

October 11, 2024

By Email: coa@brampton.ca; clara.vani@brampton.ca

Clara Vani
Legislative Coordinator & Secretary-Treasurer Committee of Adjustment
Committee of Adjustment
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Clara Vani,

**Re: Severance Application – B-2024-0015
Minor Variance Application – A-2024-0352
122-130 Main Street North, 6 & 7 Nelson Street East, 7 & 11 Church Street East
City of Brampton, Region of Peel
Owner: Rose Garden Investments LP
Agent: UrbanSolutions Planning & Land Development Consultants Inc.**

This letter will acknowledge receipt of the City's circulation of the above noted Minor Variance and Severance Application received by Toronto and Region Conservation Authority (TRCA) on September 16, 2024. A list of materials reviewed by TRCA is included in Appendix "A".

TRCA staff have reviewed the application in accordance with the Conservation Authorities Act (CA Act) and its associated regulations, which require TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. Whether acting on behalf of the Ministry of Natural Resources (MNR) or as a public body under the Planning Act, Conservation Authorities (CAs) must help ensure that decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a Provincial Plan.

In addition, TRCA staff have also reviewed these applications in accordance with TRCA's permitting responsibilities under Section 28.1 of the CA Act. Where development activities are proposed within a TRCA Regulated Area (i.e., river or valley, wetlands, hazardous lands, etc.), a permit is required from TRCA. TRCA must ensure that where a proposal is within an area regulated by TRCA, that the proposal conforms with the appropriate policies of Section 8 of TRCA's Living City Policies (LCP), which evaluate a proposal's ability to meet the tests of the CA Act and regulation.

Purpose of the Application

TRCA staff understand that the purpose of the Consent to Sever application is to:

1. sever a parcel of land currently having a total area of approximately 0.87 hectares. The proposed severed lot has a frontage of approximately 18.89 metres; a depth of approximately 84.63 metres and an area of approximately 0.36 hectares. It is proposed that 2 lots be established from the existing lot for future mixed-use development of a 22-storey building on the proposed severed lot, along with the creation of access easements and a blanket easement for stormwater management.

TRCA staff understand that the purpose of Minor Variance Application is to:

1. To permit a maximum front yard setback (Main Street North) of 8.5 metres, whereas the by-law permits a maximum front yard setback of 3.0 metres;
2. To permit a minimum front yard setback of 8.5 metres to a tower and 0.0 metres to a podium, whereas the by-law requires a minimum front yard setback of 10.0 metres to a tower and 1.7 metres to a podium;
3. To permit an interior side yard setback of 0.0 metres to a podium abutting a commercial zone, whereas the by-law permits a minimum interior side yard setback of 0.5 metres podium abutting a commercial zone;
4. To permit an exterior side yard setback of 9.5 metres to a podium, whereas the by-law requires a minimum exterior side yard setback of 15.0 metres;
5. To permit a minimum rear yard setback of 1.2 metres to a zone boundary, whereas the by-law requires a minimum rear yard setback of 10.0 metres to the zone boundary;
6. To permit a maximum building height of 35 storeys, whereas a maximum building height of 29-storeys is currently permitted;
7. To permit a minimum non-residential gross floor area of 405 square metres, whereas a minimum non-residential gross floor area of 2000.0 metres is currently permitted; and
8. To permit a visitor parking rate of 0.05 spaces per unit, whereas the by-law requires a minimum visitor parking rate of 0.20 spaces per unit.

O. Reg. 41/24 and CA Act

The subject lands are partially located within the Regulatory Floodplain of Etobicoke Creek and are located within the Provincially approved Downtown Brampton Special Policy Area (SPA). As such, a portion of the lands are located within TRCA's Regulated Area and are subject O. Reg. 41/24 and the CA Act.

Background

TRCA provided comments on the subject development through Site Plan Application SPA-2021-0269 for a proposed redevelopment of the subject lands with a high-density, mixed-use development consisting of two towers of residential, low rise, commercial, office space and underground parking.

As noted above the lands are located within an SPA which means an area within the community that has historically existed in the floodplain and where site-specific policies, approved by both the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR), are intended to provide for the continued viability of existing land uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to the Provincial natural hazard policies (Section 3.1, PPS, 2020) concerning development. As identified in the PPS, a SPA is not intended to allow for new or intensified development if a community has feasible opportunity elsewhere.

The 'Downtown Brampton Flood Protection Class Environmental Assessment', (DBFP EA), was initiated by the City of Brampton. It is a flood remediation strategy for the downtown area identified through the recent comprehensive SPA review approved in 2014. The study is presently with the Ministry of

Environment, Conservation and Parks (MECP) for review and approval. Upon approval by the province, implementation of the mitigation works, confirmation of the removal of the floodplain and satisfaction by TRCA, the City may then file for an amendment to remove or modify the SPA to the Province. Until the mitigation works are implemented, and a comprehensive update/review of the existing SPA policies/boundary are approved, the current policies of the SPA apply.

Secondary Plan Area 7 of the City of Brampton Official Plan (2020) contains site specific policies of the permitted uses within the Downtown Brampton SPA. The policies within this section also identify the technical study requirements for development that is permitted within the SPA. As per Schedule SP7(C2) the lands are located within Special Policy Area 3A. Section 5.6.3.2 outline the requirements of floodproofing for development proposed in the SPA. A maximum of 900 new residential units and 41,000 sq. m. of non-residential uses are permitted within the SPA3A designation.

It is TRCA's understanding the approved zoning by-law amendment By-Law 294-2019 limited the number of residential units to 590, and a Holding (H) provision with the following requirements:

- a)
 - i. Concept Plan and Elevations
 - ii. Heritage Impact Assessment
 - iii. Functional Servicing Report
 - iv. Building Safety Plan
 - v. Phase 1 Environmental Site Assessment
 - 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
 - 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.

Application Specific Comments

Based on our review, the proposed severed lot is located within a SPA and a regulatory floodplain. As per the PPS 3.1.1 and TRCA's LCP 7.5.2.4 new development (ie. Lot creation) is not supported within a Natural Hazard.

Recommendation

As currently submitted, TRCA staff are of the opinion that Severance Application B-2024-0015 and Minor Variance Application A-2024-0352 are not consistent with Provincial policy. Specifically, Section 3 (Natural Hazards) of the PPS.

Additionally, it is staff's position that these applications are not in conformity with TRCA's LCP policies. As such, TRCA staff recommend denial of the above noted Severance and Minor Variance applications.

We thank you for the opportunity to comment. We trust these comments are of assistance. Should you have any additional questions or comments, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colleen Bonner', written in a cursive style.

Colleen Bonner, MCIP RPP
Senior Planner | Development Planning and Permits
Colleen.bonner@TRCA.ca

cc: Rose Garden Investments LP – asalomon@thehi-risegroup.com
UrbanSolutions Planning & Land Development Consultants – mjohnston@urbansolutions.info

Appendix 'A' Materials Received by TRCA

- Severance Application Form Revised – B-2024-0015
- Sheet 1: Severance Sketch, prepared by Urban Solutions, dated Sept 24, 2024
- Plan of Survey Lots 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 85 & 86, City of Brampton, prepared by A.T. McLaren, received by CoA Sept 25, 2024
- Severance supplementary Letter, prepared by Urban Solutions, dated September 25, 2024
- Minor Variance Application A-2024-0352
- Minor Variance Letter, prepared by Urban Solutions, dated Sept 4, 2024