

September 9, 2024

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Chair and Committee Members,

**Re: *All Nations Drive and Lagerfeld Drive
Block 1 on Plan 43M-2152
Planning Rationale Letter
Application for Minor Variance***

As you are aware, we are the planning consultant to Daniels MPV 2 Corporation (“Daniels”), the owner of a 2.2-hectare property located on the southwest corner of Lagerfeld Drive and All Nations Drive, and legally known as Block 1 on Plan 43M-2152 in the City of Brampton (the “subject site”).

We submitted a planning rationale letter, dated June 11, 2024, in support of requested minor variances to permit a Street Townhouse development with 87 units within a Common Element Condominium tenure (the “proposal”). Following the submission of the minor variance application in June 2024, the owner has consulted with City staff to further revise the proposal in order to address City comments. As such, several variances have been revised to reflect the revised proposal.

With the design revisions, it is our opinion that the proposal continues to be appropriate from the perspectives of land use policy, built form and urban design, and the requested variances continue to satisfy the four tests set out in Section 45(1) of the *Planning Act*.

Description of Revised Proposal

As per discussions with City staff, changes have been made to the proposal, including revisions to the proposed number of units with reduced unit width, removal of rear yard walkways and resulting rear yard setback changes. As a result of the changes some variances were no longer required and have been removed from the list of requested variances.

The following reflects the changes made to the proposal and requested variances:

- Removal of rear yard walkways from the proposal, and as such, removal of the requested variance to permit access to the rear yards via a walkway;
- Revision of unit layout to provide direct access through the unit from the front yard to rear yard;
- Increase in the rear yard setback of Block TH-6 from 2.5 metres to 3.5 metres;
- Reduction in the rear yard setback to Agricultural (A) Zone for Block TH-2 from 5.0 metres to 3.5 metres and for Block TH-6 from 4.5 metres to 2.5 metres;
- Reduction in the percentage of proposed dwelling unit widths with 5.6 metres from 61% to 31%;
- Reduction in the percentage of proposed dwelling unit widths with 5.8 metres from 20% to 10%;
- Removal of the requested variance to permit 9 street townhouse dwellings to be attached by revising the proposal to be consistent with the Zoning By-law; and,
- Reduction in the proposed porch, deck or balcony encroachment into the rear yard being no closer than 2.0 metres to the rear lot line to being no closer than 1.0 metres to the rear lot line.

Planning Opinion

The findings set out in our June 2024 Planning Rationale Letter continue to be relevant and applicable to the revised design, and as a result, it is our opinion that the requested variances both individually and cumulatively, satisfy the four tests set out in Section 45(1) of the *Planning Act* namely, the variances: (1) maintain the general intent and purpose of the Official Plan; (2) maintain the general intent and purpose of the Zoning By-law; (3) are desirable for the appropriate development and use of the lands.; and (4) are minor in nature.

Conclusions

While there have been changes to the proposal to address City staff concerns and comments related to unit width, direct access through the unit from front yard to rear yard and number of units within a townhouse block, the general design of the built-form has

remained the same as the previous submission in June 2024.

In summary, the changes include the removal of rear yard walkways, reduction in the percentage of units with reduced unit widths, and revisions to rear yard setbacks due to the removal of rear yard walkways.

The findings set out in our Planning Rationale Letter report dated June 2024 are still relevant and applicable to the revised design and the requested variances. As a result, it is our opinion that the requested variances meet the four tests set out in Section 45(1) of the *Planning Act*.

We trust that the foregoing is satisfactory. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours very truly,

Bousfields Inc.



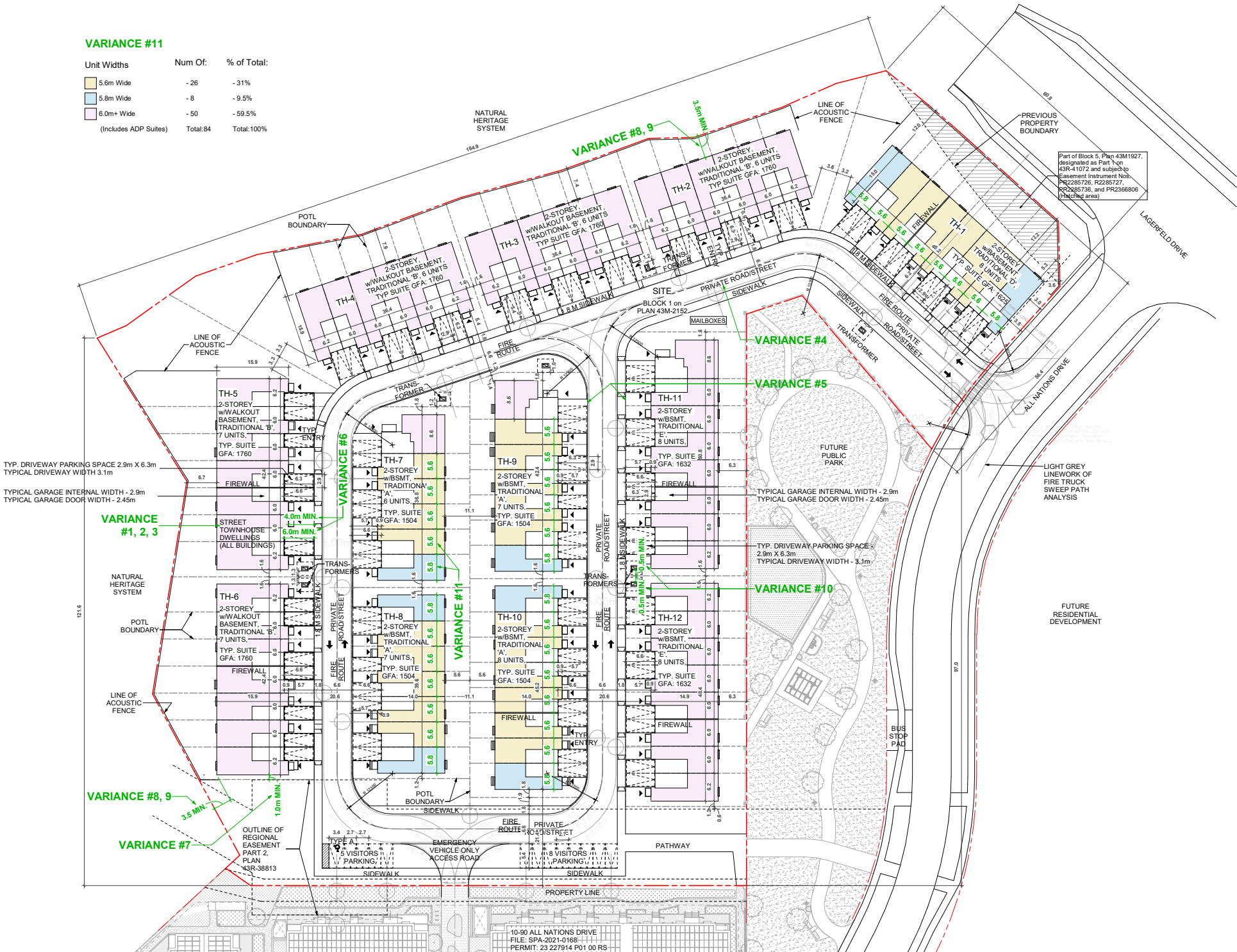
Himanshu Katyal, MCIP, RPP
Senior Planner

ENCLOSURES

1. Site Plan, dated August 29, 2024, prepared by Kirkor Architects and Planners;
2. A copy of the June 2024 Planning Rationale Letter.

VARIANCE #11

Unit Widths	Num Of:	% of Total:
5.6m Wide	-26	- 31%
5.8m Wide	- 8	- 9.5%
6.0m+ Wide	- 50	- 59.5%
(Includes ADP Suites)	Total:84	Total:100%



BLOCK 1C MPV

BLOCK 1 ON
PLAN 43M-2151

MINOR VARIANCE APPLICATION
MASTER SITE PLAN

DANIELS MPV 2
CORPORATION

Daniels 40
love where you live

NTS
23-111
AUG 29, 2024



KIRKOR
ARCHITECTS AND PLANNERS



June 11, 2024

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Chair and Committee Members,

**Re: *All Nations Drive and Lagerfeld Drive
Block 1 on Plan 43M-2152
Planning Rationale Letter
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We are planning consultant to Daniels MPV 2 Corporation (“Daniels”), the owner of a 2.2-hectare property located on the southwest corner of Lagerfeld Drive and All Nations Drive, and legally known as Block 1 on Plan 43M-2152 in the City of Brampton (the “subject site”).

On behalf of our client, we are pleased to submit this letter to the Committee of Adjustment in support of a minor variance application to permit the development of a Street Townhouse development with 87 units within a Common Element Condominium.

This letter provides background on the application and proposal, as well as a review of the surrounding built form, the policy and regulatory context, and planning rationale in support of the minor variance application. It is our opinion that the proposal and requested minor variances satisfy the four tests set out in Section 45(1) of the *Planning Act*, namely: (1) they maintain the general intent and purpose of the Official Plan; (2) they maintain the general intent and purpose of the Zoning By-law; (3) they are desirable for the appropriate development and use of the lands; and (4) they are minor in nature. The proposal and implementing minor variances have regard to matters of provincial interest set out in Section 2 of the *Planning Act*, they are consistent with the Provincial Policy Statement, and they conform with the Growth Plan for the Greater Golden Horseshoe.

SITE AND SURROUNDINGS

Subject Site

The subject site is located at the southwest corner of Lagerfeld Drive and All Nations Drive, in the City of Brampton. The subject site is irregular in shape, has an area of approximately 2.2 hectares (5.6 acres), and frontages of approximately 56.4 metres on All Nations Drive and 60.8 metres on Lagerfeld Drive.

The subject site is currently vacant. With respect to topography and vegetation, the site is relatively flat with minor changes in grade and no vegetation.

Background

Mount Pleasant Village Block 1 Development

In 2019, the owner submitted Zoning By-Law Amendment and Draft Plan of Subdivision applications for the comprehensive development of Block 1 on Plan 43M-1927 ("Block 1 Development") (see **Figure 1** – Context Map). The Zoning By-law Amendment Application sought to permit a range of townhouse typologies, increase the permitted height of apartment buildings at the south end of the property to 15 storeys, and reduce the parking requirements for the apartment uses.

The Draft Plan of Subdivision for Block 1 Development divided the site into 4 development blocks (see **Figure 2** – Mount Pleasant Village Development Blocks), created a new north-south public street (All Nations Drive) and a public park at the centre of the block. Natural Heritage System lands exist to the west of the site and the development limits associated with that were established prior to Daniels acquisition of the lands.

A total of 890 residential units within a wide range of built-form typologies were approved through the Draft Plan of Subdivision process, divided between the 4 new residential blocks, as follows:

- Block A is an apartment residential block with a permitted height of up to 15 storeys and an active site plan application for two 6-storey apartment buildings (File SPA-2021-0266).
- Block B is a townhouse and apartment block consisting of 120 stacked back-to-back townhouses and apartment buildings (314 units) with a height range of 12-14 storeys. Block B is under construction currently with first occupancies commencing in early 2026.
- Block C is a medium density block that permits a range of townhouse typologies, including traditional, stacked and stacked back-to-back townhouses. Block C is the subject of this Minor Variance Application.
- Block D is also a medium density block permits a range of townhouse typologies as well as apartment buildings up to 6-storeys in height. A Site Plan Application has not yet been submitted for this block.

The Zoning By-law Amendment Block 1 Development was approved by the City on October 20, 2021 (By-law 239-2021), and the Draft Plan of Subdivision was registered in September 2023. At the time of registration the public road (All Nations Drive) and future public park lands were conveyed to the City. Daniels continues to have commitments relating to the road and park construction through the Subdivision Agreement which is registered on title.

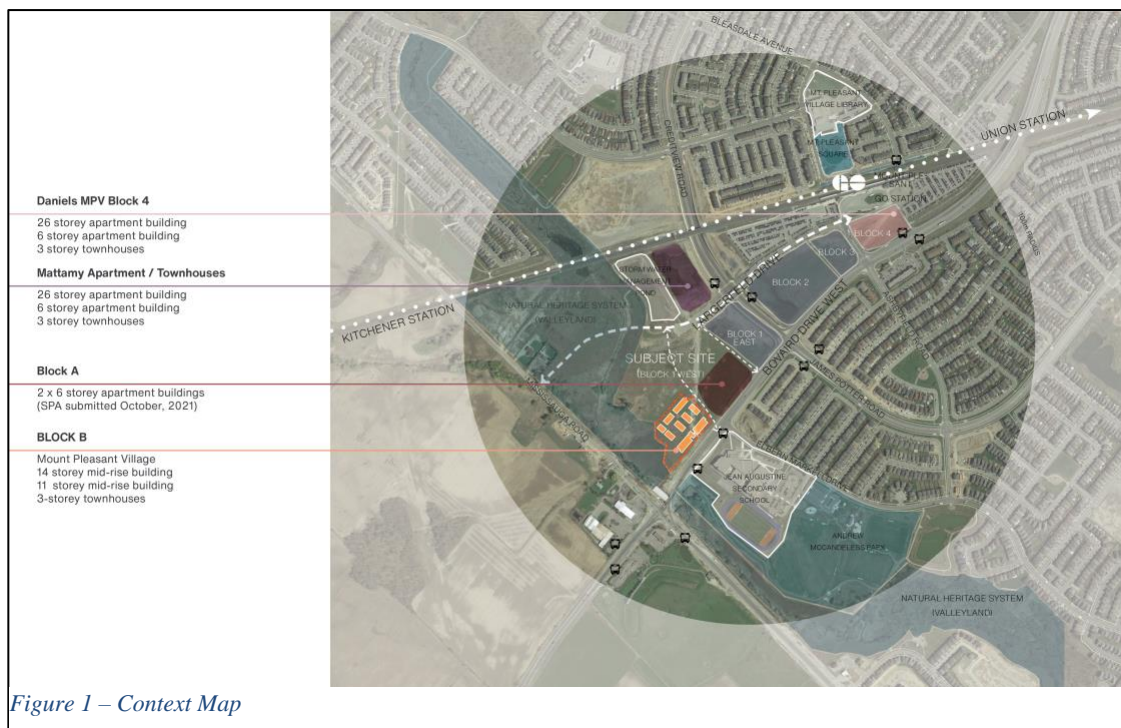




Figure 2 - Mount Pleasant Village Development Blocks

Block C (“subject site”)

The subject site is identified as ‘Block C’ within the approved Draft Plan of Subdivision for Block 1 Development. The subject site comprises lands to the southwest of Lagerfeld Drive and All Nations Drive.

The Zoning By-law Amendment approved on October 20, 2021 permitted a range of townhouse uses on the subject site, including Townhouse Dwellings, Rear Lane Townhouse Dwellings, Back to Back Townhouse Dwellings, Stacked Townhouse Dwellings, Stacked Back-to-Back Dwellings, Live-Work Townhouse Dwellings and 6-storey Apartment Dwellings. The original Zoning By-law Amendment contemplated that the townhouses would be developed as a Standard Condominium.

Since the approval of the Zoning By-law Amendment application, the owners have revised the proposal for the subject site with a focus to introduce attainable freehold townhouse units within a Common Element Condominium tenure. The revised proposal has been described in the Proposed Development section below.

Surrounding Area

The subject site is located in the Mount Pleasant neighbourhood of Brampton, located in the northwestern portion of the City. Historically, a rural hamlet surrounded by agricultural lands, the neighbourhood has experienced significant growth since the opening of the Mount Pleasant GO Station in 2006. Currently, the neighbourhood is generally centered around the Mount Pleasant GO Station. The neighbourhood is characterized by higher density uses in the vicinity of the station consisting of mid-rise and tall mixed-use/apartment buildings and townhouses and low-rise residential uses moving further away from the station.

To the immediate north of the subject site is Lagerfeld Drive, that runs in an east-west direction from Mount Pleasant GO Station and currently terminates at the subject site. Lagerfeld Drive is planned to be extended further west. Further north, is a stormwater management pond. To its east is an existing development consisting of a 6-storey apartment building and a townhouse development with 10 blocks of 3-storey townhouse units. Further north is the CN railway corridor, beyond which the neighbourhood transitions to low-rise residential uses.

To the immediate east of the subject site is a future public park, which was approved as part of the Block 1 Development. To the east of future park is All Nations Drive, a public street that runs in a north-south direction and connects Lagerfeld Drive with Bovaird Drive. Further to the east, are future development blocks of the Block 1 Development. These blocks will comprise of a range of townhouse and apartment buildings. Further east are currently vacant lands that are proposed for future development with a range of land uses, beyond which is the Mount Pleasant GO Station complex.

To the immediate south of the subject site, is Block B of the Block 1 Development, which is currently under-construction. The Block B Development proposes 2 apartment buildings with 12- and 14-storeys in height, consisting of a total of 314 apartment units. Additionally, this development proposes 7 blocks of 3-storey

stacked back-to-back townhouses with a total of 434 units. Further to the south is Bovaird Drive West, which is a Regional Road. Beyond Bovaird Drive is the Jean Augustine Secondary School complex.

To the immediate west of the subject site are vacant lands associated with the Natural Heritage System. These lands are protected and no development is permitted. Further to the west is Mississauga Road, which is a Regional Road running north-south through the city.

Transportation

Bovaird Drive is identified as a BRT Corridor on Schedule C – Transit Network of the City of Brampton Official Plan. The segment of Bovaird Drive at the intersection of All Nations Drive includes two lanes each in both directions with a left turning lane onto All Nations Drive and Elbern Markell Drive. All Nations Drive has one lane each in both directions with a left turning lane onto Bovaird Drive.

With respect to public transit, the subject site is located within a 15 minute walking distance to the Mount Pleasant GO Station. This station is located on the Kitchener-Union GO Line and provides connections to several GO Bus and Brampton Transit routes across the City.

Additionally, the closest bus stop is located at the intersection of Bovaird Drive and All Nations Drive, which is served by two Brampton Transit bus routes including Brampton transit bus route 1 Queen and Zum 561. The 1 Queen bus route provides service at a peak frequency of every 12 minutes and midday frequency of 15 minutes. The Zum 561 bus route runs at a frequency of every 20 minutes.

PROPOSED DEVELOPMENT

The proposed development consists of 87 Street Townhouse units within a Common Element Condominium tenure (“proposal” or “proposed development”). The Street Townhouse units will have a height of 2-storeys, and unit widths ranging from 5.6 metres to 6.0 metres.

With respect to parking, each Street Townhouse unit will provide 2 vehicular parking spaces. Additionally, the proposal will include 13 visitor parking spaces in the southern portion of the subject site.

The access to the subject site will be provided via a Private Street network connecting from All Nations Drive. The proposal will include a network of private sidewalks that will provide connections to the public sidewalk network on All Nations Drive and into the adjacent future public park. Additionally, the proposal will include a network of 1.2 metre wide pathways located to the rear and side yards of townhouse lots to provide access from the front to rear yards without passing through interior habitable space for maintenance. The private street, sidewalks, visitor parking and rear and side yard pathways will form part of the common elements within a Common Element Condominium.

POLICY CONTEXT

Provincial Policy Statement

The Provincial Policy Statement 2020 (“PPS”) came into effect on May 1, 2020, and provides policy direction on matters of Provincial interest related to land use planning and development. In accordance with Section 3(5) of the *Planning Act*, all land use planning decisions are required to be consistent with the PPS.

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit.

Growth Plan for the Greater Golden Horseshoe (2020)

The 2019 Growth Plan for the Greater Golden Horseshoe came into effect on May 16, 2019, replacing the 2017 Growth Plan for the Greater Golden Horseshoe. Under the Places to Grow Act, all decisions affecting a planning matter must conform with the 2019 Growth Plan. On August 28, 2020, the 2019 Growth Plan was amended by Growth Plan Amendment No. 1.

The subject site is located within a “strategic growth area” (i.e., a focus for accommodating intensification and higher-density mixed uses in a more compact built form). The Growth Plan defines “strategic growth areas” as those areas identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed-uses in a more compact built form. These include urban growth

centres, major transit station areas and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials or other areas with existing or planned frequent transit service or higher-order transit corridors may also be identified as strategic growth areas.

In this regard, the subject site is located within the Mount Pleasant GO Major Transit Station Area (“MTSA”) and is designated *Neighbourhood (Low Rise Residential)*. The Growth Plan requires that MTSA served by the GO rail network are to be planned for a minimum density of 150 residents and jobs per hectare.

Bill 23 – More Homes Built Faster Act 2022 (Planning Act)

On October 25, 2022, the Province of Ontario introduced Bill 23, the More Homes Built Faster Act, which introduced legislative changes to streamline the construction of 1.5 million new homes by 2031. These sweeping legislative changes aimed at addressing Ontario’s housing crises received Royal Assent on November 28, 2022.

Notable changes include, but are not limited to, requiring municipalities to update zoning and establish minimum as-of-right heights and densities within approved Major Transit Station Areas (MTSAs). Furthermore, Bill 23 encouraged “gentle density” through increased permissions regarding additional units in low-rise dwelling types, capping and allowing for flexibility with regard to parkland dedication, removing approval authority from upper-tier municipalities, limiting appeal rights, and reducing the scope and applicability of site plan control.

Region of Peel Official Plan

The Region of Peel Council adopted the new Region of Peel Official Plan (“RPOP”) on April 28, 2022. The Minister of Municipal Affairs and Housing issued a decision to approve the new RPOP with 44 modifications on November 4, 2022.

The subject site is located within the *Urban System* in the Region of Peel Official Plan (Schedule E-1). The *Urban System* consists of lands within the Regional Urban Boundary and includes lands identified as Strategic Growth Areas, among others.

Policy 5.4.11 of the RPOP directs a significant portion of new growth to the *Delineated Built-up Areas* of the community through intensification. Objective 5.4.18.6 requires optimization of all intensification opportunities across the Region and maximize development within *Strategic Growth Areas*. Objective 5.4.18.8 further requires the

achievement of diverse and compatible mix of land uses including residential and employment uses to support vibrant neighbourhoods.

In this regard, Schedule E-5 of the Peel OP identifies the subject site within the Mount Pleasant GO Station MTSA. Additionally, Schedule F-1 identifies Mount Pleasant GO Station with 15 minute two-way all day service and Bovaird Drive West as *Other Rapid Transit Corridors* to recognize the planned future dedicated rapid transit corridor along this avenue. The subject site would be considered within a *Major Transit Station Area* as identified by the Growth Plan and as such, would be located within a Strategic Growth Area.

The objectives for MTSAs in the Regional OP encourage a balance mix of transit-supportive uses and range and type of residential unit typologies. The larger master planned development provides a range and mix of uses and unit types, with the current phase on the subject site consisting of townhouse unit types.

City of Brampton Current Official Plan (Official Consolidation September 2020)

The subject site is identified within *Community Areas* on Schedule 1- City Concept and designated *Residential* on Schedule 2 – General Land Use Designations.

Policy 3.2.2.1 of the Brampton OP provides that by 2015 and for each year to 2025, a minimum of 40% of all new residential development will occur within the built-up area of the Region of Peel. By 2026 and for each year thereafter, the Region of Peel Official Plan plans for a minimum of 50% of all new residential development within the built-up area of the Region of Peel. Brampton shall contribute at least 26, 500 residential units between 2006 and 2031 to the built-up area.

Policy 4.2.1.3 requires that the City shall, in approving new residential developments, take into consideration an appropriate mixture of housing for a range of household incomes, according to substantiated need and demand for the City, as appropriate. Policy 4.2.1.6 further requires that Brampton shall contribute to the achievement of the Region's intensification targets as set out in Policy 3.2.2.1 by planning to accommodate at least 26,500 residential units between 2006 and 2031 within the built-up area.

Policy 4.2.1.14 recognizes the key elements of design for residential areas, including:

- (i) Variety of housing types and architectural styles;
- (ii) Siting and building setbacks;

- (iii) Garage placement and driveway design including attached garages, lot widths related to attached garages, rear yard garage locations and driveways;
- (iv) Street façade development and allowable projections, including street address, entrance architecture, grade relationship, windows, projecting elements and roof forms;
- (v) Upgraded elevations at focal locations including corner lots, housing abutting open space and pedestrian links, housing at “T” intersections, and housing at parkettes;
- (vi) Incorporation of multiple unit dwellings and apartments; and,
- (vii) Landscaping and fencing on private property.

The policy further notes that these elements will be further refined through the preparation of Block Plans, and area specific Design Guidelines, draft plans of subdivision, rezoning applications and Design Briefs as appropriate.

Council Adopted City of Brampton Official Plan (November 2023)

On November 1, 2023, the City of Brampton Council adopted the new Official Plan of the City of Brampton, known as “Brampton Plan”. The Brampton Plan replaces all portions of the 2006 Official Plan, except for secondary plans and block plans adopted under the 2006 Official Plan. The Brampton Plan is currently with the Region of Peel for consideration and approval.

The subject is located within the *Community Areas* as per Schedule 1 – City Concept of the Brampton Plan. Community areas reflect the locations where a mix of new and existing residential, commercial and residential serving institutional areas. Additionally, the subject site is identified with the *Mount Pleasant GO Station MTSA* and within a *Town Centre*. The Brampton Plan policies for MTSA provide that these areas are generally defined as the areas within an approximate 500 to 800 metre radius from a transit station, representing a 10 to 15 minute walk and represent significant locations for intensification.

Schedule 2 – Designations of the Brampton Draft OP designates the subject site as *Neighbourhoods*, which are defined as places where most residents live and are comprised of a mix of uses and low-scale built form. Within *Neighbourhoods*, the City-wide Urban Design Guidelines will be used to evaluate and provide guidance on infill proposals (Policy 2.2.7.2). Additionally, planning for *Neighbourhoods* within the built-

up area will require a comprehensive approach and will take into consideration neighbourhood supportive uses, a grid network of streets and pedestrian routes, parks and open spaces, services and facilities, access to transit, a compact built form, and a housing mix that contributes to the full range of housing options along the housing continuum for all age groups, life stages, incomes, and abilities.

As it relates to housing, Policy 3.3.1.6 a) of the Brampton Plan provides that development of new housing supply shall ensure the development of a range of housing choices in terms of housing tenure, type, price or affordability levels and consider new housing innovations that meet the housing needs of the city.

Mount Pleasant Secondary Plan

The subject site is designated *District Retail* in the Mount Pleasant Secondary Plan (Area 51). This designation permits a range of uses, including Medium Density Residential uses comprising single-detached, semi-detached, apartments, townhouses, among others. Permitted building heights range between 2 to 6 storeys with a maximum density of 60 units per net residential hectare.

Mount Pleasant Community Block Plan 51-1

The Mount Pleasant Community Block 51-1 ("Block Plan") forms part of the Mount Pleasant Secondary Plan and provides design direction for the implementation of the vision and intent identified and approved at the secondary plan agreement. It serves as a supplement to the City's Development Design Guidelines and represents a more detailed refinement of the Mount Pleasant Secondary Plan.

The Block Plan focuses on the physical design of the community, with particular references to major structing elements, including the natural heritage system, road network, trails and pathways network, parks and open spaces and mixed use nodes. The subject site, as part of the larger master planned community, was planned in accordance with the City's guidelines and reflects the general vision and principles set out in these documents.

City of Brampton Zoning By-law No. 274-2004

The site is subject to the City of Brampton Zoning By-law No. 274-2006, as amended and is zoned Residential Apartment A – Section 3661 ("R4A-3661"), as amended by

By-law 239-2021. The R4A-3661 permits a range of residential unit types, including Townhouse Dwellings. Furthermore, it includes several site-specific provisions relating to site-specific setbacks, height and parking provisions.

As it relates to Townhouse Dwellings, the R4A-3661 zone permits a minimum dwelling unit width of 6.0 metres, except that 30% of the Townhouse Dwellings shall be permitted to have a minimum dwelling unit width of 5.6 metres. Additionally, it requires a minimum setback of 6 metres from the rear wall of the building to an Agricultural (A) Zone or Floodplain (F) Zone.

Additionally, this Zone requires a maximum garage door width of 2.75 metres, maximum interior garage width of 3.35 metres. The Zone further restricts that the maximum driveway width shall not exceed the width of the garage. The Zone provides general restrictions for all townhouse typologies which are relevant to a Standard Condominium tenure and do not provide restrictions for individual lots.

MINOR VARIANCE APPLICATIONS

The proposal seeks to construct 87 2-storey Street Townhouse units, including 17 units with a minimum unit width of 6.0 metres, 17 units with a width of 5.8 metres, and 53 units with a unit width of 5.6 metres. The proposal also includes a Private Street network with sidewalks, and 13 visitor parking spaces.

The requested variances were identified based on a review of Zoning By-law 274-2004, as amended by By-law 239-2021, which was approved by City Council on October 20, 2021, and is now in full force and effect.

Requested Variances

Zoning By-Law 270-2004

1. Section 3661.1 – Permitted Uses

To permit an additional use for a Street Townhouse, whereas the by-law permits Townhouse Dwellings;

2. Section 3661.2 (1) – Street townhouse units on individual lots for zoning purposes

To permit a Street Townhouse unit on individual lots within a Common Element Condominium tenure for zoning purposes, whereas despite any division of the lands, including a public street network, all lands zoned R4A-3661 shall be deemed to be one lot for zoning purposes;

3. Section 3661.2 (2) – Definition of Private Street

To permit the definition of a private street to note that “*A Private Street shall be treated as a street for zoning purposes within a Common Element Condominium regarding definitions of lot, and lot lines as well as provisions of Frontage on road or Street, but shall not include a Public Street*”, whereas a private street shall mean “*a private thoroughfare providing primary access to abutting uses but shall not include a public street or private or public lane*”.

4. Section 3661.2(6) – Minimum front yard depth

To permit a minimum front yard depth of 4 metres provided that 6 metres is provided to the garage door opening for a Street Townhouse unit on individual lots within a Common Element Condominium tenure, whereas the by-law does not have requirements for minimum front yard depths;

5. Section 3661.2(6) – Minimum side yard depth

To permit a minimum side yard depth of 1.0 metres for a Street Townhouse unit on individual lots within a Common Element Condominium tenure, whereas the by-law does not have requirements for minimum side yard depths;

6. Section 3661.2(6) – Minimum rear yard depth

To permit the following minimum rear yard depths for a Street Townhouse unit on individual lots within a Common Element Condominium tenure, whereas the by-law does not have requirements for minimum rear yard depths:

1. Block TH-2: 3.5 metres;
2. Block TH-6: 2.5 metres;
3. Blocks TH-1,3,4 & 5 and 7,8,9,10,11 & 12: 4.5 metres;

7. Section 3661.2(8) – Private Street as front yard

To permit a Private Street within a Common Element Condominium to be deemed as the front yard, whereas the by-law permits Lagerfeld be deemed to be the front yard.

8. Section 3661.2(12) – Hydro transformer setback

To permit a minimum setback of 0.5 metres from a lot line to a hydro transformer, whereas the by-law requires a setback of 2.0 metres from a lot line to a hydro transformer;

9. Section 3661(15) – Street Townhouse dwelling

To permit the requirements and restrictions of Section 3661(15), unless otherwise varied herein, shall apply for Townhouse Dwellings and Street Townhouse Dwellings, whereas the requirements and restrictions of Section 3661(15) shall apply for Townhouse Dwellings.

10. Section 3661.2 (15) a) - Minimum dwelling unit width

To permit a maximum of 61% of Townhouse Dwelling units to have a minimum dwelling unit width of 5.6 metres, whereas the by-law permits 30% of the Townhouse Dwelling Units to have a minimum dwelling unit width of 5.6 metres;

To permit a maximum of 20% of Townhouse Dwelling units to have a minimum dwelling unit width of 5.8 metres, whereas the by-law requires a minimum dwelling unit width of 6.0 metres;

11. Section 3661.2 (15) e) - Minimum setback from the rear wall of the building to an Agricultural (A) Zone or Floodplain (F) Zone

To permit the following minimum setbacks from the rear wall of the building to an Agricultural (A) Zone or Floodplain (F) Zone whereas a minimum setback of 6.0 metres is required:

1. Townhouse Block TH-2: 5.0 metres; and,
2. Townhouse Block TH-6: 4.5CVC metres;

12. Section 10.13.2 – Direct pedestrian access

To permit a Street Townhouse dwelling with access to rear yard via a walkway forming part of a Common Element Condominium, whereas for a street townhouse dwelling, each dwelling unit shall have direct pedestrian access from the front yard to the rear yard with no more than a two-step grade difference inside the unit and without having to pass through a habitable room.

13. Section 10.13.4 – Number of attached dwelling units

To permit no more than 9 Street Townhouse dwelling units shall be attached, whereas no more than 8 Street Townhouse dwelling units shall be attached.

14. Section 6.13 – Permitted Yard Encroachments

To permit a maximum encroachment of 3 metres, but no closer than 2 metres to the rear lot line for porch, deck or balcony, whereas a maximum encroachment of 3 metres, but no closer than 2 metres to the rear lot line for porch, deck or balcony is required.

PLANNING ANALYSIS

It is our opinion that the requested variances, both individually and cumulatively, satisfy the four tests set out in Section 45(1) of the *Planning Act* namely, the variances: (1) maintain the general intent and purpose of the Official Plan; (2) maintain the general intent and purpose of the Zoning By-law; (3) are desirable for the appropriate development and use of the lands.; and (4) are minor in nature.

(1) Maintaining the General Intent and Purpose of the Official Plan

In our opinion, the proposed development maintains the general intent and purpose of the Official Plan. The proposal will provide new medium-density residential uses in a manner that is consistent with the *Residential* designation in the Official Plan and *District Retail* designation in the Secondary Plan. The Official Plan encourages contribution to the City's housing supply in accordance with the Regional housing targets and supports modest intensification particularly in proximity to public transit.

The proposal conforms to Policy 4.2.1.3 as it adds Street Townhouse unit types within a Common Element Condominium to the residential unit mix of the City. Additionally, this proposal is part of a larger development (Block 1 Development) that adds a range

of residential unit types, including apartments, a variety of townhouse types that are suitable for a range of family sizes, income groups and age groups.

As it relates to the key elements of design for residential areas (Policy 4.2.1.14) as well as Development Design Guidelines, the proposal conforms with the general intent of the guidelines and ensures that high quality design is delivered. The proposal respects and reinforces the physical character of the residential neighbourhood, including height, massing, scale, and setbacks, as established in the design guidelines while making minor refinements to some key elements.

With regard to variances 1 to 7, 9 and 14, it is our opinion these variances meet the intent of the Official Plan as the proposed development, along with its proposed height and density, is permitted by the applicable official plan policies. Due to the proposed change in tenure from a Standard Condominium to a Common Element Condominium, the performance standards will be applied on the basis of an individual lot rather than the whole development, thereby requiring these variances. However, the nature of the proposed use, including proposed height and density, remains the same as what is currently permitted in accordance with the Official Plan policies.

With regard to variance 8, the proposal contemplates the installation of several smaller sized transformers across the site instead of one large transformer near the entrance of the site. Furthermore, given the change in tenure to a Common Element Condominium, the setbacks would now be applicable to individual lots (POTLs) instead of the whole site, thereby necessitating the need for a reduced setback to lot lines. It is our opinion that the hydro transformer setback has no impact to the policies of Official Plan and is subject to meeting Alectra Utilities requirements. From an urban design perspective, it is our opinion that there is no impact to the public streetscape given that these transformers will be located internal to the site. Additionally, within the site, the visual impact of transformers is reduced given their smaller size. Adequate site landscape measures will be further implemented at the site plan stage to screen the transformers.

With regard to variance 10, the Official Plan provides high level direction through the design guidelines that provide a criteria to achieve a desirable built form. It is our opinion that a desirable built form can be achieved while providing reduced unit widths through appropriate design measures and zoning performance standards. Given that the garage and driveway widths are restricted in the applicable Zoning By-law, there will be sufficient space in the front yard for landscaping without creating a street dominated by driveways.

With regard to variance 11, the Credit Valley Conservation (“CVC”) has reviewed the proposal for revised setback and has no concerns (please refer to the CVC comments enclosed with the application package). It is noted that a reduced setback is only required for a few units located in Blocks TH-2 and TH-6 due to the irregular shape of the Agricultural (A)/Floodplain(F) Zone boundary.

With respect to variance 12, the Development Design Guidelines note that direct pedestrian access shall be provided from the front yard to the rear yard with no more than a two-step grade difference inside the unit and without having to pass through a habitable room. The proposed design of units maximizes the habitable room and therefore, a 1.2 metre wide pathway running through the rear yards of the units has been provided to provide access to the rear yards. This pathway will form part of the common elements. It is our opinion that variance 6 meets the intent of the official plan, as the proposed pathway will provide access to the rear yards of Street Townhouse units, without compromising the habitable room inside the units.

With regard to variance 13, the Development Design Guidelines generally require block lengths to have 8 units. Additionally, the site-specific by-law restricts a maximum width of 54 metres for a townhouse block. In this regard, the subject site has an irregular shape which renders one townhouse block (Block TH-11) to have 9 units while its length is 53.6 metres. Given that the length of Block TH-11 is under the maximum permitted length of 54 metres, it is our opinion that the requested variance is consistent with the official plan as there is no negative impact anticipated from the 9 unit block given that the length of the block will be less than the maximum permitted length under the R4A-3661 Zone.

For these reasons, the requested variances meet the general intent and purpose of the Official Plan.

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

In our opinion, the requested variances maintain the general intent and purpose of the Zoning By-law.

Street Townhouse

The R4A-3661 Zone permits a range of townhouse unit types that are suitable for a Standard Condominium tenure. The City of Brampton Zoning By-law provides

separate definitions for Townhouse Units within different condominium or freehold tenures. A townhouse unit within a Standard Condominium tenure is defined as a *Townhouse Unit*, whereas a townhouse unit within a Common Element or freehold tenure is defined as a *Street Townhouse*.

Given that the proposed development proposes townhouse units within a Common Element Condominium tenure, this variance is required to add a *Street Townhouse* use to the list of permitted uses.

The general intent and purpose of permitting a use within the Zoning By-law to restrict the type of use and associated built form that can be permitted on a site. In this regard, there is no change to the proposed use and the associated built form for a townhouse development on the subject site. The change rather relates to the condominium tenure. As such, it is our opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

Street Townhouse units on individual lots for Zoning Purposes

The R4A-3661 Zone requires that despite any division of the lands, the lands under this zone shall be deemed to be one lot for zoning purposes. This provision is typically applied to Standard Condominium developments. Given that individual units are considered as freehold lots within a Common Element Condominium tenure, the zoning performance standards for Common Element Condominium are applied to individual units.

The general intent and purpose of this provision is to ensure that the zoning performance standards are applied to the whole site rather than individual units within a Standard Condominium tenure. Given that the proposed development proposes a townhouse development within a Common Element Condominium tenure, each lot will be considered as an individual lot (or a Parcel of Tied Land ("POTL")) within a Common Element Condominium. This necessitates the requirement for the performance standards to be applied to individual lots to ensure the built form is consistent with the desired setbacks and performance standards. As such, it is our opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

Definition of Private Street

The R4A-3661 Zone provides a specific definition of Private Street which notes that “a *Private Street shall mean a private thoroughfare providing primary access to abutting uses but shall not include a Public Street or Private or Public Lane*”. The requested variance proposes that “a *Private Street shall be treated as a Street for zoning purposes regarding definitions of lot, and lot lines as well as provisions of Frontage on Road or Street established as a Common Element, but shall not include a Public Street*”.

Given the proposed change in the tenure from a Standard Condominium to a Common Element Condominium, the definition of a Private Street seeks to clarify that the individual lots will be required to meet zoning setbacks and provisions from the Private Street. There is no impact to the general intent and purpose of the Zoning By-law from the requested variance as this is a technical requirement to ensure that the applicable zoning provisions are applied to the development without causing any conflict. As such, it is our opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

Private Street as Front Yard

The R4A-3661 Zone deems Lagerfeld Drive as the Front Yard for zoning purposes. The requested variance proposes the Private Street within a Common Element Condominium to be the Front Yard.

The intent of this performance standard is to apply zoning performance standards to the townhouse development within a Standard Condominium tenure. The requested variance seeks to maintain the intent by deeming the proposed Private Street as the Front Yard in order to ensure that the zoning performance standards for individual lots within a Common Element Condominium are applied as intended. Therefore, it is our opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Hydro Transformer

The R4A-3661 Zone requires a hydro transformer setback of 3.0 metres from the lot line. The requested variance proposes a hydro transformer setback of 0.5 metres from the lot line.

The intent of the by-law in regulating the setback to a road is to ensure that adequate separation exists between the transformer and public right-of-way to maintain an attractive streetscape. In this regard, the proposal contemplates the installation of several smaller sized transformers across the site instead of one large transformer near the entrance. Furthermore, given the change in tenure to a Common Element Condominium, the setbacks would now be applicable to individual lots (POTLs) instead of the whole site, thereby necessitating the need for a reduced setback. It is our opinion that the hydro transformer setback maintains the general intent and purpose of the Zoning By-law. From an urban design perspective, it is our opinion that there is no impact to the streetscape given that these transformers will be internal to the site. Additionally, within the site, the visual impact of transformers is reduced given their smaller size.

Street Townhouse Dwelling

The R4A-3661 Zone provides site-specific provisions for a range of uses, including Townhouse Units. A townhouse use within a Common Element Condominium tenure is defined as *Street Townhouse Unit* whereas a townhouse use within a Standard Condominium tenure is defined as *a Townhouse Unit*. In this regard, the requested variance, along with other variances requested herein, seeks to apply the site-specific provisions to a townhouse development within a Common Element Condominium tenure. As such, it is our opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Minimum Yard Setbacks

The R4A-3661 Zone specifies that there are no minimum lot area, minimum lot width, minimum lot depths, minimum front yard depths, minimum interior side yard depths, minimum exterior side yard depths, minimum rear yard depths, lot coverage or maximum floor space index requirements. This zoning performance standard is typically applied to developments within a standard condominium tenure.

The intent and purpose of this performance standard is to provide clarity with application of performance standards to the whole site rather than individual units within a standard condominium tenure. In this regard, the proposed development proposes a townhouse development within a common element condominium tenure, and as such, the individual units will be located on separate lots (Parcels of Tied Land or "POTL"s). Therefore, it is our opinion that the requested variances to apply minimum

front yard depth, rear yard depth and side yard depths to individual lots rather than the whole site within a common element condominium will not create any negative impacts and maintain the general intent and purpose of the Zoning By-law.

Minimum Unit Width

The R4A-3661 Zone requires a minimum width of 6.0 metres for townhouse dwelling units, except that 30% of townhouse dwelling units shall be permitted to have a minimum dwelling unit width of 5.6 metres. The proposal provides 53 units (61%) of the townhouse dwelling units with 5.6 metres of unit width and 17 units (20%) of the townhouse dwelling units with 5.8 metres of unit width.

The general intent and purpose of restricting minimum unit width is to ensure that there is adequate space for landscaping in the front yard and that the front façade of a unit is not dominated by a garage door. In this regard, the R4A-3661 restricts the width of a garage door as well as width of a driveway to ensure that the façade of a unit is not dominated by a garage door and driveway. Additionally, the R4A-3661 Zone already permits 30% of the townhouse units to have a minimum unit width of 5.6 metres. Given that the zoning provisions relating to garage door width and driveway width will help ensure a desirable built form, it is our opinion that the proposed reduced unit widths maintain the general intent and purpose of the Zoning By-law.

Rear Wall Setback to an Agricultural (A) or Floodplain (F) Zone

The R4A-3661 Zone requires a minimum rear wall setback of 6.0 metres to an Agricultural (A) or Floodplain (F) Zone. The proposal provides a minimum rear wall setback of 4.5 metres to an Agricultural (A) or Floodplain (F) Zone.

The general intent and purpose of restricting minimum setback to an Agricultural (A) or Floodplain (F) Zone is to ensure that any impacts to the natural heritage system are minimized. In this regard, a reduced setback is only required for a few units located in Blocks TH-2, TH-5 and TH-6 due to the irregular shape of the Agricultural (A)/Floodplain(F) Zone boundary. The property boundary along this edge was determined as part of the original subdivision works and accounted for all required environmental setbacks from the creek at the bottom of the valley. Should modest grading be required beyond the property line, restoration planting will be provided to enhance the existing condition along that edge and minimize any potential erosion.

The proposal was circulated to the CVC. CVC has no concerns with the reduced setbacks, as proposed.

Therefore, it is our opinion that the proposed setback to the Agricultural (A) or Floodplain (F) Zone maintains the general intent and purpose of the Zoning By-law.

Direct Pedestrian Access

The general provisions for Residential Zones require each Street Townhouse dwelling unit shall have direct pedestrian access from the front yard to the rear yard with no more than a two-step grade difference inside the unit and without having to pass through a habitable room. The proposal provides a 1.2 metre wide pathway between blocks and at the rear of all units to provide access to the rear yard for maintenance purposes. The pathway will form part of the common elements.

The general intent and purpose of requiring a direct pedestrian access from the front yard to the rear yard without having to pass through a habitable room is to provide adequate access for maintenance of rear yards. In this regard, the proposed variance provides a pathway running through the rear yards of Street Townhouse units that will allow direct access to rear yards, thereby meeting the intent of this performance standard. Therefore, it is our opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Number of attached dwellings units

The general provisions for Residential Zones limit the number of attached dwellings units within a block to a maximum of 8 units or 52 metres, whichever is less. The R4A-3661 Zone restricts the length of the block to 54 metres. The proposed development includes one block with 9 units.

The general intent and purpose of limiting the number of units in a block is to limit the length of a continuous block in order to ensure that the built form does not dominate the overall streetscape. In this regard, the subject site is an irregular shaped lot with several physical constraints that require careful site organization to balance various planning objectives. The site layout design considers and responds to the location of a future park to the east, a servicing easement to the south and protection of natural heritage system to the west and north, while also considering the efficiency of internal site elements as they relate to the proposed Private Street and sidewalk network as

well as visitor parking spaces. As such, one townhouse block (Block TH-11) which is internal to the site will include 9 units while having a length of 53.6 metres. Although the block will contain one additional unit the length of the block will be less than the maximum permitted length of 54 metres under this zone. There are no significant impacts anticipated due to the nature of the proposed variance. Therefore, it is our opinion that the variance maintains the general intent and purpose of the by-law.

(3) Desirable for the Appropriate Development and Use of the Land

It is our opinion that the requested variances are appropriate and desirable as they will facilitate the development of a townhouse development with 87 townhouse dwellings, advancing provincial, regional and local policies which seek to direct growth to settlement areas and strategic growth areas, and make more efficient use of land and existing municipal infrastructure, including water and sewer infrastructure, roads, transit and public services.

The requested variances will facilitate the construction of a land use that is already permitted by the site-specific Zoning By-law. Given that the proposed development forms part of the Block 1 Development, it forms part of a complete community that provides a range and type of housing opportunities comprising of townhouses and apartment units.

The reason for requesting this variance is to accommodate the proposed change in tenure from a Standard Condominium to a Common Element Condominium. The Common Element Condominium will allow for the creation of freehold "POTLs" containing 2-storey, 3-bedroom townhouses with private rear yards with lower maintenance fees as compared to a Standard Condominium tenure. It is our opinion that the requested variances will accommodate a permitted use and is desirable for the appropriate development and use of the land.

Additionally, the requested variances will promote contextually sensitive and provide gentle intensification in a manner which is anticipated and encouraged in the Official Plan, and which maintains the general intent and purpose of the Zoning By-law. Overall, the requested variances would allow for a well-designed development which is generally in keeping with the permissions of the underlying zone and will support the optimization of land use and infrastructure, which appropriately limiting built form impacts on the surrounding area.

Should the variances be approved, the development will be subject to further detailed and technical review through the associated Site Plan Approval process. As such, it is our opinion that the variances are desirable for the appropriate development of the land.

(4) Minor in Nature

It is our opinion that the requested variances, individually and cumulatively, are minor in nature, from both qualitative and quantitative perspectives, and will not result in unacceptable impacts on adjacent or surrounding properties or uses.

An assessment of the requested variances against the test of “minor” is not intended to be a numerical assessment. Rather, the test of “minor” requires a qualitative assessment of the proposal in its context, which includes an assessment of the potential impacts on the immediate context and surrounding neighbourhood. As noted previously in this letter, the impacts associated with the requested variances are, in our opinion, minor in nature, as townhouses are currently permitted within the zoning and do not differ significantly from the ongoing development of surrounding properties within the neighbourhood.

In addition, the requested variances, if approved, would result in the development of 87 street townhouse units within a Common Element Condominium tenure. The requested variances would result in new dwelling units that are permitted in the underlying Zoning By-law and would provide an appropriate transition from the apartment buildings and stacked back to back townhouse dwellings to the south.

Street Townhouse Use

The R4A-3661 Zone permits a range of townhouse unit types. While this Zone does not specify the tenure of the development, the performance standards are drafted in a way that are suitable for a Standard Condominium tenure. The City of Brampton Zoning By-law provides separate definitions for townhouse units within different condominium tenures. A townhouse unit within a Standard Condominium tenure is defined as a *Townhouse Unit*, whereas a townhouse unit within a Common Element tenure is defined as a *Street Townhouse Unit*.

Given that the proposed development proposes townhouse units within a Common Element Condominium tenure, this variance is required to add a *Street Townhouse* use to the list of permitted uses.

Given that the requested variance seeks permission to permit an alternative definition of a similar permitted use, the requested variance will not create any negative impacts and will allow for the orderly development of the lands. It is our opinion that requested variance is minor in nature.

Variances 2 to 9 and 14

The requested variances are required to allow for the orderly development of the lands to accommodate a townhouse development within a Common Element Condominium tenure. There are no significant impacts anticipated from the proposed development, and as such, the requested variances are minor in nature.

Minimum Unit Width

The variance related to unit width is minor in nature. The intent of minimum unit width is to ensure that the front yard is not dominated by the driveway and that there is sufficient softscape for landscaping. In this regard, the reduced unit widths will not have significant impact on the front yards as the applicable zone restricts the width of the garage and the driveway, thereby providing ample space for landscaping to ensure a desirable streetscape. The R4A-3661 Zone for Townhouse Dwellings restricts a maximum interior garage width of 3.35 metres and additionally restricts the maximum driveway width to not exceed the width of the garage. In this regard, the proposal provides an interior garage width and a driveway width of 2.9 metres, less than the width of 3.35 metres required by the by-law.

Rear Wall Setback to an Agricultural (A) or Floodplain (F) Zone

The variance related to the setback to the Agricultural (A) or Floodplain (F) Zone is also minor in nature. The intent of this setback is to ensure there is adequate separation distance from the natural heritage system. Given that the CVC has noted that they have no concerns with the requested variance, it is our opinion that the proposed variance is minor in nature and will allow the orderly development of the site.

Direct Pedestrian Access

The general provisions for Residential Zones require each Street Townhouse Unit shall have direct pedestrian access from the front yard to the rear yard with no more than a two-step grade difference inside the unit and without having to pass through a habitable room.

The provision of access to the rear yard via a pathway forming part of the common elements will not create any significant impacts to the proposed or surrounding developments. Therefore, it is our opinion that the requested variance is minor in nature.

Number of attached dwellings units

The general provisions for Residential Zones limit the number of attached dwellings units within a block to a maximum of 8 units or 52 metres, whichever is less. The R4A-3661 Zone restricts the length of the block to 54 metres. The proposed development includes one block with 9 units.

Given that only one block internal to the site comprises of 9 units, while having a length of 53.6 metres, the requested variance is not considered to have significant impact to the built form design. As such, it is our opinion that the requested variance is minor in nature.

CONCLUSION

In our opinion, based on the analysis set out above, the requested variances, both individually and cumulatively, meet the four tests set out in Section 45(1) of the *Planning Act*. More specifically, they meet the general intent and purpose of both the Official Plan and the Zoning By-law, they are desirable for the appropriate development and use of the land, and they are minor in nature. In our opinion, the proposed development and requested minor variances constitute good planning and should be approved.

ENCLOSURES

In support of the Minor Variance applications, please find enclosed the following materials:

1. A completed and signed 2024 Minor Variance Application Form;
2. Site Plan for Mount Pleasant Block C, dated June 10, 2024, prepared by Kirkor Architects and Planners;
3. A Copy of this Planning Justification Letter.
4. CVC comments dated May 15, 2024;

We trust that these materials are satisfactory for your purposes. However, should you require any additional information or clarification, please do not hesitate to contact the undersigned of our office.

Yours truly,

Bousfields Inc.



Himanshu Katyal, MCIP, RPP