



Report Committee of Adjustment

Filing Date: August 16, 2024

Hearing Date: September 17, 2024

File: A-2024-0321

**Owner/
Applicant:** 1388688 Ontario INC (RioCan)
Kelly Graham, SvN Architects + Planners

Address: 499 Main Street South

Ward: WARD 3

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0321 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances 4, 5, 6, and 7 be limited to that generally shown on the sketch attached to the Notice of Decision;
 2. The applicant shall submit a revised Sun Shadow Study, in accordance with the applicable Terms of Reference, as part of the Site Plan Application. The study must demonstrate a minimum sun access factor of 0.5 on September 21st, specifically addressing its impact on Kaneff Park;
 3. That the applicant finalize site plan approval under City File SPA-2022-0120, execute a site plan agreement, and post the necessary financial securities and insurance to the satisfaction of the Director of Development Services;
 4. That Regional requirements with respect to the development of these lands including servicing capacity requirements associated with the increased unit yield resulting from additional building heights be addressed through SPA-2022-0120; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject site, municipally known as 499 Main Street, is located at the corner of Main Street and Charolais Boulevard. In October 2019, RioCan submitted a joint application for a zoning by-law amendment and a draft plan of subdivision for the entire Shoppers World Brampton property. The approved master plan outlines a mixed-use neighborhood featuring mid- and high-rise buildings, community amenities, and an expansive network of open spaces. The zoning by-law amendment was approved by Council on November 25, 2020, while the plan of subdivision process (OZS-2019-0009) remains ongoing.

Phase 1A of the Shoppers World redevelopment includes two rental residential towers, 37 and 42 storeys tall, which are subject to an ongoing Site Plan Approval application (SPA-2022-0120). Variances 4 to 7 are intended to facilitate the Phase 1A Development through changes to various development standards and an off-site parking permission. Additionally, a standalone parking structure north of the reserved site is being reviewed under a separate site plan application (SPA-2024-0104).

Following discussions between City staff and the applicant on September 12, staff received a letter requesting the withdrawal of variances 1, 2, 3 and 8 from the current Minor Variance application. These variances pertain to the proposed parking structure associated with the ongoing Site Plan application (SPA-2024-0104) and will be addressed at a later date to allow for further discussions and analysis.

As part of the Minor Variance and associated Site Plan applications, the applicant has prepared a Wind Study, a Sun Shadow Study, and a Traffic Impact and Parking study. Staff note that the Sun Shadow study will be required to be updated to meet the City's terms of reference. A condition of approval is recommended that the applicant shall submit a revised Sun Shadow Study, in accordance with the applicable Terms of Reference, as part of the Site Plan Application. The study must demonstrate a minimum sun access factor of 0.5 on September 21st, specifically addressing its impact on Kaneff Park.

Existing Zoning:

The property containing the proposed two residential towers site is zoned 'Hurontario Corridor Mixed-Use One, Special section 3008 (HMU1- 3008)', and the property containing the proposed stand-alone parking garage is zoned 'Hurontario Corridor Mixed-Use One (Hold), Special section 3008 (HMU1(H) - 3008)' according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above ground parking structure having a rear yard setback of 3.3 metres, whereas the by-law requires a minimum rear yard setback of 6 metres;
 - Variance has been withdrawn
2. To permit an above ground parking structure having an interior side yard setback of 0.5 metres, whereas the by-law requires a minimum interior side yard setback of 3 metres;
 - Variance has been withdrawn

3. To permit an above ground parking structure having a ground floor height of 2.9 metres, whereas the by-law requires a minimum ground floor height of 4 metres for an above ground parking structure that fronts onto a public street;
 - Variance has been withdrawn
4. To permit apartment dwellings having a building height of 132 metres (Tower A) and 117 metres (Tower B), whereas the by-law permits a maximum building height of 97 metres for apartment dwellings;
5. To permit the mechanical penthouse to project beyond the permitted building height by 7.5 metres, whereas the by-law permits the mechanical penthouse to project beyond the permitted building height by a maximum 3 metres;
6. To permit visitor parking spaces to be provided on adjacent lands addressed 499 Main Street South within 100 metres of the subject site (Phase 1 development), whereas the by-law requires that required parking spaces be provided on the same lot or parcel as the use they are intended to serve;
7. To permit a building wall at grade level to occupy 78% of the available frontage facing Steeles Avenue East, whereas the by-law requires that a building wall occupy a minimum 95% of the available frontage facing Steeles Avenue East; and
8. To permit the tower portion of an apartment building located within 15 metres of Steeles Avenue West to be setback 0.0 metres and 1.2 metres from the edge of the podium, whereas the by-law requires that, for any building within 15 metres of Steeles Avenue West, the tower portion of the building must be setback a minimum 2 metres from the edge of the podium.
 - Variance has been withdrawn

Current Situation:

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

The subject property is designated as 'Community Areas' and 'Primary Major Transit Station Areas' on Schedule 1A – City Structure, and 'Mixed-Use' on Schedule 2 – Designations in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

In the Brampton Plan, the 'Mixed Use' designation is intended to support increased population, employment and household growth through a broad range of uses like a mix of residential, including affordable and rental housing options, commercial, institutional, office, restaurant and service uses. The subject site is an integral part of the Uptown Brampton Urban Centre and is within a Primary Major Transit Station Area (MTSA) according to Schedule A1, City Structure of the Brampton Plan (2024). These are strategic growth areas within Brampton's planning hierarchy, and are the locations that

should be planned for the highest densities and tallest buildings. Uptown Brampton is planned to achieve a minimum density target of 160 people and jobs per hectare, and should include a broad range of uses to support the creation of a 15-minute neighbourhood. According to Schedule 2 of this plan the site is within the Mixed-Use designation that should be developed with uses and densities that support transit, enhance the pedestrian experience, and provide connections to community facilities and parks (2.2.6.2).

The subject property is designated as 'Regional Retail' in Official Plan (2006) and are intended to be planned as large scale multi-use, multi-purpose centres or areas offering a diverse range of retail, service, community, public and institutional and recreational uses serving a major portion of the community and/or broader regional market.

The property is further designated as 'Regional Commercials' within the Hurontario-Main Corridor Secondary Plan (Area 55). The area is envisioned as a major shopping node, with an emphasis on pedestrian and transit-oriented development. While retaining retail uses is encouraged, the introduction of new, higher-density building forms is also supported to enhance the area's urban fabric. The basis for the formulation of the Hurontario LRT Secondary Plan and should be utilized to guide planning decisions. Development within the Secondary Plan will be planned to support the provision of all forms of affordable and assisted housing.

The property is located within The Gateway terminal MTSA and is designated as High-Rise Mixed-use. This designation would support and permit increased building heights and densities on the site. 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 application requests several variances related to the development standards for the proposed apartment buildings. These variances include increased heights for the towers and mechanical penthouses, and modifications to the building wall frontage percentage. Additionally, the application proposes off-site visitor parking.

Variances 4 and 5 are requested to permit increased building heights and mechanical penthouses to project beyond the permitted height. The site was originally contemplated to allow a maximum tower height equating to approximately 32 storeys (97 metres). The revised development now contemplates two towers with heights of 37 and 42 storeys. The proposal aligns with the surrounding context by featuring towers similar in height to the approved development at 210-220 Steeles Avenue West, which permits buildings heights up to 45 storeys. This approach to taller buildings complements the area's ongoing intensification as envisioned in the Brampton Plan. Variance 4 is considered to maintain the general intent and purpose of the Brampton Plan while Variance 5, associated with the projection of the mechanical penthouse, has no impact on the policies of the Official Plan or Secondary Plan.

Variance 6 is requested to permit visitor parking spaces to be provided on adjacent lands rather than on the property that will contain the residential development. The ancillary parking structure entrance will be located approximately 20 metres from the proposed Phase 1A building, allowing for direct access and functional integration with the residential units. The variance has no impact on the policies of the Official Plan or Secondary Plan.

Variances 7 is requested to address architectural aspects of the development that relates to the built form of the towers. The variances are not considered to have any impact within the context of the Official Plan.

The requested variances are deemed to maintain the general intent and purpose of the Official Plan.

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

The property containing the proposed two residential towers site is zoned 'Hurontario Corridor Mixed-Use One, Special section 3008 (HMU1- 3008)', and the property containing the proposed stand-alone parking garage is zoned 'Hurontario Corridor Mixed-Use One (Hold), Special section 3008 (HMU1(H) - 3008)' according to By-law 270-2004, as amended. The Holding (H) symbol shall not be removed until such time as the applicant submits a Functional Servicing Report, Transportation Study, and arrangements are made for the delivery of the public road network to support the development. For the purposes of this minor variance application, the removal of the Holding (H) symbol is not applicable.

Building and Mechanical Penthouse Height Variances (4 & 5):

Variance 4 is requested to permit apartment dwellings having a building height of 132 metres (Tower A) and 117 metres (Tower B), whereas the by-law permits a maximum building height of 97 metres for apartment dwellings. The current by-law permits a maximum tower height of 32 storeys, while the applicant is seeking variances to allow heights of 37 and 42 storeys. The intent of the by-law in regulating building height is to ensure that developments do not result in negative massing, shadowing or excessive wind impacts on adjacent properties.

The site is within a Primary Major Transit Station Area (MTSA), designated for higher density and building heights to support transit-oriented development. Although the site is about 300 metres from the nearest intersection, the proposed heights are consistent with other approved developments in the area, including buildings of up to 50 storeys at 210, 220, and 137 Steeles Avenue West. This helps achieve higher densities along an urban corridor and within a Primary MTSA. Additionally, the shadow and wind studies demonstrate that the increased height of the buildings will not cause significant negative impacts on adjacent area, particularly the Kaneff Park in the vicinity of the towers. However, the Sun Shadow Study requires revisions in order to meet the terms of reference and demonstrate compliance with requirements. Therefore, a condition of approval is recommended that applicant shall submit a revised Sun Shadow Study, in compliance with the applicable Terms of Reference, as part of the Site Plan Application. The study must demonstrate a sun access factor of at least 0.5 on September 21st as it relates to Kaneff Park. The variance aligns with the general intent of the Zoning By-law, and a further City-initiated zoning review is expected in the near future to reassess building height regulations in the area. A further condition of approval is recommended, requiring the owner to finalize site plan approval under City File SPA-2022-0120, execute a site plan agreement, and post the necessary financial securities and insurance to the satisfaction of the Director of Development Services.

Variance 5 is requested to permit the mechanical penthouse to project beyond the permitted building height by 7.5 metres, whereas the by-law permits the mechanical penthouse to project beyond the permitted building height by a maximum 3 metres. The intent of the by-law in regulating mechanical penthouse height is to minimize the visibility of rooftop equipment from the street and ensure

architectural compatibility with surrounding buildings, while maintaining the building's operational functionality.

Given the proposed building heights of 37 and 42 storeys, the additional 4.5 metres for the penthouse is not expected to significantly affect the skyline or pedestrian views. The mechanical penthouse's setback, ranging from 6.8 to 23.6 metres from the tower edges, reduces its ability to visually impact the massing from the street level. This variance supports the building's architectural integrity without noticeably increasing bulk, aligning with the by-law's intent to balance functional elements with urban design objectives. The setback also ensures the additional height blends with the overall building form, maintaining the area's design vision. The variance is considered to maintain the general intent and purpose of the zoning by-law.

Off-Site Parking Variance (6):

Variance 6 is requested to permit visitor parking spaces to be provided on adjacent lands addressed 499 Main Street South within 100 metres of the subject site (Phase 1 development), whereas the by-law requires that required parking spaces be provided on the same lot or parcel as the use they are intended to serve. The by-law requires parking spaces to be located on the same lot or parcel as the associated use to ensure convenient proximity to the served use and to provide accessible and regular parking with a direct, barrier-free path of travel between the parking area and the destination.

The parking spaces, located within 100 meters, provide convenient access to the development site. This distance supports the functionality and accessibility of the parking arrangement. Allowing parking on adjacent land is not anticipated to disrupt the development's integration with the surrounding area and can facilitate resource sharing with neighboring properties. Ensuring safe and easy passage from the parking structure area to the building entrance will be important, with design considerations including well-lit pathways, clear signage, and pedestrian-friendly infrastructure. The variance is considered to maintain the general intent and purpose of the zoning by-law.

Continuous Building Wall Variance (7):

Variance 7 is requested to permit a building wall at grade level to occupy 78% of the available frontage facing Steeles Avenue East, whereas the by-law requires that a building wall occupy a minimum 95% of the available frontage facing Steeles Avenue East. The intent of the by-law is to ensure a continuous and cohesive streetscape. This requirement aims to create a consistent and engaging urban environment by minimizing gaps and promoting a strong building presence along the street.

Meeting the 95% building wall requirement is challenging due to unique site conditions, including the lot's exterior side yard facing Steeles Avenue, the rear yard setback, an existing easement, and constraints from the daylight triangle and the irregular lot shape. Additionally, the primary street frontage for the property is along a future street, which affects the building wall percentage along Steeles Avenue West. While the Brampton Plan encourages active frontages along major streets to enhance walkability and streetscape, this development is primarily residential. The at-grade area is designed to feature a secondary residential entrance and an indoor amenity space to serve residents. Consequently, it does not provide an active frontage along Steeles Avenue as envisioned in the Plan. Despite this, the design still aligns with the overall intent of the by-law by accommodating the unique site constraints while

ensuring that the building's presence contributes to the urban environment in a practical and functional manner. To align with the Plan's goals, architectural solutions can create the appearance of a continuous edge along Steeles Avenue and incorporate features like a living wall in the outdoor amenity space, enhancing the streetscape and providing visual interest. The variance is considered to maintain the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

Variance 4 requests an increase in building height for Tower A (132 meters) and Tower B (117 meters), compared to the by-law limit of 97 meters. This increase aligns with the site's designation as a Primary Major Transit Station Area (MTSA), which encourages higher densities and building heights to support transit-oriented development. The proposed heights are consistent with other approved developments nearby, including buildings of up to 50 storeys, enhancing the urban corridor's density and proximity to transit. A condition is recommended that the applicant shall submit a revised Sun Shadow Study, in accordance with the applicable Terms of Reference, as part of the Site Plan Application. The study must demonstrate a minimum sun access factor of 0.5 on September 21st, specifically addressing its impact on Kaneff Park. Additionally, the variance supports the region's growing demand for higher-density developments near transit hubs, aligning with long-term zoning plans and enhancing the area's urban character. The variance is considered to be desirable for the appropriate development of the land.

Variance 5 seeks to permit the mechanical penthouse to exceed the permitted height by 7.5 meters which is 3.5 metres beyond the allowed projection. Given the proposed building heights of 37 and 42 storeys, the additional height projection for the mechanical penthouse will not noticeably impact the skyline or pedestrian views. The mechanical penthouse's will be setbacks from the edges of the towers, further mitigating visual effects and ensuring minimal street-level impact. This variance allows the building to maintain architectural harmony while supporting its operational needs, without detracting from the surrounding urban landscape. The penthouse design, combined with its setback, upholds the by-law's goal of balancing functionality and aesthetics. The variance is considered to be desirable for the appropriate development of the land.

Variance 6 is requested to allow visitor parking spaces to be provided on adjacent lands, approximately 100 meters away from the subject site. The location of the parking on adjacent lands is appropriate given the proximity of the parking structure to the residential towers. The parking area will continue to ensure convenient, accessible parking with a direct, barrier-free path of travel between the parking and the destination, supporting both functionality and ease of use for visitors. The variance is considered to be desirable for the appropriate development of the land.

Variance 7 requests a reduction in the required building wall frontage from 95% to 78% along Steeles Avenue East. The development's primary frontage is along a future street, making Steeles Avenue East a secondary frontage, which reduces the emphasis on maintaining a fully active edge along this side. While the by-law encourages active frontage for walkability and urban vibrancy, this development will be largely residential. The at-grade design incorporates a secondary entrance and indoor amenities, which do not demand the same level of street activation as commercial or mixed-use spaces. However, the proposed design still respects the general intent of the by-law by addressing the site's constraints while ensuring the building's presence enhances the streetscape in a functional and aesthetic manner.

To further align with the urban design goals, the development can incorporate architectural elements such as a living wall or public art installations in the outdoor amenity space to create visual interest and continuity along Steeles Avenue. These aspects will continue to be explored and reviewed throughout the ongoing site plan application. The variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested height increase for Towers A and B, while above the by-law's limit, is minor in nature as the site is located in a Primary Major Transit Station Area (MTSA), which supports higher densities and taller buildings. Additionally, the proposed heights align with other nearby developments, and shadow and wind studies confirm no significant negative impacts on surrounding properties. The increased height is consistent with the area's planned growth and does not detract from the intent of the by-law.

The variance allowing the mechanical penthouse to exceed the permitted height by 4.5 meters is minor due to the substantial setback from the building edges, which minimizes its visibility from street level. Given the overall height of the towers, the additional penthouse height has a negligible impact on the skyline and does not affect the building's integration with its surroundings. The penthouse remains functional without creating significant bulk or disrupting the visual harmony.

The request to provide visitor parking on adjacent lands next to the development is minor because the parking remains highly accessible and convenient for users. The off-site location does not impair functionality, and design measures like safe pathways reviewed through the site plan will ensure that the variance will not create any practical issues for visitors. The parking arrangement supports efficient land use while maintaining the intent of the by-law.

The reduction in building wall frontage along Steeles Avenue East from 95% to 78% is minor due to the site's conditions and proposed design of the development. The design still maintains a strong street presence, and additional architectural features can enhance the streetscape. The variance balances the need for flexibility with the by-law's goal of promoting an active, cohesive urban environment. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor