

Filing Date: December 15, 2022

Hearing Date: January 24, 2023

File: B-2022-0029

Owner/

Applicant: NATIONAL BRIKEN (STEELES) INC. / GLEN SCHNARR & ASSOCIATES INC.

Address: 260 Malta Ave

Ward: WARD 4

Contact: Chinoye Sunny, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.477 hectares (1.18 acres). The proposed severed lot (Parcel B) ranging in width from approximately 7 metres (23 feet) to 8 metres (26 feet) will be conveyed to the Region of Peel to achieve the ultimate right-of-way width for Steeles Avenue West. The effect of the application is to provide for an increased road widening along Steeles Avenue West, including the required 0.3 metre (1 foot) reserve.

Recommendations:

That application B-2022-0029 is supportable, subject to the following conditions being imposed:

1. That the owner finalize Site Plan Approval under City File SPA-2021-0143, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 2. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
 3. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
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Background:

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;

- **Secondary Plan:** The subject property is designated 'Residential High Density' in the Fletchers Creek South (Area 24); and
- **Zoning By-law:** The subject property is zoned 'Residential Apartment A (R4A-2808)' according to By-Law 270-2004, as amended.

Current Situation:

The applicant is requesting to sever the required road widening from the subject lands located on the south side of Steeles Avenue West and west of Malta Avenue to be conveyed to the Region of Peel in order to achieve the ultimate right-of-way width for Steeles Avenue West. This application is part of Phase 1 of the proposed Site Plan Approval application which is currently under review with City staff (refer to SPA-2021-0143). The current Site Plan Approval application is for a proposed 26-storey mixed-use condominium supporting a total of 345 residential units along with at-grade retail. Furthermore, eleven (11) Minor Variances were granted at the March 8th, 2022 Committee of Adjustment hearing pertaining to permitted uses, parking, setbacks, building height, lot coverage, and other technical provisions for the subject lands (see Appendix 1).

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,



Chinoye Sunny, Planner I

SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed land conveyance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed land conveyance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed land conveyance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed land conveyance is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed land conveyance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed land conveyance presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.

j) <i>The adequacy of school sites;</i>	The land conveyance presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed land conveyance has no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.



Report Committee of Adjustment

Filing Date: February 8th, 2022

Hearing Date: March 8th, 2022

File: A-2022-0023

Owner/

Applicant: National Brixen (Steeles) Inc./Glen Schnarr & Associates Inc.

Address: 260 Malta Avenue

Ward: 4

Contact: Kelly Henderson, Development Planner, Development Services, 905-874-2619,
Kelly.Henderson@brampton.ca

Recommendations:

That application A-2022-0023 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the minimum separation distance between the tower portions of any buildings shall be 25 metres.
 3. That the reduced parking requirements established in variances 8, 9 and 10 shall only apply to the Phase 1 lands as shown on the sketch attached to the public notice.
 4. That the owner finalize site plan approval under City File SPA-2021-0143, execute a site plan agreement, and post any required financial securities and insurance 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:

Existing Zoning:

The property is zoned 'Residential High Density – Special Section 2808 (R4A-2808', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit the following commercial uses in conjunction with the permitted apartment dwelling:
 - a. an office;
 - b. a retail establishment;
 - c. a convenience store;
 - d. a dining room restaurant;
 - e. a take-out restaurant;
 - f. a service shop;
 - g. a personal service shop;
 - h. a printing or copying establishment;
 - i. an art gallery;
 - j. a commercial school;
 - k. a health or fitness centre;
 - l. library; and,
 - m. an administrative office of any public authority.
2. To permit a minimum front yard setback of 2.9 metres to the first storey and 0.9 metres to the second storey and above, whereas the by-law requires a minimum front yard setback of 15 metres;
3. To permit a minimum exterior yard setback of 3.2 metres to the first storey and 0.9 metres to the second storey and above, whereas the by-law requires an exterior side yard setback of 10 metres;
4. To permit a minimum distance between buildings of 12.7 metres, whereas the by-law requires a minimum distance of 30 metres between buildings;
5. To permit a maximum building height of 26 storeys excluding of any roof-top mechanical penthouse, whereas the by-law permits a maximum height of 25 storeys;
6. To permit a combined maximum residential and commercial floor space index of 4.72, whereas the by-law permits a maximum residential floor space index of 4.5;
7. To permit a maximum lot coverage of 33.6%, whereas the by-law permits a maximum lot coverage of 25%;
8. To permit a total of 260 residential parking spaces, whereas the by-law requires a total of 698 resident parking spaces;

9. To permit a total of 52 residential visitor parking spaces, whereas the by-law requires a total of 88 residential visitor parking spaces;
10. To permit no minimum required parking for any commercial use and to permit residential visitor parking to be shared for commercial purposes, whereas the by-law requires parking for commercial uses to be provided at the applicable rate as prescribed by section 20.3.1; and,
11. To permit a hydro transformer setback of 1.0 metre to the interior, exterior and rear lot lines, whereas the by-law requires a minimum setback of 10 metres to the interior, exterior and rear lot lines.

Current Situation:

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

The subject property is designated "Residential" on Schedule A General Land use of the Official Plan. It is also located within the Gateway Mobility Hub, centred at Main St/Hurontario St S and Steeles Ave, and along an Intensification Corridor, per Schedule 1 City Concept. The Site is designated "High Density" in the Fletchers Creek South Secondary Plan (Area 24). The "Residential" designation of the subject lands permits a full range of residential uses as well as complementary commercial uses in order to support the creation of complete communities. Gateway Mobility Hubs are planned to accommodate a concentration of higher density, mixed-use development.

The residential high density designation at this location may be developed into apartments at a density of 65 units per net acre.

The requested variances to allow retail uses conforms to the policies of the Official Plan, particularly considering the site's location within a Gateway Mobility Hub. The proposed mix of uses will complement the residential use and help create walkable neighbourhoods with access to daily needs. Therefore, variance 1 conforms to the intent of the Official Plan.

Although the site is located outside of the boundaries of the Hurontario – Main Corridor Secondary Plan (Area 55), it is located immediately adjacent to this area – directly to the east of the subject site. As per Section 20.3.2. of the Official Plan this area has no minimum parking requirement. Given that the site is located within the same Major Transit Station Area and Mobility Hub as the lands within the boundary of the Hurontario-Main Corridor Area, it is appropriate that no minimum parking be applied to this site as well. Therefore variance 8, 9 and 10 conform to the intent of the Official Plan.

The requested variances to allow reduction in front, exterior side, and all setbacks above the second storey have no impact with regard to the policies of the Official Plan or Secondary Plan. Similarly, the setbacks between buildings and lot coverage do not have any impact on these policies.

The proposed variances to permit a maximum height of 26 storeys and Floor Space Index of 4.72 (variances 5 and 6) do not interfere with the general intent for residential uses established by the Official Plan. These will contribute to the transit-supportive intensification objectives for the Gateway Mobility Hub and Intensification corridor.

The requested variances to allow a reduction to hydro-transformer setbacks (variance 11) have no impact with regard to the policies of the Official Plan or Secondary Plan.

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

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

The intent of the by-law in regards to variance 1 is limiting commercial uses in residential areas is to maintain the residential character of the property. The commercial use is proposed for the ground-floor only and represents a small component of the overall Gross Floor Area and is not anticipated to impact the residential uses on the site but instead complement them.

In regards to variance 2, 3, 4 and 11, the intent of the by-law requiring a minimum front yard, exterior side yard setback is to ensure that sufficient area is provided in the front/side yard for parking and landscaped area. In large-scale, mixed-use development parking is discouraged in the front of the site and is preferred to be accommodated in the rear or in a parking garage. Parking is being provided primarily in a parking garage, with some surface parking in the rear. Landscaping within the setback will create a vibrant pedestrian realm to support the ground-floor retail uses, and will tie-in with the public realm enhancements along Steeles. Drainage issues have been addressed through the Functional Servicing Report prepared by S. Llewellyn & Associates Ltd. Access to the rear yard is provided through both the Malta sidewalk and courtyard proposed at the west of the site.

The reduced setback above the second floor recognizes that sufficient public realm "spill-out" area is already being provided on the first floor setback.

In regards to variance 4, this speaks to the separation between the buildings of Phase 1 and Phase 2, a ground floor height of nearly 5m is proposed, providing ample space separation between the public realm and the encroachment above. Regulating the minimum distance between buildings is to ensure that sufficient space is provided between buildings for fire safety and outdoor amenity space. Building did not have any concerns with regards to meeting a minimum fire separation distance. A spacious courtyard is being provided between the proposed development and the future, adjacent phase, contributing to the outdoor amenity space on-site. The reduction in minimum distance would allow for the creation of a more enclosed space to mitigate impacts of traffic noise along Steeles. Further outdoor amenity space is being provided at the podium level (level 8). Furthermore, in order to ensure adequate separation between the towers of Phase 1 and Phase 2, staff are recommending a condition to ensure the distance between the towers is 25 metres.

Variance 5 is in regards to building height. 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 applicant has provided an Urban Design Brief which speaks to the massing and shadowing impacts of the site. No negative impacts on adjacent properties are anticipated.

Variance 6 is in regards to maximum Floor Space Index (FSI). The intent of the By-law in regulating floor space index is to avoid excessive densities that impact adjacent properties. The Floor Space Index is calculated based on the small lot area, as the request is for Phase 1 only. The proposed

density represents only a modest increase and remains in keeping with the intent of the planning policies for the area. This will facilitate a form of development that aligns with the intent of the area to accommodate an appropriate amount and distribution of density, height and massing.

In regards to variance 7, the intent of the By-law in regulating lot coverage is to ensure that the size of buildings is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity space. Allowing additional lot coverage will facilitate a high-density mixed-use building fronting an intensification corridor. Allowing for a podium that provides a significant frontage along Steeles is a major component of this. The increased lot coverage will be mostly apparent from Steeles Ave and not from the adjacent lower-density residential area. Outdoor amenity space will be provided through the courtyard area and 8th floor podium level.

In regards to variances 8, 9, and 10, the intent of the By-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the residential/commercial units on the site. Sufficient parking is being provided through both an underground parking garage and some surface parking at the rear. Furthermore, the subject site is just outside of the area where the City has removed minimum parking standards within the Uptown area, in order to encourage public transportation use. As well it should be noted that the site specific zoning on this property requires more parking than is required by the parent zoning provisions. The requested parking reductions are for Phase 1 of this development only and Phase 2 will require a separate parking study report if any reductions to parking are required in the future. Traffic staff will request a condition to be included in the Site Plan Agreement for Phase 1 stating that the visitor parking rate for Phase 2 may be higher than what is required during Phase 1, which will be subject to a parking utilization study as part of the Phase 2 site plan submission to assist in determining overall parking requirements. However, staff are of the opinion that the provided parking is adequate given the development proposal, the submitted Parking Study supports the reduction, the development is located along an intensification corridor with high-quality transit service, and in close-proximity to a Brampton Gateway Bus Terminal and future LRT Stop.

Overall, many of the variances are reflective of the zoning for the property being an older zoning by-law that does not reflect current zoning standards that should apply along an intensification corridor in close proximity to the Hurontario LRT station at Hurontario St/Main St S and Steeles Ave. Subject to the recommended conditions of approval, the proposed variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

In regards to variance 1, the addition of commercial use provisions will allow the addition of ground-floor retail units fronting Steeles Ave to facilitate an activated street frontage that supports active transportation and transit usage. It will complement the residential uses by providing an opportunity for residents to shop, dine etc. on site, while also attracting residents from the nearby area.

In regards to variances 2, 3 and 11, reducing setbacks (to the front and exterior lot lines and for all lot lines for the 2nd storey) will allow the building to be placed closer to Steeles Ave and Malta Ave which will create a desirable urban edge while also pushing the buildings mass away from the lower-density residential development to the south. The reduced setbacks are not anticipated to pose adverse

impacts on-site or off-site. The proposal allocates massing of greatest height towards Steeles Ave achieving an appropriate built-form transition to the adjacent residential area to the south. The reduction of minimum setbacks to front and exterior side lot lines will facilitate a desirable urban edge along Steeles Ave. Further reductions for portions of the building above the first storey are to facilitate a highly articulated building façade that will add character and visual interest to the public realm.

In regards to variance 4, the reduction of the minimum distance between buildings will allow the first level of the podium to be closer to the podium of the eventual next phase of development to the west. This will help to achieve the design vision of a partially sheltered courtyard, reducing the impact of noise once the next phase is built out.

In regards to variance 5, the increase in building height to 26 storeys will help to accommodate more units within an intensification corridor and Gateway Mobility Hub. The increase in height will bring the building further in-line for what is proposed in the area, and will support the use of transit and active transportation, reducing reliance on personal vehicles.

In regards to variance 6, the increase in Floor Space Index would allow the ratio between the area of the building to the area of the site to increase. This would facilitate greater density in an area intended to receive buildings of the "greatest mass and highest densities" in Brampton, being along an intensification corridor and within the Gateway Mobility Hub.

In regards to variance 7, the increase in lot coverage would allow the building footprint to occupy a greater portion of the site. This permits the development of a larger podium, which provides amenity space for residents (indoor and outdoor).

In regards to variance 8, 9, and 10 the reduction in resident and visitor/commercial parking will allow fewer parking spaces to be provided on-site for residents, their guests, and those shopping at the ground-floor retail units. The proposed reduction in parking will support the use of transit and active transportation, reducing reliance on personal vehicles.

Therefore, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

In regards to variance 1, the amount of retail area is small and retail uses are complementary to residential and support the development of complete communities.

In regards to variances 2, 3 and 11, these are required in order to bring the by-law in-line with high-density mixed-use development that provides an activated street frontage to support active transportation and transit.

In regards to variance 4, which speaks to the minimum distance between buildings in phase 1 of this development and the future building in phase 2. The reduction in distance between these towers will not have an impact on surrounding land uses.

In regards to variance 5, the proposed increase is only 1 storey and is minimal given the surrounding intensification of the area.

Variance 6 speaks to Floor Space Index, which is only proposed to increase by 0.22, which is a minor increase and encouraged given that this development is within an intensification area.

Variance 7 is requested in regards to lot coverage. The proposed increase in lot coverage is a relatively small increase, and necessary to facilitate this type of development.

Variance 8, 9 and 10 are required based on a reduction in parking. The submitted Parking Study supports the reduction, and the property is located along an intensification corridor with high-quality transit service, and is within close-proximity to Brampton Gateway Bus Terminal and future LRT Stop.

The proposed variances do not change the intended use or impede the intended function of the subject lands for residential as a primary use. Rather, they represent minor refinements to support project implementation and are consistent with the direction of other similar developments in the City of Brampton. Therefore, it is staff's opinion that the proposed minor variances are minor in nature.

Respectfully Submitted,

K Henderson

Kelly Henderson, Planner III