted dwelling units is not anticipated to generate negative impacts to both the site and surrounding businesses. Staff are of the opinion that the modest increase in maximum permitted dwelling units has the potential to both increase revenues of surrounding businesses and support the overall downtown Brampton core. Furthermore, at the time of writing this report, there is capacity to permit a maximum of 676 dwelling units on the subject lands and still be within the 900-unit threshold as per Policy 5.6.3.3(a)(ii) of the Downtown Brampton Secondary Plan (Area 7) and City of Brampton Zoning By-law section 6.35. As such, subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the by-law.

Variance 2 is requested to permit a maximum floor plate area of 2,800 sqm. for floors 1 to 6, whereas the by-law permits a maximum floor plate area of 800 sqm. The intent of the by-law in regulating the maximum permitted floor plate area is to ensure the tower portions of the buildings will be sufficiently small in size so as to not result in reduced site lines from other properties and significant shadowing on those properties. Through review of the proposed site plan, staff are of the opinion that the proposed increase in floor plate area does not generate any negative impacts given that it will only apply to the first 6 storeys. There is no proposed change to the floor plate of the point tower as it will maintain a floor plate area of 800 sqm. or less. Despite the increase in the floor plate size for the podium of the

building, the proposed development maintains all other applicable zoning performance standards such as; podium height, building coverage, building setbacks and tower separation. Subject to the recommended conditions of approval, Variance 2 maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit proposed site conditions in order to facilitate a development with a total of 676 dwelling units. While maximum dwelling unit requirements of the Zoning By-Law are not maintained, as per Policy 4.0 of the Downtown Brampton Secondary Plan (Area 7), areas within the Downtown Brampton Secondary Plan shall aim to promote the intensification and improvement of the Central Area, to allow for intensification of use in commercial areas and selected residential areas in a manner that is sympathetic to the historic character of Downtown Brampton, and to promote an overall increase in the resident population within the downtown. As per review of the requested variance, staff are of the opinion that the proposed modest increase to the maximum number of permitted dwelling units allows for adequate intensification / promotion of resident population within the downtown Central Area, while also remaining appropriate and sympathetic to the character of Downtown Brampton and the site's surrounding uses. Moreover, at the time of writing this report, there is capacity to permit a maximum of 676 dwelling units on the subject property and still be within the 900-unit threshold as per Policy 5.6.3.3(a)(ii) of the Downtown Brampton Secondary Plan (Area 7). As such, subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit proposed site conditions for increased floor plate area from levels 1 to 6. While maximum floor plate area requirements of the Zoning By-law are not maintained, Staff are satisfied that there will be no negative impact to either the subject lands or surrounding uses. As the proposed increase in floor plate shall only apply to the podium levels of the proposed development (levels 1 to 6), staff are satisfied that the increase in floor plate size will not severely alter the proposed building's height or massing, as the remaining 23-storeys will maintain the permitted floor plate area of 800 sqm. or less. As such, subject to the recommended conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

Subject to the recommended conditions of approval, Variances 1 and 2 are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances seek to permit proposed site conditions for increased maximum dwelling units and maximum floor plate area in order to facilitate a two (2) tower mixed-use development proposal on the subject lands.

Variance 1 to permit a proposed increase in maximum dwelling units requests 86 additional residential units on the subject lands. City staff have reviewed the requested variance along with the applicable Secondary Plan and Zoning By-law policies and are satisfied that the increase in units from 590 to 676 is minor in nature and conforms with the maximum unit count permitted with in Special Policy 3A of the Secondary Plan Area 7. The current Holding provision on the subject lands

will allow City Staff to review any revised plans and studies based on the concept plan showcasing the additional 86 units or 676 total dwelling units for the proposed development.

Variance 2 to permit a proposed increase in maximum floor plate area only applies to the proposed development's podium levels (levels 1 to 6). As such, staff are satisfied that there will be no negative impact to either the subject lands or surrounding uses. The proposed development is not significantly altered from the concept that was approved by City of Brampton Council (C01E06.056). In keeping with DC(H)-2967.2 (21), the proposed development will maintain and provide commercial uses at grade within the podium, and will also continue to maintain the maximum building / podium height requirements and setbacks.

Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Alex Sepe', is written over a horizontal line.

Alex Sepe, MCIP, RPP
Principal Planner

**Notice of Passing of By-law 294-2019
Rose Garden Residences Inc.
Ward 1**

Date of Decision: December 11, 2019
Date of Notice: December 20, 2019
Last Date of Appeal: January 9, 2020

On the date noted above, the Council of the Corporation of the City of Brampton passed **By-law 294-2019**, to amend Zoning By-law 270-2004, as amended, under Section 34 of the *Planning Act*, R.S.O., c.P.13, as amended, pursuant to an application by Weston Consulting Inc. – Rose Garden Residences (File C01E06.056).

The Purpose and Effect: To permit a mixed-use development that includes two residential towers with a maximum height of 29-storeys, a minimum commercial floor area of 2,000 square metres and up to 8 stacked townhouse units.

Location of Lands Affected: Northeast corner of Main Street North and Nelson Street East, and municipally known as 122 – 130 Main Street North, 6 – 10 Nelson Street East, and 7 & 11 Church Street East, being part of Lot 6, Concession 1 EHS in the City of Brampton – Ward 1.

Obtaining Additional Information: The complete background information is available at the City Clerk's Office during regular office hours, or online at www.brampton.ca. Further enquiries or questions should be directed to Carmen Caruso, Central Area Planner, Planning and Development Services, at (905) 874-2349 or carmen.caruso@brampton.ca.

Any and all written submissions relating to this amendment that were made to Council, and the Planning and Development Committee, before its decision and any and all oral submissions related to these applications that were made at a public meeting, held under the *Planning Act*, have been, on balance, taken into consideration by Council as part of its deliberations and final decision on these matters.

There are no other applications under *Planning Act* pertaining to the subject lands.

When and How to File an Appeal: An appeal of the by-law amendment to the Local Planning Appeal Tribunal (LPAT) must be filed with the Clerk of the City of Brampton **no later than January 9, 2020**. An appeal form is available from the LPAT website at www.elto.gov.on.ca/tribunals/lpat/forms.

The Notice of Appeal must:

- (1) set out the reasons for appeal; and,
- (2) be accompanied by the fee required by the Local Planning Appeal Tribunal in the amount of \$300.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario.

Only individuals, corporations and public bodies may appeal a by-law to the Local Planning Appeal Tribunal (LPAT). A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

Notice of Appeal may be mailed/hand delivered to:

City of Brampton
Office of the City Clerk
2 Wellington Street West
Brampton, ON L6Y 4R2
Contact: (905) 874-2116



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 294 - 2019

To amend Comprehensive Zoning By-law 270-2004

The Council of The Corporation of the City of Brampton ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) By changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Downtown Commercial – Section 3441 (DC-3441), and Residential Extended One – Section 3518 (R2B(1)-3518)	Downtown Commercial (H) – Section 2967 (DC(H)-2967), and Residential Apartment A (H) – Section 2968 (R4A(H)-2968)

(2) By adding the following Sections:

"2967 The lands designated DC(H)-2967 on Schedule A to this by-law:

2967.1 Shall only be used for the following purposes:

- 1) Residential Uses:
 - a. An apartment dwelling.
- 2) Non-Residential Uses:
 - a. A retail establishment with or without outdoor display and sales;
 - b. An office;
 - c. A grocery store;
 - d. A supermarket;
 - e. A service shop;
 - f. A personal service shop, excluding a massage or body rub parlour;
 - g. A bank, trust company or financial company;
 - h. A dry cleaning and laundry distribution station;
 - i. A laundromat;
 - j. A dining room restaurant or take-out restaurant;
 - k. A printing or copying establishment;
 - l. A temporary open air market;
 - m. A health or fitness centre;

- n. A custom workshop;
 - o. A commercial school;
 - p. A private or public secondary school; and,
 - q. A university or college.
- 3) Purposes accessory to other permitted purposes.

2967.2 Shall be subject to the following requirements and restrictions:

- 1) For the purpose of this section, the lot line abutting Main Street North shall be the front lot line;
- 2) A drive-through facility shall be prohibited;
- 3) Maximum Number of Dwelling Units: 590
- 4) Maximum Number of Towers: 2
- 5) Minimum Lot Area: 0.70 hectares
- 6) Maximum Floor Space Index: No Requirement
- 7) Maximum Gross Floor Area: 55,000 square metres
- 8) Maximum Front Yard Setback: 3.0 metres
- 9) Minimum Front Yard Setback:
 - a. To a podium: 1.7 metres
 - b. To a tower: 10 metres
- 10) Minimum Rear Yard Setback and Interior Side Yard Setback:
 - a. Abutting a Commercial Zone:
 - i. To a podium; 0.5 metres
 - ii. To a tower; 12.5 metres
 - b. Abutting a Residential Zone:
 - i. To a podium: 3.0 metres
 - ii. To a tower: 15.0 metres
- 11) Minimum Exterior Side Yard Setback: 15.0 metres
- 12) Maximum Building Height: 29 storeys
- 13) Minimum Building Height: 15 storeys
- 14) Minimum Podium Height: 1 storey
- 15) Maximum Podium Height: 6 storeys
- 16) Maximum Floorplate Area: 800 square metres
- 17) Maximum Building Coverage: No requirement
- 18) Minimum Landscape Open Space: 4.5 metres along the exterior side yard except at approved driveway and building locations
- 19) Minimum Tower Separation Distance: 25.0 metres
- 20) Minimum Non-residential Gross Floor Area: 2,000 square metres
- 21) Commercial Uses at Grade:
 - a. The portion of the floor area within 10 metres of the front lot line within the first floor shall only be used for commercial purposes.
 - b. Notwithstanding the above, entrances and lobbies accessory to residential uses are permitted on the first floor provided that no more than 30% of the wall facing the front lot line may be occupied by entrances and lobbies.

22) Bicycle parking:

- a. Bicycle parking must be located on the same lot as the use or building for which it is required.
- b. A maximum of 50% of the required bicycle parking may be vertical spaces.
- c. Where the number of bicycle spaces exceeds fifty spaces, a minimum of 25% of the total required must be located within:
 - i. A building or structure;
 - ii. A secure area such as a supervised parking lot or enclosure; or
 - iii. Within bicycle lockers.
- d. Where four or more bicycle parking spaces are provided in a common parking area, each space must contain a bicycle rack that is securely anchored to the ground/wall and attached to a heavy base such as concrete.
- e. Dimensions:
 - i. If located in a horizontal position (on the ground): a minimum length of 1.8 metres and a minimum width of 0.6 metres;
 - ii. If located in a vertical position (on the wall): a minimum length of 1.5m and a minimum width of 0.5m.
- f. Rates:
 - i. For Residential uses: Minimum 0.50 spaces per dwelling unit;
 - ii. For Commercial uses: Minimum 1 space for each 500 m² of gross commercial floor area or portion thereof.

2967.3 All lands zoned DC – 2967 shall be treated as one lot for zoning purposes.

2967.4 For the purpose of this section a Podium shall be defined as follows:

"any of various building elements that form the base or bottom storeys of a building distinguished from and upon which upper storeys of the building rest."

2967.5 Holding (H):

- 1) Until the Holding (H) symbol is removed, the lands shall only be used in accordance with the DC-3441 zone.
- 2) The Holding (H) symbol shall not be removed until the following has been satisfied:
 - a. The owner submits the following materials to the satisfaction of the Director of Development Services:
 - i. Concept Plan and Elevations;
 - ii. Heritage Impact Assessment;
 - iii. Functional Servicing Report;
 - iv. Building Safety Plan;
 - v. Phase I Environmental Site Assessment (Phase 2 if required);
 - vi. Record of Site Condition;
 - vii. Shadow Study;
 - viii. Traffic Impact Study;

- ix. Parking Study;
 - x. Urban Design Brief;
 - xi. Tree Inventory and Preservation Plan/Vegetation Study;
 - xii. Noise and Vibration Study;
 - xiii. Phasing Plan;
 - xiv. Engineering and Design Report;
 - xv. A Description of Ownership Interests;
 - xvi. A Sustainability Scoring Metric and Sustainability Summary; and,
 - xvii. Other studies as deemed appropriate by the Director of Development Services.
- b. A complete site plan application has been submitted and the Director of Development Services is satisfied in his/her sole discretion that the plans and drawings, as well as the associated studies and other documentation, are sufficient to support the approval of the site plan application.

"2968.1 The lands designated R4A - 2968 on Schedule A to this by-law:

2968.2 Shall only be used for the following purposes:

- 1) Residential Uses:
 - a. A stacked townhouse dwelling; and,
 - b. A single detached dwelling.
- 2) Non-Residential Uses, only within a building existing on the lands as of December 11, 2019.
 - a. A retail establishment with or without outdoor display and sales;
 - b. An office;
 - c. A service shop;
 - d. A personal service shop, excluding a massage or body rub parlour;
 - e. A bank, trust company or financial company;
 - f. A dry cleaning and laundry distribution station;
 - g. A laundromat;
 - h. A dining room restaurant or take-out restaurant;
 - i. A printing or copying establishment;
 - j. A health or fitness centre;
 - k. A custom workshop;
 - l. A day care;
 - m. A commercial school; and,
 - n. A private or public school or other educational institution.

2968.2 Shall be subject to the following requirements and restrictions:

- | | |
|--|-------------------|
| 1) Minimum Lot Area: | 200 square metres |
| 2) Minimum Lot Width: | 11.0 metres |
| 3) Minimum Front Yard Setback: | 3.5 metres |
| 4) Minimum Interior Side Yard Setback: | 1.2 metres |
| 5) Maximum Building Height: | 12 metres |
| 6) Maximum Number of Units: | 8 |
| 7) Maximum Floor Space Index: | No requirement |

- | | |
|----------------------------------|--|
| 8) Minimum Landscape Open Space: | 3.5 metres abutting the front lot line except at approved driveway locations |
| 9) Maximum Lot Coverage: | No requirement |
| 10) Non-residential Parking: | No requirement |

2968.3 All lands zoned R4A - 2968 shall be treated as one lot for zoning purposes.

2968.4 Holding (H):

- 1) Until the Holding (H) symbol is removed, the lands shall only be used in accordance with the R2B(1)-3518 zone.
- 2) The Holding (H) symbol shall not be removed until the following has been satisfied:
 - a. The owner submits the following materials to the satisfaction of the Director of Development Services:
 - i. Concept Plan and Elevations;
 - ii. Heritage Impact Assessment;
 - iii. Functional Servicing Report;
 - iv. Building Safety Plan;
 - v. Phase I Environmental Site Assessment (Phase 2 if required);
 - vi. Record of Site Condition;
 - vii. Shadow Study;
 - viii. Traffic Impact Study;
 - ix. Parking Study;
 - x. Urban Design Brief;
 - xi. Tree Inventory and Preservation Plan/Vegetation Study;
 - xii. Noise and Vibration Study;
 - xiii. Phasing Plan;
 - xiv. Engineering and Design Report;
 - xv. A Description of Ownership Interests;
 - xvi. A Sustainability Scoring Metric and Sustainability Summary; and,
 - xvii. Other studies as deemed appropriate by the Director of Development Services.
 - b. A complete site plan application has been submitted and the Director of Development Services is satisfied in his/her sole discretion that the plans and drawings, as well as the associated studies and other documentation, are sufficient to support the approval of the site plan application."

ENACTED and PASSED this 11th day of December, 2019.

Approved as to
form.

2019/11/26

AWP

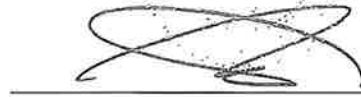
Approved as to
content.

2019/11/26

AAP



Patrick Brown, Mayor

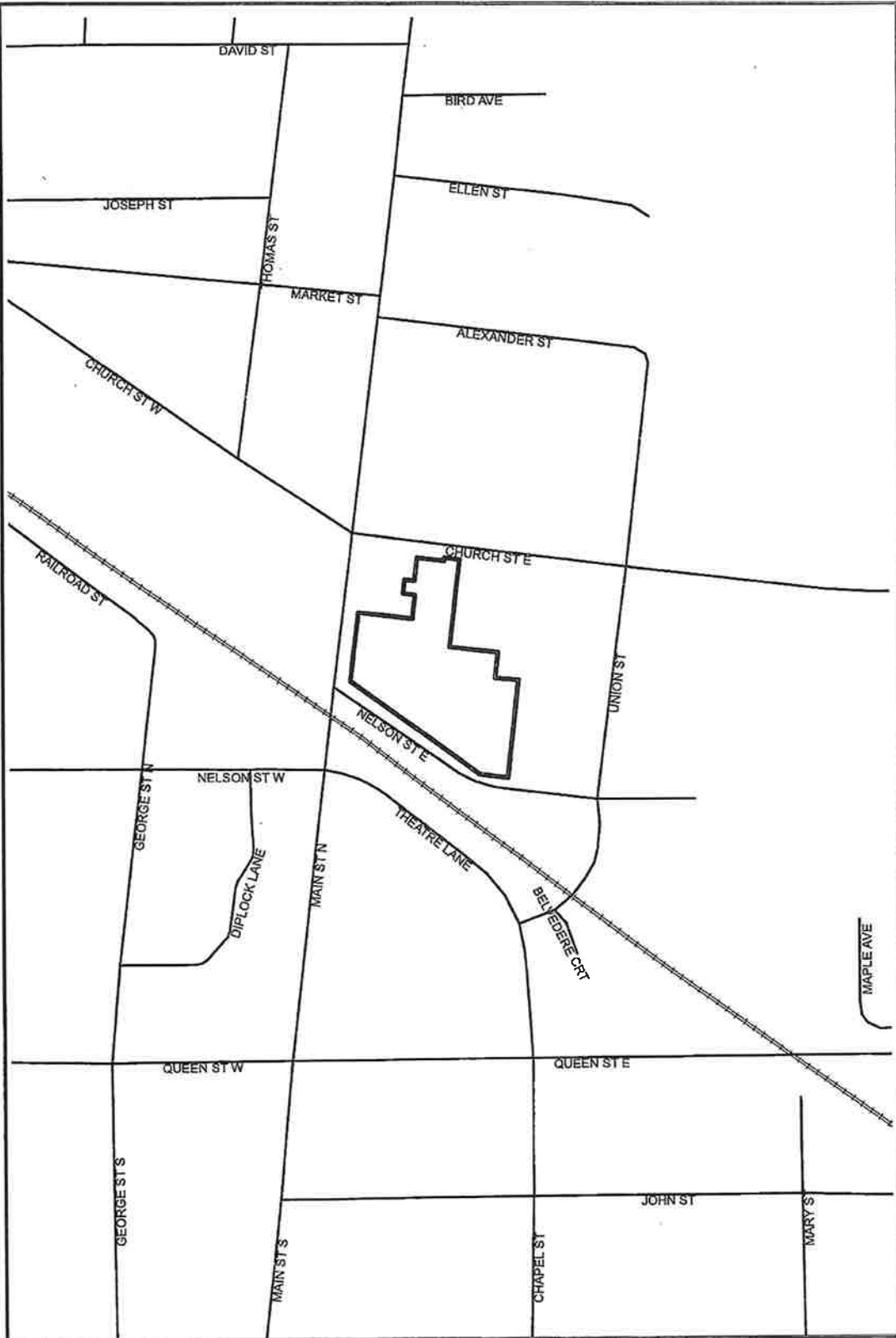



Peter Fay, City Clerk



 ZONE BOUNDARY





 SUBJECT LANDS



BRAMPTON
Flower City

PLANNING AND DEVELOPMENT SERVICES



KEY MAP

File: C01E06.056_ZKM

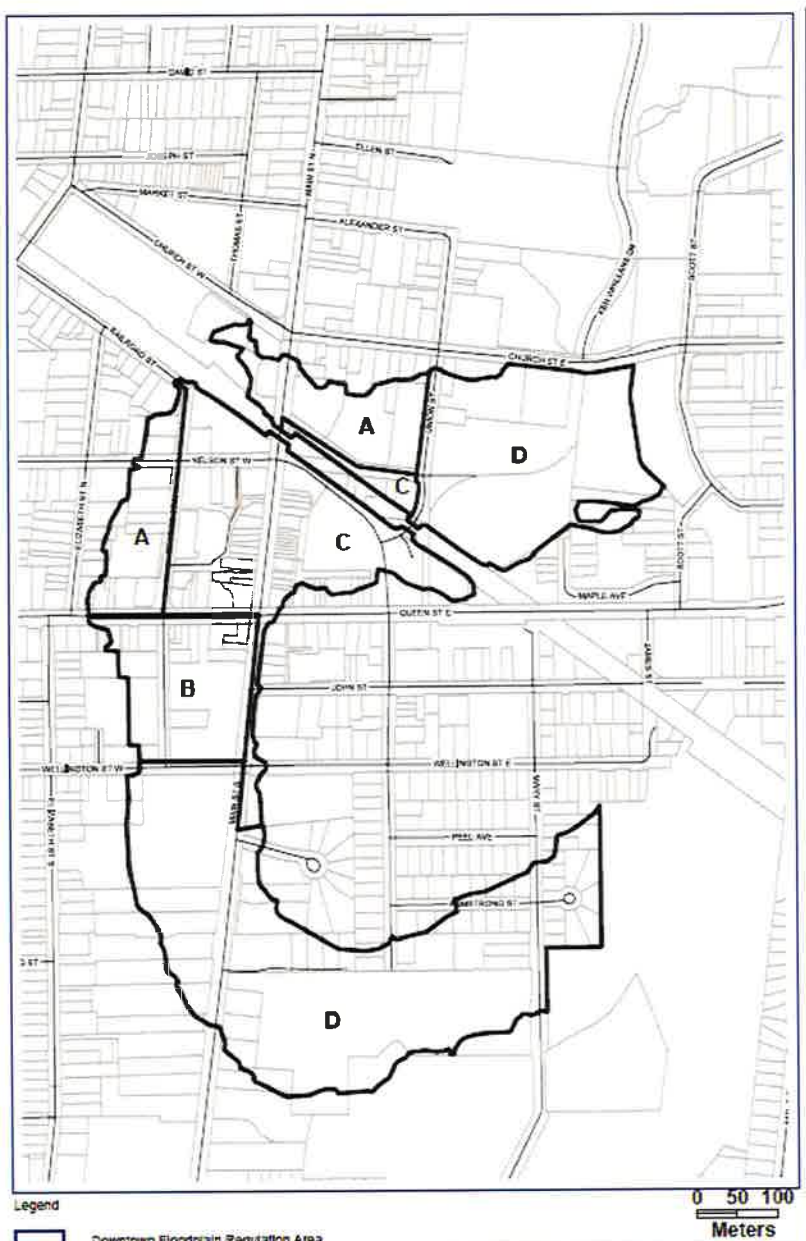
Date: 2019/11/19

Author: ckovac

BY-LAW 294-2019



Appendix C – Special Policy 3A Area



Legend

 Downtown Floodplain Regulation Area

Schedule B-6: Downtown Floodplain Regulations

BY-LAW 129-2014

SCHEDULE A