



Report Committee of Adjustment

Filing Date: September 13, 2024

Hearing Date: October 15, 2024

File: A-2024-0354

**Owner/
Applicant:** THE REGIONAL MUNICIPALITY OF PEEL

Address: 525 Main Street North

Ward: WARD 5

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0354 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that generally shown on the sketch attached to the Notice of Decision;
 2. That Variance 2 be approved to permit a maximum lot coverage of 20.39%;
 3. That Variance 3 be approved to permit an apartment dwelling located 45.94 metres from the lot line abutting Main St. North;
 4. That the owner finalize site plan approval under City File SPA-2024-0062 to the satisfaction of the Director of Development Services;
 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 lands are located northwest of Main Street North and Williams Parkway and are currently occupied by three existing buildings: 3-storey assisted living building (Nance Horwood), 1-storey Peel Manor Seniors Long Term Care Home (to be demolished), and a 4-storey Peel Manor Seniors Health and Wellness Village (new LTC, under construction).

The minor variance application is to facilitate future development of a nine-storey apartment building with 198 rental units related to an ongoing Site Plan Approval application (SPA-2024-0062). The rental apartment dwelling will replace the existing one-storey Peel Manor Seniors Long Term Care Home. The proposed building is designed to function with the existing long term care home buildings.

Existing Zoning:

The property is split-zoned 'Institutional 2 (I2-1171)' and 'Open Space (OS-2869)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an apartment dwelling have a building height of 9 storeys, whereas the by-law permits a maximum building height of 3 storeys;
2. To permit a lot coverage of 20.23%, whereas the by-law permits a maximum lot coverage of 18%;

Note: Sketch provided by the applicant states 20.39%.

3. To permit an apartment dwelling located 45.91 metres from the lot line abutting Main St. North, whereas the by-law only permits an apartment dwelling within 40 metres of the lot line abutting Main St. North;

Note: Sketch provided by the applicant states 45.94 metres.

4. To permit a separation distance of 20.15 metres between buildings, whereas the by-law requires a minimum separation distance of 25 metres between buildings;
5. To permit 229 apartment dwelling units, including units with one and two bedrooms, whereas the by-law permits a maximum 55 bachelor dwelling units; and
6. To permit apartment dwelling units having a floor area of up to 85 square metres, whereas the by-law permits apartment dwelling units having a maximum unit size of 36 square metres.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Institutional' and 'Recreational Open Space' in the Brampton Flowertown Secondary Plan (Area 6).

The 'Residential' Official Plan designation permits predominantly residential land uses and may also include uses permitted in the Commercial and Institutional and Public Uses designations of this plan such as convenience retail uses (Section 4.2.1.1). The Residential designation permits a range of

housing accommodation in terms of dwelling type, through appropriate housing mix and density policies.

The subject lands are further designated 'Institutional' and 'Recreational Open Space' in the Brampton Flowertown Secondary Plan (Area 6). Section 7.1 of the Brampton Flowertown Secondary Plan provides that lands designated Institutional (including Schools, and Fire Stations) on Schedule 1 shall include the range of uses and be developed in accordance with the Institutional and Public Uses policies of Section 4.9 and other relevant policies of the Official Plan. Section 4.9 of the Official Plan provides that the general intent of the Institutional and Public Uses designation includes a full range of social, recreational, educational and public safety, security and protection services that are provided for the benefit of the entire community. Residential Care Facilities for more than 10 persons including Long Term Care Centres are permitted within the Institutional and Public Uses and Residential designations. Consideration of special housing should be given to the City's emergency management capability and access to public amenities including transportation, parks and open spaces (Section 4.2.6).

A portion of subject lands are designated 'Recreational Open Space' in the Brampton Flowertown Secondary Plan (Area 6). Section 5.1 of the Brampton Flowertown Secondary Plan provides that lands designated Recreational Open Space, including cemeteries, shall be developed in accordance with the Recreational Open Space policies of Section 4.7 of the Official Plan. Section 4.7 provides that the Recreational Open Space designation aims to promote healthy, active communities through the safe, equitable and accessible planning of public spaces as well as the provision of opportunities for pedestrian and non motorized movement. Recreational open space includes City, and Community Parks, conservation areas, cemeteries and private commercial recreation facilities. Section 4.7.1.4 of the Official Plan provides that development is generally prohibited within lands designated recreational open space areas with the exception of recreational and cultural facilities, conservation projects, cemeteries, public transit and essential public works and utilities.

The subject property is also designated as 'Community Areas' and 'Primary Urban Boulevard' (Schedule 1A – City Structure) and 'Neighbourhoods' (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.

Community Areas are defined as areas that offer a mix of residential, commercial, and residential-serving institutional uses where people live, shop, work, and play with the amenities needed for day-to-day living within a 15-minute walk or bicycle ride from their home.

Boulevards function as both destinations and connections and provide for a mix of uses, moderate intensification and a vibrant street life. The Primary Urban Boulevard overlay provides for greater intensity form, and scale along key streets where there has been investment in higher-order transit to support placemaking in key-transit supported locations.

Lands located within the Neighbourhoods designation include mainly residential communities with other locally serving community services and amenities. The range of permitted uses in Neighbourhoods is

determined based on the street classification explained on Table 6 in alignment with Schedule 3C that show the functional street classifications referenced. Community services and facilities are integral to supporting Neighbourhoods and are permitted within Neighbourhoods in accordance with the Nurturing Strong and Connected Communities policies of this Plan.

The proposed application is to facilitate the development of an affordable, seniors-oriented residential building containing 198 units. The proposed development will contribute to the City's and Region's affordable housing target and cater to the aging population. The proposed development is located in proximity to public amenities like parks and open space and active transportation. The proposed nine-storey building will not be located within the lands designated Recreational Open Space which will not adversely impact public safety. The requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is currently split-zoned 'Institutional 2,' Special Section 1171 (I2-1171)' and 'Open Space,' Special Section 2869 (OS-2869), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an apartment dwelling have a building height of 9 storeys, whereas the by-law permits a maximum building height of 3 storeys. The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing impacts on adjacent properties.

The requested 6 storey increase is not anticipated to significantly impact the character of the area as it fronts on to Main Street North, a major city arterial road. The proposed development is located within a low to medium density residential neighbourhood. The impact of the height and building massing to the surrounding low-density dwellings is mitigated as interior lot yard setbacks are maintained, and the surrounding open space provides buffering. The applicant provided a Sun/Shadow Study as part of the application to show the massing and shadowing impacts of the proposed building. Urban Design Staff have reviewed the Sun/Shadow Study and do not anticipate that any negative impacts to adjacent properties will be generated.

Variance 2 is requested to permit a lot coverage of 20.39%, whereas the by-law permits a maximum lot coverage of 18%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the building is appropriate to the size of the property.

A proposed total coverage of 1,975 sq. m is requested to facilitate the overall development of the building addition on the 35,235.83 sq. m lot. The total lot coverage of the three buildings including the proposed building is 7,160.10 sq. m. This represents a 2.39% increase from what the by-law permits. Despite this increase in lot coverage, sufficient area will be maintained for open space, landscaping and pedestrian connections on the lot. Furthermore, the parent Institutional 2 Zone permits a maximum lot coverage of 33.3%. Given the size of the lot and the parent I2 Zone, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law, subject to the recommended conditions of approval.

Variance 3 is requested to permit an apartment dwelling located 45.94 metres from the lot line abutting Main St. North, whereas the by-law only permits an apartment dwelling within 40 metres of the lot line abutting Main St. North. The intent of the by-law in regulating the distance of an apartment dwelling within a certain distance of the lot line abutting Main Street North is to ensure that the building is to create a prominent street edge by placing the building close to the street.

The minor variance application is to facilitate future development of a nine-storey apartment building with 198 rental units related to an ongoing Site Plan Approval application (SPA-2024-0062). The rental apartment dwelling will replace the existing one-storey Peel Manor Seniors Long Term Care Home.

The proposed nine-storey building will replace the existing one-storey Peel Manor Seniors Long Term Care Home and function alongside the two existing buildings on site. Despite the increased setback from Main Street North, there is an existing building (Nance Horwood) that fronts on to Main Street and complies with the intent of that particular by-law provision. The City's Urban Design Guidelines provide that built form should be sited close to the street with its primary façade oriented to the street, to reinforce the street edge and enhance the pedestrian experience. Through SPA-2024-0062, further design elements will be incorporated into the design of the building to enhance the pedestrian experience. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a separation distance of 20.15 metres between buildings, whereas the by-law requires a minimum separation distance of 25 metres between buildings. The intent of the by-law in regulating the separation distance between buildings is to ensure that sufficient space is provided between buildings for fire safety and outdoor amenity space. The provision also aims to ensure that there is appropriate building separation to minimize potential massing impacts.

A reduced separation distance by 4.85 metres from what the by-law requires is requested between the proposed nine-storey seniors rental building and the existing three-storey assisted living building (Nance Horwood). Building staff did not have any concerns with regards to meeting a minimum fire separation distance. Sufficient landscaped area is maintained between the buildings and on the property, contributing to the outdoor amenity space on site. The reduced separation distance is not anticipated to adversely impact the visual massing or shadowing on adjacent properties as the Sun/Shadow Study submitted by the applicant does not indicate any negative impacts will be generated. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law, subject to the recommended conditions of approval.

Variance 5 is requested to permit 229 apartment dwelling units, including units with one and two bedrooms, whereas the by-law permits a maximum 55 bachelor dwelling units. The intent of the site-specific Zoning By-law is to accommodate 55 bachelor dwelling units. Variance 6 is requested to permit apartment dwelling units having a floor area of up to 85 square metres, whereas the by-law permits apartment dwelling units having a maximum unit size of 36 square metres. The intent of the site-specific provision in the Zoning By-law is to provide dwelling units intended to serve and function to the needs of seniors.

The requested variance seeks an additional 174 apartment dwelling units to be incorporated on the subject lands. The proposed affordable seniors rental apartment building will add 198 dwelling units of

varying sizes, including 54 studio units, 136 one-bedroom units and 8 two-bedroom barrier free units. The property in which the development is located on can accommodate additional units of varying sizes efficiently and contributes to the affordable housing mix in the City and Region. The increase in the number of dwelling units and unit size is not anticipated to generate negative impacts on site and off-site. Variances 5 and 6 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an additional 6 storeys beyond what the by-law permits. The increase in the number of storeys is not considered to have any adverse impact to the surrounding properties in terms of massing and shadowing. The proposed building maintains interior lot yard setbacks and the surrounding open space provides additional buffering to mitigate massing impacts. Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit a 2.39% increase to the total lot coverage and is needed to permit the proposed apartment building. Given the site configuration and design of the proposed building, sufficient areas will be maintained for open space, landscaping and pedestrian connection on the lot. The parent I2 Zone permits a maximum lot coverage that is greater than the site-specific I2-1171 Zone. Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit an increase in the distance of the apartment building from the lot line abutting Main Street North. While the City's Urban Design Guidelines suggest that built form should be located closer to the street to reinforce the street edge and enhance the pedestrian experience, an existing building is located closer to the street. Given the design and configuration of the building, the increase in the distance from Main Street North helps mitigate any adverse impacts to the public realm. Variance 3 is considered to be desirable for the appropriate development of the land.

Variance 4 is requested to permit a reduction in the separation distance between the proposed nine-storey seniors rental building and the existing three-storey assisted living building (Nance Horwood). Building staff have reviewed the application and find that sufficient distance is provided for fire safety. Furthermore, sufficient landscaping is proposed and will be maintained on the property, contributing to the outdoor amenity space. Variance 4 is considered to be desirable for the appropriate development of the land.

Variances 5 and 6 are requested to permit an increased number of dwelling units and increase in the unit size. Staff are of the opinion that the proposed increase to the maximum number of dwelling units and larger unit size allows for adequate intensification of the lands and caters to the needs of the aging population.

Heritage Staff note that the subject lands exhibit high archaeological potential because they are within 300 meters of known archaeological sites, present/past water sources or a known cultural heritage resource. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field work, in compliance with

Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff. The Funeral, Burial and Cremation Services Act requires any persons discovering human remains to notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services. In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this clearance. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2024-0062, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances seek to facilitate the construction of a nine storey apartment building on the eastern portion of the property.

Variance 1 seeking to increase the building height is not considered to significantly impact the buildings on-site and off-site in terms of massing and shadowing. Setback to the low density neighbourhood is maintained and the surrounding open space area provides additional buffering. In reviewing the Sun/Shadow study submitted by the applicant, Urban Design staff do not anticipate that any negative impacts to adjacent properties will be maintained. Variance 1 is considered to be minor in nature.

Variance 2 requesting an increase to the lot coverage is nominal in nature and is not anticipated to impact the uses on-site or off-site. The size of the property can accommodate to the additional building while providing sufficient space for open space, landscaping and pedestrian connections. Additionally, the parent I2 Zone permits a higher lot coverage than the site-specific zone.

Variances 3 and 4 relating to the distance from Main Street North and separation distance between buildings is not anticipated to have any adverse impact on-site and off-site. Given the design and configuration of the building, the increase in the distance from Main Street North helps mitigate any adverse impacts to the public realm. The existing three-storey building continues to bring the building closer to the street edge which contributes to enhancing the public realm. In addition, the separation distance between the proposed and existing building is considered to be nominal in nature as sufficient space is provided for fire safety and landscaping. Variances 3 and 4 are considered to be minor in nature.

Variance 4 which speaks to the minimum distance between the existing three-storey assisted living building (Nance Horwood) and the proposed nine-storey seniors rental building is not anticipated to have any adverse impact on the buildings on site and off-site.

Variances 5 and 6 are not anticipated to significantly impact or alter the proposed development configuration and will contribute to an efficient use of the lands as it is located within a Primary Urban Boulevard that is serviced by higher order transit. The proposed development will contribute to the

City's and Region's affordable housing mix in terms of the number and size of the units and will positively provide housing options for the aging population. Variances 5 and 6 are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I