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Date December 14, 2023 **Report No.** 2023-623

To Chair and Members
Planning Committee

From Nicole Wilmot, MCIP, RPP
Chief Planner and Director of Planning and Development Services
Community Development Commission

1.0 Type of Report

Consent Item
Item For Consideration

2.0 Topic **Zoning By-law Amendment PZ-14-23 – 264 Erie Avenue [Financial Impact – None]**

3.0 Recommendation

- A. THAT Zoning By-law Amendment Application PZ-14-23, submitted by MHBC Planning on behalf of Ideal Capital, affecting the lands municipally known as 264 Erie Avenue, to change the zoning to “Residential Medium Density Type B – Exception 32 Zone” (R4B-32) to permit a 47-unit Apartment building BE APPROVED, subject to the application of a ‘Holding’ provision and in accordance with the applicable provisions outlined in Section 9.2 of Report 2023-623; and,
- B. THAT the By-law to remove the “Holding (H)” provision from the subject lands not be presented to Council for approval until the applicant has submitted a Stage 1 Archaeological Assessment and any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism’s Standard and Guidelines for Consultant Archaeologists, as amended from time to time, as well as copies of all letters from the Ministry

of Citizenship and Multiculturalism verifying that archaeological assessments have been entered into the Ontario Public Register of Archaeological Reports, to the satisfaction of the Chief Planner; and

- C. THAT Pursuant to Section 34(18.2) of the *Planning Act*, R.S.O 1990, c.P.13 the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 9.4 of Report 2023-623.”

4.0 Executive Summary

A Zoning By-law Amendment application has been received for the lands municipally addressed as 264 Erie Avenue. The applicant is proposing to amend Zoning By-law 160-90 to permit a four-storey apartment building containing 47 apartment dwelling units. A single driveway access point onto Erie Avenue is proposed, with a parking area containing 64 parking spaces and ten bicycle parking spaces. The subject lands have a total area of 0.43 hectares (1.06 acres) and currently contain a 2.5-storey residential building that is proposed to be demolished. The lands are designated “Intensification Corridor” within the Official Plan and zoned Residential Type 1C (R1C) in Zoning By-law 160-90. The applicant is proposing a “Residential Medium Density Type B Exception 32 Zone (R4B-32) to permit the proposed development. A Flood “F” Prefix applies to the southeast quadrant of the site and will continue to apply should this application be approved. All property owners within 120 m of the subject lands were notified of the application and a neighbourhood meeting was held on November 21, 2023.

Figure 1: North Elevation of Proposed Apartment Block.



In accordance with the *Planning Act*, this application is being presented to Planning Committee and subsequently City Council for a decision within 90 days of the application being deemed complete. Based on Staff’s review of the application, approval is recommended for Zoning By-law Amendment PZ-14-2023 for reasons including, but not limited to:

- The application is consistent with the 2020 Provincial Policy Statement and conforms to the 2020 Growth Plan for the Greater Golden Horseshoe and the City’s Official Plan.
- The proposed development will provide for an efficient use of land, services and infrastructure.
- The proposed development will contribute to the City’s housing supply.

5.0 Application Information

Table 1: Application Information

Application Details	
Applicant/ Owner	MHBC Planning c/o Trevor Hawkins and Juliane vonWesterholt Ideal Capital c/o Daljeet Dhanesar
File Number(s)	PZ-14-2023
Application Type(s)	Zoning By-law Amendment
Proposed Use	Apartment Dwelling Units
Concurrent Applications / approvals	N/A
Property Details	
Address /Ward	264 Erie Avenue Ward 5
Area	0.43 ha / 1.06 acres
Existing Use	Single detached dwelling

Documents	
Official Plan Designation (existing)	Intensification Corridor
Official Plan Designation (proposed)	N/A
Zoning By-law 160-90	Residential Type 1C Zone (R1C) and Flood Residential Type 1C (F-R1C)
Zoning Proposed/Modifications	Residential Medium Density Type B Exception 32 Zone (R4B-32) <ul style="list-style-type: none"> • 88.68 m² minimum lot area/unit • 8.75 m² minimum amenity space/unit • 1.36 parking spaces/unit
Processing Details	
Deemed Complete	October 3, 2023
Neighborhood Meeting	November 21, 2023
Statutory Public Meeting	December 14, 2023
Public Comments	A neighbourhood meeting was held in consultation with the Ward Councillors on November 21, 2023. A summary of public comments from that meeting is included in Section 9.4 of this Report, and the notes from the meeting and written comments received are attached as Appendices C and D.

6.0 Purpose

The purpose of this Report is to recommend approval for Zoning By-law Application PZ-14-2023 to permit the construction of a four-storey, 47-unit apartment building.

7.0 Corporate Policy Context

7.1 2023-2026 Council Priorities

This Report is in keeping with the City of Brantford Council Priorities endorsed February 28, 2023, specifically the following outcomes:

- Build a greener Brantford
- Move people more effectively

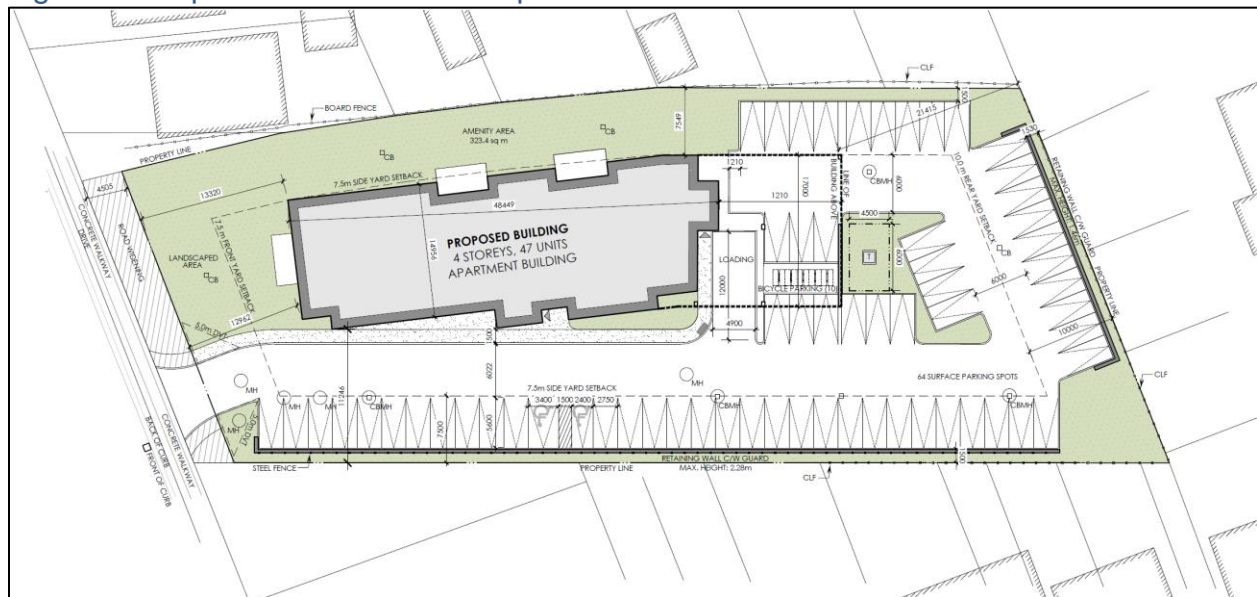
The proposed development will contribute to these outcomes by introducing a greater population density in a compact and efficient form while utilizing existing infrastructure. The proposed development is within walking distance to existing transit routes and Staff is optimistic that this will increase ridership. To align with the “Build a greener Brantford” priority, the applicant is encouraged to incorporate sustainable design features listed in Section 4.2 of the Urban Design Manual, which will be implemented through the Site Plan Control process. It is Staff’s opinion that the application is consistent with Council’s priorities.

8.0 Description of Proposal

The applicant is proposing to amend Zoning By-law 160-90 to permit a four-storey apartment building consisting of a total of 47 dwelling units. A single driveway access point onto Erie Avenue is proposed, with a parking area containing 64 parking spaces (1.36 parking spaces/unit) and ten bicycle parking spaces. An approximately 323 m² amenity area is proposed to be located along the northern portion of the site. The westernmost portion of the building towards the rear of the site is proposed to extend over a ground-level parking area. In order to accommodate the proposed development, the existing building is proposed to be demolished and 48 trees are proposed to be removed, with 18 trees to be retained. The applicant had originally proposed a 5-storey apartment building at the pre-consultation stage but has since refined their proposal.

The subject lands are designated “Intensification Corridor” in the City’s Official Plan and zoned “Residential Type 1C” (R1C) and “Flood Residential Type 1C (F-R1C) in Zoning By-law 160-90. The applicant is proposing a “Residential Medium Density Type B” (R4B) to facilitate the proposed development. A Flood “F” Prefix applies to the southeast quadrant of the site and will continue to apply should this application be approved. The parking area generally coincides with the Grand River Conservation Authority Area and the Special Policy Area 1 (Schedule 7-1). Additional site-specific provisions will account for a reduced lot area, reduced amenity space, and reduced parking spaces.

Figure 2: Proposed Site Plan Concept.



8.1 Supporting Documents

The following technical reports and studies have been submitted in support of the application:

- Arborist Report;
- Building Elevations;
- Functional Servicing Report & Stormwater Management Report (includes conceptual grading and servicing plans);
- Geotechnical Report;
- Noise Study;
- Planning Justification Report;

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- Shadow Study;
 - Site Plan;
 - Survey;
 - Truck Turning Management Plan; and,
 - Urban Design Report.

8.2 Site Information

The subject lands are located on the east side of Erie Avenue, south of Mintern Avenue. The subject lands have an area of approximately 0.43 ha (1.06 acres) and a lot width of 32 m along Erie Avenue. The lands currently contain a single detached dwelling with a single driveway access from Erie Avenue and an in-ground pool in the rear yard. A total of 66 trees were inventoried that were either on or adjacent to the property, and the topography gradually slopes upwards from the southeast to the northwest. The subject lands are surrounded by single detached dwellings in all directions. Bellview Public School is located further south of the site, and commercial uses further north on Erie Avenue. An aerial photo and photos of the subject lands are included below.

Figure 3: Aerial Photo.

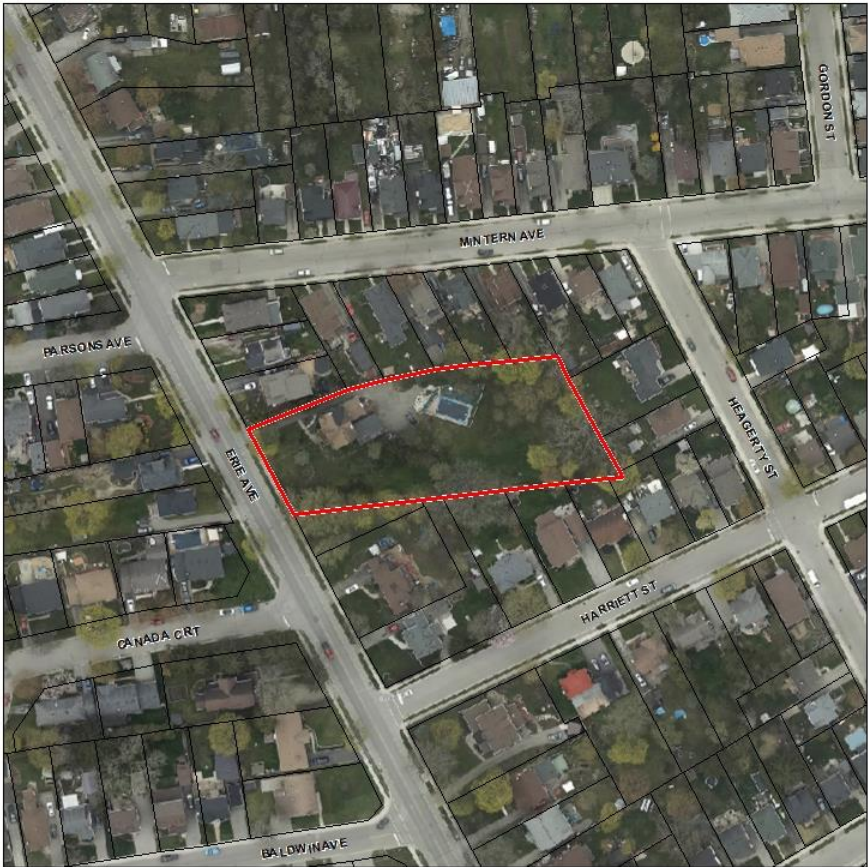


Figure 4: Photo of subject lands taken from Erie Avenue.



Figure 5: Photo of southern property line.



Figure 6: Photo of northern property line.

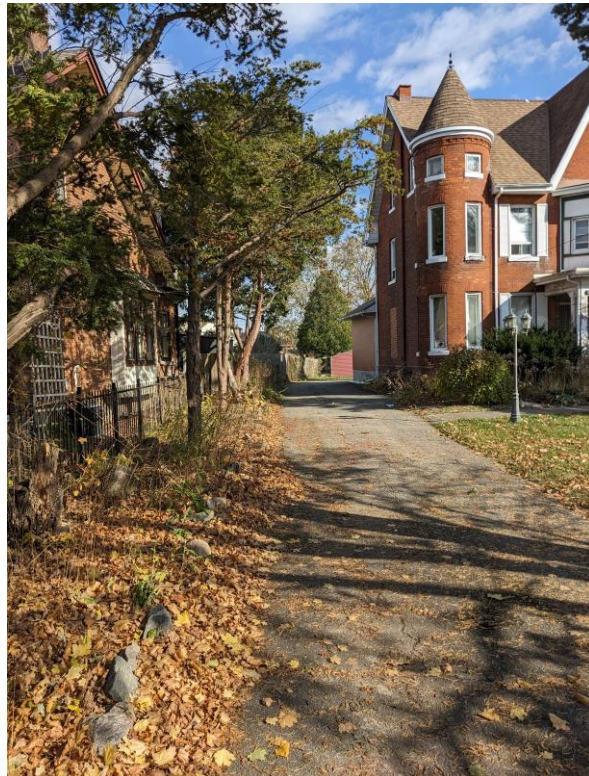


Figure 7: Photo of subject lands taken from rear of property.



9.0 Analysis

9.1 Planning Policy Context

A map identifying the land use designations in the general area of the subject lands is attached as **Appendix A**. The City of Brantford Official Plan designates the lands as follows:

Table 2: Official Plan Policies

Designation	Schedule
Strategic Growth Areas	Schedule '1' Growth Management
Intensification Corridor	Schedule '3' Land Use Plan
Special Policy Area 1	Schedule '7-1' Floodplain
Minor Arterial Road – Erie Avenue	Schedule '12' Road Network
Erie Avenue proposed right-of-way width of 36 m	Schedule '13' Road Allowance Road Widening

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- The “Strategic Growth Areas” designation in the City is intended to accommodate significant growth in an intensified built form. The Strategic Growth Areas play a crucial role in defining the planned urban structure of the City, in supporting a successful transit system, and in achieving the City’s intensification and density targets.
 - The lands designated “Intensification Corridor” in the Official Plan function as the “connective spine” of the City. This designation is intended to provide significant opportunities for creating vibrant, pedestrian and transit oriented places through investment in infrastructure, residential intensification, infill and redevelopment. This designation permits a variety of commercial uses and residential uses with a maximum height of six-storeys along Erie Avenue.
 - The southeast portion of the lands are designated “Special Policy Area 1.” Special Policy Area 1 consists of all areas of the Grand River floodplain within the City that are primarily developed already and are protected by dikes. These provisions prohibit sensitive uses within the floodplain, including schools, emergency services and day nurseries. The provisions also do not permit basements in new development, or openings, windows or doors below the elevation of the first floor of any residential use
 - Transportation Staff have requested the conveyance of the required widening for Erie Avenue as per the Official Plan Schedule ‘13.’ The required widening has been illustrated on the submitted concept plan and will be conveyed at the Site Plan Control stage.
 - Staff are of the opinion that the proposed Zoning By-law Amendment, as recommended by Planning Staff, conforms to the policies of the City’s Official Plan. The proposed development supports the intensification of an underutilized site and contributes to the development of a complete community in the Settlement Area.
 - The proposed development is consistent with Section 1.1 of the Provincial Policy Statement (PPS). The development proposes the redevelopment and intensification of underutilized lands within the existing built boundary, which will use existing infrastructure and municipal services. This will minimize land consumption and will promote efficient development.

- The proposed development conforms with a Place to Grow: Growth plan for the Greater Golden Horseshoe (2020). The proposed development is situated within the City's Settlement Area, which is an area of the City to accommodate significant population and employment growth (Section 2.2.3).
- Section 1.2 of the Growth Plan supports the achievement of complete communities with an increase in the amount and variety of housing available. The proposed development will contribute to a complete community with access to nearby services and amenities such as transit, retail businesses, parkland and trails. The proposed development will also contribute to the minimum density target within the City's Built-up Area. Planning Staff is of the opinion that the proposed Zoning By-law Amendment conforms to the Growth Plan.

9.2 Planning Evaluation of Zoning By-law Amendment

Existing Zoning: "Residential Type 1C Zone (R1C & F-R1C)"

Proposed Zoning: "Residential Medium Density Type B Exception 32 Zone (R4B-32 & F-R4B-32)"

A map identifying the zoning in the general area of the subject lands is attached as **Appendix B**. The subject lands are currently zoned "Residential Type 1C" (R1C & F-R1C)" in Zoning By-law 160-90. The R1C Zone permits single detached dwellings and accessory uses. The "F" prefix applies to the southern portion of the subject lands and indicates that the lands are located within a flood zone, which prohibits basements and restricts the establishment of some uses such as schools and hospitals, and child care centres. The Flood "F" Prefix regulations are contained within Section 6.28 of the Zoning By-law.

To facilitate the proposed development, the applicant is seeking to amend the current zoning to "Residential Medium Density Type B Exception 32 Zone (R4B-32 & F-R4B-32)" The R4B-32 Zone will recognize proposed site specific conditions for the four-storey apartment building, such as the minimum lot area, minimum number of parking spaces per unit and amenity space. The proposed zoning provisions are noted below in Table 3 below:

Table 3: Zoning Table

Zoning Regulations	Required (R4B Zone)	Proposed	Staff Response
Lot Area (minimum)	167 m ² /unit	88 m ² /unit	The current Zoning By-law has not been updated to reflect the City's new Official Plan to accommodate more growth in Intensification Corridors. The proposed built form is permitted within this designation, complies with the minimum landscaped open space requirement and maximum lot coverage requirement.
Amenity Area (minimum)	9 m ² /unit (423 m ² total)	8.75 m ² /unit (411 m ² total)	Reduction is considered minor, and private amenity spaces such as balconies are not taken into account for this calculation.
Off-street parking spaces (minimum)	1.5 parking spaces/unit (71 spaces total)	1.36 parking spaces/unit (64 spaces total)	Transportation Staff is satisfied with proposed reduction and it is consistent with recently completed parking studies for similar developments.
Drive Aisle width for access to a loading space	7 m	6 m	Applicant has provided continuous turning movement analysis to demonstrate that loading space can be accessed by

Zoning Regulations	Required (R4B Zone)	Proposed	Staff Response
			larger vehicle.

9.3 Development Considerations

9.3.1 Urban Design

An Urban Design Brief, prepared by MHBC Planning and dated July 2023, was submitted to address the compatibility and design of the proposed development. The Brief analyzes the proposed development alongside the City’s Urban Design Manual and finds that the proposed development achieves a compact urban form and promotes intensification suitable for the area. The placement of the building addressing Erie Avenue in conjunction with landscaping along the street edge will create an attractive streetscape facing the public realm.

The Brief demonstrates that a 45 degree angular plane measured from adjacent low-rise residential property lines to the south and east can be achieved in accordance with the Urban Design Manual. A 65 degree angular plane is provided for to the northern property line. The intent of this guideline is to reduce visual impact, shadowing and overlook on to adjacent properties. While the guideline is not achieved along the northern property line, Staff note that the minimum setback of the R4B Zone (7.5 m) is provided and additional buffering in the form of fencing and landscaping will be required through the Site Plan Control Process for adjacent low-rise residential uses.

9.3.2 Arborist Report

In support of the application, the applicant submitted an Arborist Report prepared by JK Consulting Arborists, dated August 15, 2023. The Report inventoried 66 trees on or adjacent to the subject lands and found that 18 trees could be retained and 48 would need to be removed to accommodate the proposed development. The recommendations of the Report indicate that site design should be revised to retain boundary trees and

consequently mitigate damage to adjacent neighboring trees and their root systems. Staff have provided comments and potential solutions for the owner/applicant to consider to better preserve trees. Through the Site Plan Control process, the applicant will be required to prepare a Landscape Plan and appropriately replace trees that were removed.

The Arborist Report observed that a hybrid Butternut tree is located on the property and that a regular Butternut tree is located on an adjacent neighboring property. While Butternut trees are an endangered species and are protected under the *Endangered Species Act*, hybrid Butternut trees are not. A Butternut Health Assessment (BHA) is required by the Ministry of Environment, Conservation and Parks (MECP) who regulates the impacts to endangered species. The BHA was subsequently completed and confirmed that the butternut species located on the subject land is a hybrid and can be removed. The subject lands are not classified as a protected woodlot in City's Tree By-law 119-2017.

9.3.3 Transportation Considerations

The subject lands are located on Erie Avenue, which is identified as a minor arterial road. The primary function of a minor arterial road is to move traffic through the City and to neighbouring municipalities. Using best practices for estimating trip generation based on the site statistics, the proposed 47 apartment dwellings would generate approximately 17 new AM peak hour trips and 19 new PM peak hour trips, based on empirical data from the ITE Trip Generation Manual- 11th Edition. Traffic data collected by the City estimates the average annual daily traffic in this section of Erie Avenue is approximately 11,000. The addition of 47 new apartments will have a marginal effect on the flow of traffic along this corridor, which could accommodate upwards of 20,000 vehicles per day before requiring capacity improvements such as the addition of travel lanes. It is Transportation Staff's opinion that the site will generate relatively low traffic, which would not negatively affect the existing transportation network.

Given the site's location on Erie Avenue, left-turns in and out of site are not expected to exceed more than ten instances in any given hourly period. Because the site is sufficiently spaced from

nearby intersections and traffic control devices, there is expected to be gaps in traffic to conduct these maneuvers. Additionally, through a 2022 Council Motion, Staff was directed to remove the on-street cycling lanes along Erie Avenue and replace them with a painted two way centre left-turn lane. This painting exercise has been completed and provides a left-turn lane for the subject development.

9.3.4 Parking

The applicant is proposing 64 off-street parking spaces, or 1.36 parking spaces per apartment dwelling unit. Zoning By-law 160-90 requires 1.5 parking spaces per apartment dwelling unit, which equates to 71 parking spaces for 47 apartment dwelling units. As part of the research for the new comprehensive Zoning By-law, Staff conducted parking studies at 14 sites within the City limits, with most of these sites being apartment buildings. The studies found that peak parking demand was considerably less than our Zoning by-law requirement, and as such many of the newer sites had a substantial oversupply of parking. Staff accept the parking ratio shown, and will require as a condition of Site Plan Approval that some of the parking be allocated to visitors, as well as new bicycle parking be added to encourage active transportation. There will also be requirements for sidewalk connections to Erie Avenue.

9.3.5 Cultural Heritage

The subject property was reviewed as part of the City of Brantford's Heritage Register Project. The Project reviewed 9000+ property records contained on the City's informal Heritage Inventory against a number of project criteria. The Heritage Register Project used the existing records to identify which properties have heritage value and are strong candidates for listing on the Register. Of the 9000+ properties with records on the Heritage Inventory, approximately 830 properties were recommended to be considered for listing.

The City's consultant reviewed 264 Erie Avenue and found that it's integrity was "sufficient" (defined as generally retaining most of its original and character defining features, but having some later

renovations) instead of “low” or “exceptional”. The property was also found to be representative of its architectural style (i.e. it displays a design or features that are typically associated with that style), but it’s style was considered a relatively common style in Brantford for the era. The Heritage Inventory did not contain any other information about the property that could be used to satisfy other criteria. Based on the findings, 264 Erie Avenue was found to only meet one lower priority project criterion; this was not enough to be considered a candidate to be carried forward and recommended for listing through the Heritage Register Project methodology. For the foregoing reason, a heritage impact assessment was not required to support the zoning by-law amendment application.

Comments from the Six Nations of the Grand River and the Mississaugas of the Credit First Nation requested an archaeological assessment. An archaeological assessment, together with letter from the Ministry of Citizenship and Multiculturalism, will be required as a condition of Holding Removal. Detailed comments are included in **Section 9.4**, Table 5 of this Report, below.

9.3.6 Noise Feasibility Study

A Noise Feasibility study, prepared by HGC Engineering and dated July 27, 2023 was submitted in support of the application. The Study recommends that noise warning clauses be provided for the units facing Erie Avenue due to transportation related noise and that the installation of central air conditioning will be required for all dwelling units in the building. Further, double-glazed windows meeting the requirements of the Ontario Building Code are necessary and an acoustical consultant should review the detailed architectural plans when they are available.

9.4 Public Consultation and Engagement

Summary of relevant consultation under the *Planning Act* is provided below. A neighbourhood meeting was held in consultation with the Ward 5 Councillors on November 21, 2023. The notes from that meeting are attached as **Appendix C**. At the time of writing this Report, written comments from two neighbouring property owners have been received

and are attached to this Report as **Appendix D**. A map illustrating the properties that were notified of this application by mail is included as **Appendix E**.

9.4.1 Departments and Agencies

Table 4: Departments and Agencies

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Accessibility • Bell • Enbridge • Grandbridge Energy • Fire Department • Hydro One • Parks and Facilities • Public Works – Operations Dept. • Rogers • Transit 	No comments received or no concerns noted.	<i>The applicable departments/external agencies will be circulated on any future site plan and condominium (if applicable) processes.</i>
Building Department	Zoning deficiencies identified	<i>Any required relief from zoning will be included in amending by-law</i>
Canada Post	Standard comments provided	<i>Comments to be addressed as part of future site plan process.</i>
Development Engineering	Technical comments regarding Functional Servicing Report, Stormwater Management Report,	<i>Applicant will address comments through future site plan process.</i>

Department/Agency	Comment	Staff Response
	Geotechnical Report, Noise Study and Civil Drawings provided.	
Development Engineering (Landscaping)	The recommendations of the arborist report indicate that site design should be revised to retain boundary trees and consequently mitigate damage to adjacent neighboring trees and their root systems. As a result, comments speak to recommendations for the owner/applicant to consider to better preserve trees.	<i>Comments to be addressed through Site Plan Control and included as a condition of Site Plan Approval if necessary.</i>
Economic Development	Economic Development has no technical comments and is supportive of this project and the associated investment it will create in the City of Brantford. The Subject Lands are supported by Brantford Transit stops located at intersection of Erie Ave and Baldwin Ave, approximately 160 m to the south (Routes 1 and 12).	
Environmental Services	The proposed development must be water modeled in accordance with the detailed FSR to determine that there is sufficient capacity and	<i>Water Modelling included as a condition of holding removal</i>

Department/Agency	Comment	Staff Response
	that there will be no negative impact on the City's distribution system.	
Grand Erie District School Board (GEDSB)	The proposed development is located within the attendance boundary of Bellview Public School (JK-8) and Pauline Johnson CVS (9-12). Currently, the schools are at 106% and 72% capacity utilization, respectively. A warning clause regarding the over-capacity of Bellview School in all purchase and sale/lease agreements will be required. Construction of the proposed development may impact pedestrian walking routes to school for students; the developer must ensure that notice of any street/sidewalk closures, construction hoarding, or other activity impacting access to existing transportation infrastructure be provided to GEDSB.	<i>Warning Clause to be included as a condition in Site Plan Agreement, should this application be approved.</i>
Grand River Conservation Authority (GRCA)	<i>GRCA has no objection to the proposed zoning bylaw amendment. Final site and grading plans will be required to confirm the SPA1</i>	<i>GRCA will be circulated on Site Plan Control application, should this zoning amendment be approved.</i>

Department/Agency	Comment	Staff Response
	<i>criteria/policies have been met.</i>	
Housing Dept.	Please note that the proposal for 264 Erie Ave (PI-53-22) is of interest to the Housing & Homelessness Services Department. We are wondering if they have been made aware of affordable housing incentives (Development Charge exemptions) and/or if they have considered developing any of these units as “affordable” housing units. (comment made at pre-consultation)	<i>Comment provided to applicant who noted that the owner will review the incentives.</i>
Long Range Planning	Standard comments provided regarding the Brownfields Community Improvement Plan	<i>Noted by applicant.</i>
Transportation	No objections to the zoning amendment and Transportation staff are supportive of the proposed parking ratio, A road widening is to be dedicated from Erie Avenue.	<i>Road widening to be included as a condition of Site Plan Control.</i>

9.4.2 Grand River Notification Agreement

Table 5: Grand River Notification Agreement

Comment	Staff Response
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	Comment	Staff Response
<p>Six Nations of the Grand River</p>	<p>Was an archaeological assessment requested for this property?</p>	<p><i>An archaeological assessment is included as a condition of holding removal in the recommendation.</i></p>
<p>Mississaugas of the Credit First Nation</p>	<p>The Mississaugas of the Credit First Nation would like to notify you that we are the Treaty Holders of the land on which the construction of a 4-storey 47 unit apartment building will be taking place. This project is located on the Between the Lakes Treaty No. 3 of 1792.</p> <p>In light of this, the MCFN Department of Consultation and Accommodation (DOCA) requires that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.</p>	<p><i>An archaeological assessment is included as a condition of holding removal in the recommendation.</i></p>

9.4.3 Public Comments

Table 6: Public Comments

	Comment	Staff Response
Proposed grading and drainage	A resident raised concerns about water drainage onto adjacent properties and if there is adequate infrastructure to accommodate the proposed development.	<i>The Applicant's Engineer stated that the goal will be to retain all onsite water or relay extra discharge to Erie Avenue. A Functional Servicing Report was submitted in support of the application demonstrating that the site can be serviced adequately.</i>
Parking	The parking that is being provided is inadequate and future residents of the proposed development will spillover onto adjacent side streets	<i>The applicant is proposing a parking ratio of 1.36 parking spaces per apartment dwelling unit. Based on several parking studies conducted by Staff, it was found that the average apartment building in Brantford requires 1.15 parking spaces per unit. The amount of parking proposed is in excess of this.</i>
Traffic	Comments were made regarding the volume of traffic that currently exists on Erie Avenue as well as the traffic that could be generated from the proposal.	<i>Traffic data collected by the City estimates the average annual daily traffic in this section of Erie Avenue is approximately 11,000. The addition of 47 new apartments will have a marginal</i>

	Comment	Staff Response
		<p><i>effect on the flow of traffic along this corridor, which could accommodate upwards of 20,000 vehicles per day, before requiring capacity improvements such as the addition of travel lanes.</i></p>
<p>Impact on local schools</p>	<p>What impacts will the proposed development have on nearby schools?</p>	<p><i>The local school boards were circulated on this application. The Grand Erie District School Board indicated that the property is within the attendance boundary of Bellview Public School (JK-8) and Pauline Johnson CVS (9-12). Currently, the schools are at 106% and 72% capacity utilization, respectively. The School Board will require that the Owner/Developer agree to notify all purchasers of residential units and/or renters that, accommodation in nearby facilities may not be available for all anticipated students. Students may be accommodated in temporary facilities</i></p>

	Comment	Staff Response
		<i>and/or bussed to a school outside the area.</i>
Heritage	Why isn't this property designated a heritage building and what are the different criteria for heritage buildings?	<i>The subject property was reviewed as part of the City of Brantford's Heritage Register Project. While the property is considered "representative" of its architectural style (i.e. it displays a design or features that are typically associated with that style), and was considered to have sufficient integrity (vs. low or exceptional integrity), there was little other information about the property that was available. Accordingly, the property did not meet enough project criteria to be considered as a candidate for further review as part of the project.</i>
Public Notice	Some attendees of the neighbourhood meeting did not receive a notice in the mail.	<i>All property owners within 120 m of the subject lands were sent a notice of the meeting. A map illustrating the mailing radius is included as Appendix E.</i>
Privacy	The proposed development will create overlook issues	<i>A privacy fence and landscape buffer will</i>

	Comment	Staff Response
	into abutting rear yards.	<i>be implemented through site plan control. Where possible, boundary trees will be retained to respect privacy of adjacent properties.</i>
Indigenous Consultation	There is a concern that First Nations were not adequately consulted on this application.	<i>Six Nations of the Grand River and the Mississaugas of the Credit First Nation were circulated the application in accordance with the Grand River Notification Agreement. Comments were received by Staff and addressed/incorporate into this Report and the future implementing zoning by-law, if approved.</i>
Erie Avenue	What is the current width of Erie Avenue and how does this compare to other minor arterial roads?	<i>The current width of Erie Avenue is approximately 20 m, which is the same as other minor arterial roads such as Mt. Pleasant Street and Colborne Street West.</i>

10.0 Financial Implications

There are no direct municipal financial implications respecting this application.

11.0 Climate and Environmental Implications

There are no direct municipal climate and environmental implications that can be assessed at this time respecting this application. The development is in a

compact form that will utilize existing infrastructure and require fewer resources. For example, if the same number of dwelling units (47) were provided as single detached dwelling units on 270 m² lots, a minimum of 1.3 ha (3.2 acres) of land would be required. This calculation does not take into account the road network and other infrastructure that would require additional land area and is considered a modest comparison. The construction of additional residential units will result in increased greenhouse gas emissions.

12.0 Conclusion

The proposed 47-unit apartment building development is considered to be compatible with the surrounding neighbourhood and is appropriate for the subject lands. The proposed Zoning By-law Amendment is consistent with the PPS and Council's Priorities, and in conformity with the Growth Plan and Official Plan. The Site Plan Control process will ensure that the requirements of the municipality and other agencies are addressed and implemented, prior to the issuance of a building permit. The applicant and owner have been provided with comments/conditions and the draft implementing zoning by-law, and are in agreement with these instruments and Staff's recommendations. Based on these considerations, Planning Staff is of the opinion that the application for Zoning By-law Amendment is appropriate and represents good planning.



Nicole Wilmot, MCIP, RPP
Chief Planner and Director of Planning and Development Services
Community Development Commission

Prepared By:

Joe Muto, MCIP RPP, Manager of Development Planning

Attachments

Appendix A – Official Plan Designation
Appendix B – Zoning By-law 160-90
Appendix C – Neighbourhood Meeting Notes
Appendix D – Written Comments Received
Appendix E – Public Notification Area Map

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

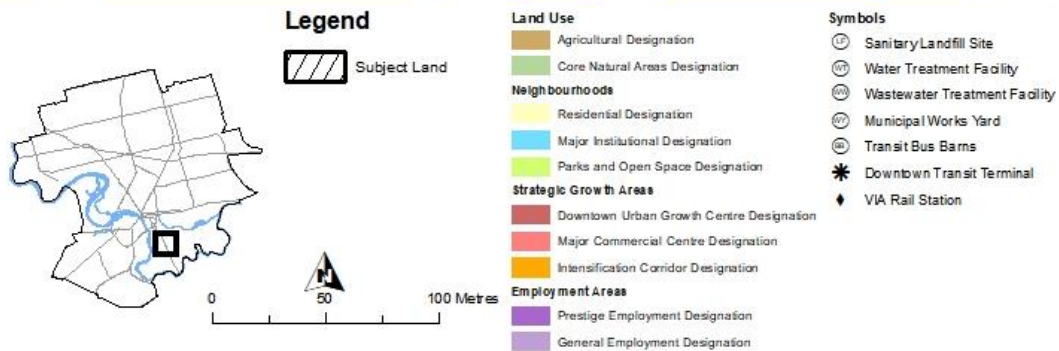
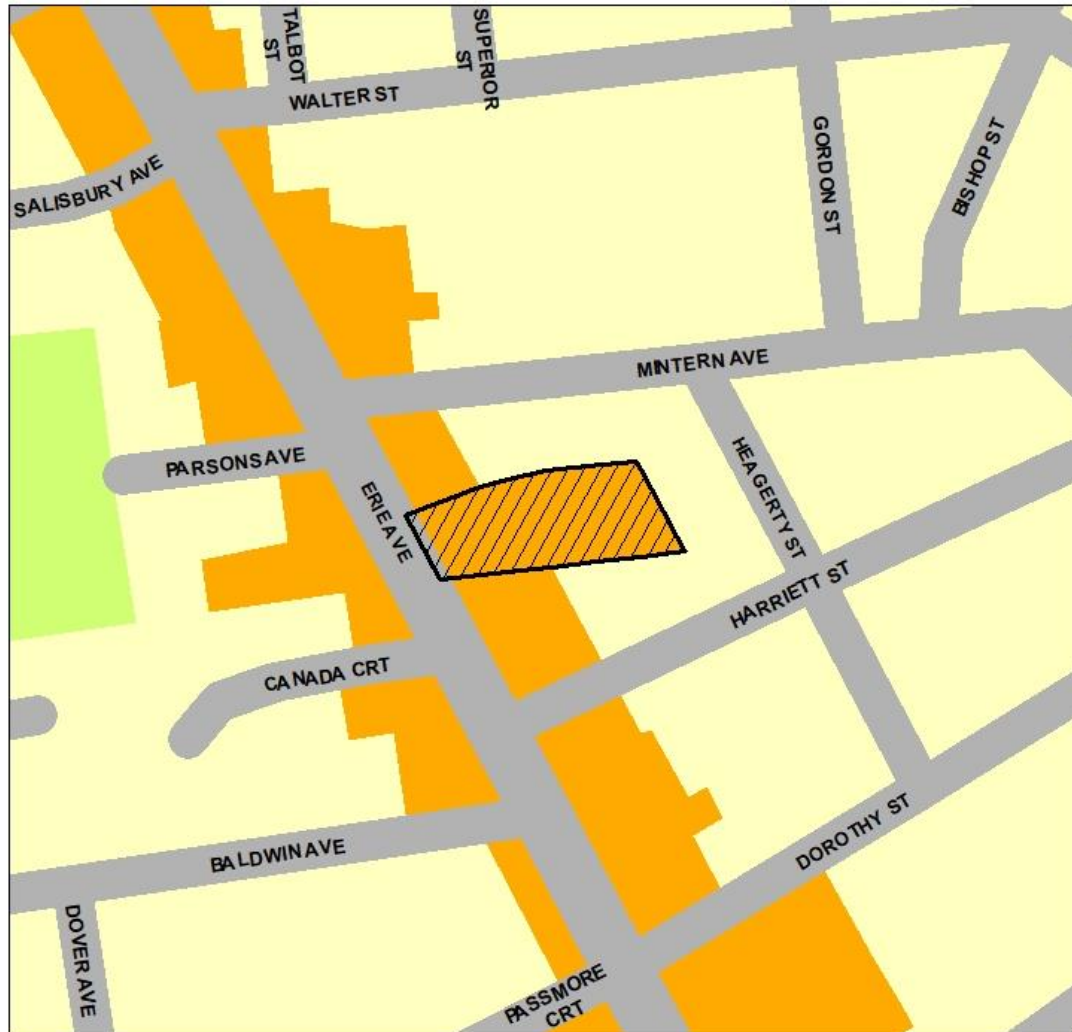
Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no

Appendix A – Official Plan Designation

OFFICIAL PLAN EXCERPT MAP

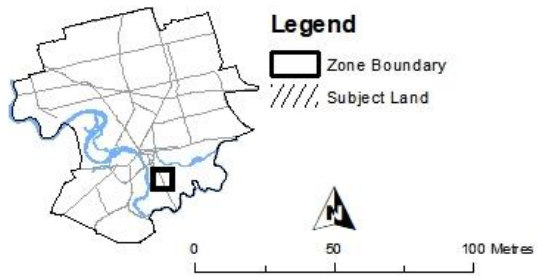
Application: PZ-14-23
 264 Erie Avenue



Appendix B – Zoning By-law 160-90

ZONING

Application: PZ-14-23
264 Erie Avenue



ZONING (Bylaw 160-90) and County of Brant(61-16)

- R1C Residential Type 1C (12 metre)
- R1D Residential Type 1D (9 metre)
- RC Residential Conversion
- I2 Institutional School
- C7 Convenience Commercial
- F Floodplain Provision
- # Exception Number

Appendix C- Neighbourhood Meeting Notes

NEIGHBOURHOOD MEETING NOTES

ZONING BY-LAW AMENDMENT (PZ-14-23) 264 Erie Avenue

Agent: Ideal Capital c/o Daljeet Dhanesar

Applicant/Owner: MHBC Planning c/o Juliane vonWesterholt

Meeting Date: November 21, 2023 @ 6:00 p.m.

Present

Council:

Councillor Van Tilborg

Staff:

Sean House, Senior Planner

Lindsay King, Planner

Applicant/Agent/Owner(s):

Applicant: Juliane vonWesterholt

Owner: Daljeet Dhanesar

Supporting Consultants: Andrei Tchoumatchev (Civil Engineer), Jennifer Koskinen (Arborist)

~60 members of the public were present

Councillor Van Tilborg Van Tilborg welcomed Staff and the public to the meeting and thanked everyone for coming.

A resident stated that they had received the original notice but not the revised notice.

Councillor Van Tilborg Van Tilborg offered that some residents may not have been within the circulation list (120 m of the subject lands) but that Staff will investigate.

Councillor Van Tilborg: introduced the Planner on File, S. House. He then provided an overview of how the meeting will be structured and how to participate.

S. House explained the planning process required under the Planning Act and indicated that this meeting is being held because the City has received an application for a Zoning

By-law Amendment for the lands located at 264 Erie Ave (File No. PZ-14-23). The application is to develop a 4-storey apartment building with 47 units and 64 surface parking spaces. The Official Plan designation on this property is 'Intensification Corridor,' which is intended to accommodate growth. S. House explains that the next public meeting for this application will be held December 14th at 9:30 AM at City Hall. A sign will be posted that provides details about the meeting.

A resident asked about Minor Arterial Roads and how wide Erie Avenue is in comparison to other Minor Arterial roads.

S. House stated that a response will be provided in the Staff Report. [Note to draft: The current width of Erie Avenue is approximately 20 m, which is the same as other minor arterial roads such as Mt. Pleasant Street and Colborne Street West.]

J. vonWesterholt introduced her company and her client and stated that both she and the property owner were in attendance. J. vonWesterholt provided a brief presentation on the proposed development.

A member of the public of the public expresses concern that the public have not been adequately consulted on the application.

A member of the public asks when this land was designated as an Intensification Coordinator

Councillor Van Tilborg Van Tilborg clarifies that it has been designated Intensification Corridor since 2014.

A member of the public is dissatisfied with the timing of the public meeting because it is during the work day.

Councillor Van Tilborg Van Tilborg explains how the Planning Committee works and how individuals can provide feedback. It was then explained that individuals may provide comment at the subsequent Council meeting.

A member of the public asked if it is going to be market rent or social housing?

The Owner states that it will be market prices, but is unsure at this time if it will be rental or condominium.

A member of the public of the public asks when Erie Avenue will be widened.

S. House replied that The Transportation Master Plan has scheduled Erie Avenue to be widened in 2051.

A member of the public states that it is not possible to have this much growth on the existing road without causing significant traffic issues.

A member of the public states that families who work likely have two vehicles and that with visitors, there will need to be more parking than what is proposed and that it is likely that individuals would park on side-streets.

Councillor Van Tilborg states that he will request a Traffic Impact Study.

A member of the public states that he has seen surveyors on site and asks what will happen if the by-law does not pass.

Councillor Van Tilborg explains that if the application is refused by Council, the applicant has the option to appeal to the Ontario Land Tribunal (OLT).

A member of the public asks about the proposed parking layout and if there is any plan to give abutting parcels privacy.

J. vonWesterholt explains that there will be fencing and/or landscaping for screening.

A member of the public asks if the applicant will consider planting trees for screening.

J. vonWesterholt explains that many of these questions get ironed out in the Site Plan stage, and thanks the member of the public for sharing their suggestion.

A member of the public comments that 26 stacked townhouses were recently approved further south on Erie Avenue. Was that permitted in the Official Plan.

S. House states that he would follow up, but notes that only lots of a certain depth permit townhouses in Intensification Corridors. [Note to draft: the property in question (380-384 Erie Avenue) is not within an Intensification Corridor and townhouses are a permitted use at that location].

A member of the public asked about infrastructure and the pumping station, and if there is enough capacity for the proposed development.

S. House replies that improvements to the pumping station have been made.

A. Tchoumatchev (Civil Engineer) adds that they were not advised of any capacity issues at the pumping station.

A member of the public asks what impact this will have on the nearby schools.

S. House responds that the school boards were circulated on the application and that the Grand Erie District School Board indicated that the property is within the attendance boundary of Bellview Public School (JK-8) and Pauline Johnson CVS (9-12). Currently, the schools are at 106% and 72% capacity utilization, respectively. The School Board will require that the Owner/Developer agree to notify all purchasers of residential units

and/or renters that, accommodation in nearby facilities may not be available for all anticipated students. Students may be accommodated in temporary facilities and/or bussed to a school outside the area.

A member of the public states that it seems unfeasible to have a school bus stop on Erie Avenue, given other transportation concerns.

A member of the public asked about drainage on site.

A. Tchoumatchev states that the proposed development will direct storm water towards Erie Avenue and that no water would be directed towards neighbouring properties.

A member of the public states that people who are living in that property should be allowed to stay and stated concerns for existing tenants.

A member of the public states that he has a child in school without windows or air conditioning and that the current state of local schools is detrimental to the public.

A member of the public states that the property had some drilling on the property and asks about this.

A. Tchoumatchev explains that this was likely the geotechnical investigation, which is used to understand the soil better and inform foundations, building features and as an overall design tool. The well on the site measures the groundwater elevation, which feeds into the design decision.

A member of the public asks if this report was given to the City.

S. House states that the Geotechnical report was received by the City.

A member of the public asks if there is an evacuation procedure for 47 units in the event of a fire.

S. House states that it is reviewed by the Fire Department and that the Ontario Building Code considers fire safety.

J. vonWesterholt adds that the building code requires fire safety items like sprinklers.

A member of the public asks if this is the same group that has developed Arrowdale Golf Course.

J. vonWesterholt responds that it is not.

Councillor Van Tilborg clarifies that all questions are being recorded and that answers will be provided to the public in follow-up correspondence.

A member of the public asks what the plan is for the trees on the lot.

J. vonWesterholt responds that most the trees in the middle of the property will likely be removed but that boundary will be preserved where possible. Trees on neighbouring properties would require permission from adjacent property owners to impact or remove them. Additional trees will be planted and those details will come through the Site Plan Application process, including type, size, and location.

A member of the public states that he does not believe that the development fits into the character of the neighbourhood.

A member of the public asks about the owner, Ideal Capital, and if they are based in Mississauga.

The Owner states that they are a Canadian company.

A member of the public whose property fronts onto Erie Avenue states that having one access for 47 units is insufficient and does not seem feasible.

A member of the public asks about the impact of this development on crime and references the high incidence of crime and insufficient police presence in the neighbourhood.

Councillor Van Tilborg explains that the applicant has no control over crime occurring in the neighbourhood.

A member of the public asks how high fences can be.

S. House states that the maximum fence height is 2.2m.

A member of the public asks how lighting will be provided for the proposed development.

S. House explains that a Photometric Plan demonstrating that there will be minimal light spillover on to adjacent properties will be required through Site Plan Control

A member of the public asks why this is not a designated heritage site. The member explains that the existing house has cultural value in the neighbourhood and that they hold BBQs and events on different holidays.

S. House responds that the City of Brantford Heritage Register Project contained different criteria for inclusion on of properties on the Register. The property did not meet enough project criteria to be considered as a candidate for further review as part of the project.

A member of the public asks what the heritage criteria were and how one can find this information.

[Note to draft: the complete list of 21 criteria can be found in the Heritage Register Project Report at this link: . <https://www.brantford.ca/en/your-government/resources/Documents/CorporatePlansProjects/CorporateProjectsInitiatives/HeritageRegisterProject/HeritageRegisterRecommendations-Report.pdf>]

Councillor Van Tilborg asks that this application be sent to Heritage staff for comment.

A member of the public states notes that questions still need to be answered and asks where this information goes and when/how answers will be provided.

S. House responds that these comments and related answers will be included in the Staff Report. [Note to draft: For ease of reference, where possible answers are also included in these notes]

Councillor Van Tilborg polls the room and states that there are no participants in favour of the proposal.

A member of the public states that infrastructure is inadequate, traffic is too much, and that because this is meant to be at market price, this will not help the housing crisis.

A member of the public asks if Public Meetings were held during the Official Plan update in 2021.

Councillor Van Tilborg explains that public notice of Official Plan update was provided through the newspaper and on the website. The designation has remained an Intensification Corridor for approximately 10 years.

A member of the public asks if the neighbouring property was a designated heritage property, would that impact this development?

J. vonWesterholt replies that a heritage impact assessment may have been required in that scenario; however, this was not required since there are no nearby heritage sites.

A member of the public asks if there are requirements to replace any trees that are removed as part of development.

J. Koskinen (Arborist) explains that trees on neighbouring properties will be maintained and that will also provide screening.

A member of the public reiterates that traffic is bad and that this will make the traffic worse, particularly the turning lane at the light on Cayuga street, which is very narrow.

A member of the public notes that he lived in a similar apartment building and that it was undesirable. He moved to Eagle Place and states that he loves the neighbourhood and wants to keep it a safe place. The member is concerned that a development like this would jeopardize the neighbourhood culture and his financial plans.

A member of the public states that it sometimes takes 10-15 minutes to exit or enter his property that fronts onto Erie Avenue.

A member of the public asks if Six Nations has been involved.

J. vonWesterholt states that the Municipality is responsible for consulting with First Nations. [Note to draft: Six Nations of the Grand River and Mississaugas of the Credit First Nations were notified of this application in accordance with the Grand River Notification Agreement]

A member of the public asks about the request for relief to parking, what is required vs. what is being requested.

J. vonWesterholt responds by stating that 70 parking spaces are required and 64 are being proposed.

A member of the public asks how this compares to other development projects that *did* require a traffic study.

S. House states that he will follow up with Transportation staff to get information about why that was the case and if this can be requested.

J. vonWesterholt adds that the number of units being proposed would not generate enough trips to warrant a Traffic Impact Study and that it sounds like there are pre-existing issues with traffic.

A member of the public states that the proposal sounds like it meets the intent of the designation, so she supports the project.

A member of the public is concerned that there has not been adequate consultation of indigenous peoples and that there may be impacts on tree roots and the subsequent impact on the natural water filtration system. The member also expressed concerns for wildlife on the property.

A member of the public states that sewage infrastructure on Erie Avenue is insufficient and cannot support this proposed development.

S. House responds that a Functional Servicing Report has been provided in support of the proposed development.

A member of the public refers to a similar development proposal and states that the proposal did not continue and that it was instead developed as Single-Family Dwellings.

A member of the public states that in the wintertime, people continue to park on the road and that this creates a snow removal concern and could become an emergency.

A member of the public asks if there are any positive impacts associated with this development. Will the developer contribute to the community?

J. vonWesterholt notes development chargers that go back into the community for public works, parkland dedication, and taxes that are generated. Also, this additional housing will contribute to the housing supply.

A member of the public asks how this will impact neighbouring property values.

J. vonWesterholt says that, though she doesn't work for MPAC, they consider many variables and that new development can often increase property values.

A member of the public asks when the estimated start date would be

J. vonWesterholt states that it depends on the approval timelines but that it will likely be several years.

A member of the public states that it is clear that the neighbours do not want this, and asks how the community can stop this.

Councillor Van Tilborg explains that the final decision will be made through a vote by the Planning Committee and then ratified at City Council. Members of the public should voice their opinions so that the other Councillors can understand their opinions. The Planning Committee and City Council may vote for or against the development. There is a virtual option for both of these meetings if you cannot attend in person.

Councillor Van Tilborg thanked the public for attending the meeting and commented that the property is an important community site.

The meeting concluded at 8:00 PM.

Appendix D – Written Comments Received

The current property owner has submitted zoning by-law request so an 47 unit apartment building can be constructed in a residential single detached home area Please provide me with the square footage of the units and how many bedrooms Also will the units have a balcony as this will affect current homeowners privacy as the building is much higher than the existing houses There are existing trees on the property which should remain because too many trees are being destroyed and we need to protect our environment Brenda Wallace

120 Harriett street

Brantford Ontario

N3S1J7

Hello,

I received a letter inviting our household to a council meeting regarding the proposed zoning change for 268 Erie Ave, with plans to put in a condo unit and parking lot. Due to my work schedule I was unable to attend the community meeting on November 21 and I am not able to attend the December 14th meeting either as I start work in Hamilton at 9am. However, I see on the letter that I am able to forward my concerns to be addressed at this meeting to this email address, and I would like to do so. If this is incorrect, please feel free to forward this email to the appropriate office that can take it into consideration.

I have read some of the feedback that was discussed at the November 21 meeting and I would like to say that I agree with the concerns of my neighbours. I feel that this proposed construction and zoning is not at all a good fit for this area, given the significant traffic issues that we as a community already see on Erie Ave as well as the very strong privacy concerns that I have as our property backs directly on to the property in question. Our household has 3 small children that are on the autism spectrum, so noise, safety, and privacy are a huge concern for my family and this building would completely remove all privacy that we currently have (which was a huge reason that we bought this property). We also deal with a rare disease in one of my children that primarily affects her lungs, so having a construction zone in our backyard for that length of time would essentially imprison her in the house as the construction dust and dirt in the air immediately outside our home would be a huge health risk for her (not to mention her extreme sensitivity to noise). I understand that we are just one family, but I doubt very much that we are the only ones whose health and well-being would be negatively affected. The parking issue that was brought up at the November 21 meeting is also a very valid one and I feel that it would lead to additional activity, noise, and problems on this lot that will affect the surrounding neighbourhood significantly.

My kids also attend Bellview school which is beyond capacity at this time, and a new condo complex would be far beyond what the local schools are capable of accommodating. It is grossly unfair to further pack children into that school, just as it is to bus children to a further school when they are literally 1 block away from an established one. This is not a situation that should be forced to come about.

Additionally, I have concerns about the local area in a larger capacity if this proposal were to proceed. We heard recently of the major building plans for the plaza on Market Street, which already has many local residents concerned for the availability of the businesses that we depend on while construction is taking place. By this I primarily mean the Fresh Co grocery store, but also other retail stores that many in our area

depend on within a walking distance. The cost of living and general financial struggle is so desperately high for many in our area that having to bus to get simple necessities is an expense that many cannot afford- to add another 45 families to the equation would exponentially complicate this already desperate issue.

I could continue but I think my point is clear- I am strongly against this proposed zoning change and construction of the condominium complex. Our pocket of Eagle Place is a beautiful, established neighbourhood with a wonderful charm to it and a community that values what we have worked for. We chose this area and our house as our 'forever home' based on these features and fit to our family and children's long-term needs- it has been everything we have hoped for and more. I very much believe that adding this building to the area would change the entire nature of our community in a negative way as well as be extremely detrimental to my family personally (from a health and disability perspective), and I beg the councilors to take our collective concerns into consideration no matter how minor they may seem overall. They are not minor concerns to us.

Please feel free to reach out to me any time to discuss these issues further, my contact information can be found below. Thank you for your time and for forwarding my concerns on to the councilors for this upcoming meeting, and I appreciate and look forward to any updates to this situation as it is decided.

Danielle Weil

119 Harriett St, Brantford ON N3S 1J6

[phone number and email address redacted]

Clerk City of Brantford

I wish to register my opposition to the amendment to Brantford Zoning by-law 160-90 and to the apartment building proposed to be built at 264 Erie Ave.

I live at 276 Erie Ave and my property abuts the subject land on the south side. I am opposed for the following reasons:

- The proposal is definitely out of character with the surrounding neighbourhood. This is an area of single family homes with several duplexes mixed in. The proposed building is 4 stories and will tower over the neighbouring homes. It will mean there is no privacy for the surrounding houses.
- The proposed structure does not have sufficient parking spaces allotted. The number of spaces is less than the required minimum which means that all extra vehicles will have to be parked on side streets in the area and these streets have parking on one side only
- There are already traffic issues identified on Erie Ave. There needs to be an up to date traffic study completed before more cars are added to this already busy street
- There is also an ecological issue. The subject property contains a significant number of mature trees which will have to be cut down. This action will reduce the city's tree canopy.
- Part of the property is in the flood plain and this is the area where the new driveway and a number of parking spaces are planned. What solution is proposed for this slope and if it is infill it will certainly affect my property. What type of wall/fence will separate the area from my property?
- Services in the area cannot take on extra numbers – the local schools are at capacity and the wastewater pumping station was running at more than 100% capacity and has had to be retrofitted but capacity is still limited.

Please pass these comments on to the Planning Committee for their consideration.

I wish to receive any additional information submitted by the developer.

In addition I wish to be informed of the committee's decision.

Respectfully submitted

Patricia Duern

276 Erie Ave

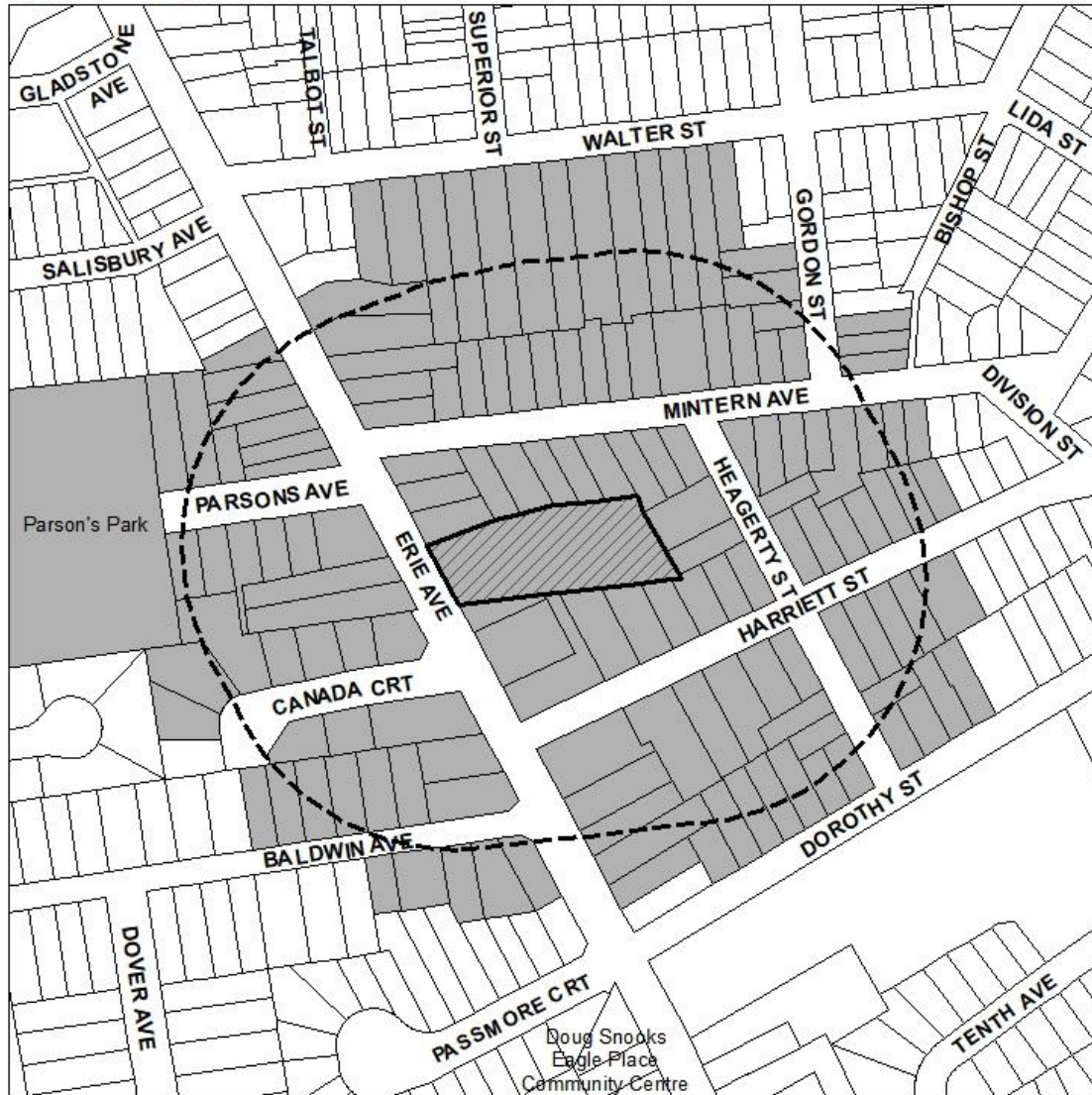
[phone number and email address redacted]

Appendix E – Area of Public Notification Map


AREA OF PUBLIC NOTIFICATION

Application: PZ-14-23

264 Erie Avenue



Legend

-  Subject Land
-  Notified Properties
-  120 m Buffer from Subject Land

