



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date November 10, 2020 **Report No.** 2020-221

To Chair and Members
Committee of the Whole

From Paul Moore, General Manager
Community Development

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Zoning By-law Amendment PZ-02-20 – 120-138 Market Street and 31 and 35 Chatham Street [Financial Impact - None]**

3.0 Recommendation

- A. THAT Zoning By-law Amendment Application PZ-02-20 submitted by Market Street Developments Inc., to change the Zoning of the lands located at 120-138 Market Street and 31 and 35 Chatham Street to “General Commercial Zone (C8-102)” to permit the development of a 10-storey mixed use building, BE APPROVED, subject to the application of a ‘Holding’ provision and in accordance with the applicable provisions as noted in Section 8.2 of Report 2020-221; 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 following conditions have been satisfied:
- i. THAT the applicant has provided a signed Site Plan Agreement to The Corporation of the City of Brantford, along with all necessary securities; and

-
- ii. THAT the applicant submit a Stage 2 Archaeological Assessment and any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standard and Guidelines for Consultant Archaeologists, as amended from time to time, as well as copies of all letters from the Ministry of Heritage, Sport, Tourism and Culture Industries verifying that archaeological assessments have been entered into the Ontario Public Register of Archaeological Reports, to the satisfaction of of the General Manager of Community Development; and
 - iii. THAT the applicant submits a further addendum to the Heritage Impact Study, prepared by Allan Avis Architect Inc. and Heritagedowntowns Inc. dated July 16, 2019, addressing the relevant matters outlined in Staff Report 2020-221, to the satisfaction of The Corporation of the City of Brantford; and
 - iv. THAT approval under Section 34 of the *Ontario Heritage Act* to remove the Crystal Cottage from 35 Chatham Street is received, and that the Crystal Cottage is successfully relocated to a new property, to the satisfaction of The Corporation of the City of Brantford; and
 - v. THAT all servicing issues, financial and otherwise, have been addressed to the satisfaction of The Corporation of the City of Brantford; and
- C. THAT Pursuant to 34(18) of the Planning Act, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notices 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 7.2 and 8.3.1 of Report 2020-221.”*

4.0 Purpose

An application has been received to amend Zoning By-law 160-90 affecting the lands municipally known as 120-138 Market Street and 31 and 35 Chatham Street (refer to **Appendix A**). The applicant has applied to amend the Zoning By-law to permit a 10-storey mixed use building consisting of 200 apartment dwelling units and 724 m² of retail commercial space on the ground floor with a total of 205 parking spaces below and above grade. A concept plan, building elevations, landscape plans and aerial photo are attached as **Appendices B, C, D, E and F**.

5.0 Background

5.1 Site Features and Surrounding Land Use

The subject lands are located on the west side of Market Street, between Nelson Street and Chatham Street. The property is irregular in shape with an area of 0.47 hectares (1.16 acres). The subject lands has approximately 81 metres (265.74 feet) of frontage along Market Street and extends to a depth of approximately 47.5 metres (155.83 feet) along Nelson Street and 69.9 metres (229.33 feet) along Chatham Street (refer to **Appendix B**). The subject lands consist of nine separate properties occupied by nine buildings as shown on **Appendix E**. Within the nine buildings are 15 residential apartments and 3 commercial units. The properties have been merged to create one parcel and all structures are to be demolished or removed.

The westerly portion of the subject lands described as 35 Chatham Street contains a vacant single detached dwelling known as the Crystal Cottage, which is designated under Part IV of the *Ontario Heritage Act* given its cultural heritage value. The Crystal Cottage is intended to be removed from the subject lands and relocated to 53 Charlotte Street. The other eight buildings are listed in the City of Brantford's Inventory of Heritage Buildings and are proposed to be demolished. The relocation of the Crystal Cottage and the other eight buildings is discussed in greater detail in Section 8.3.3 of this Report.

The subject lands are located adjacent to the downtown commercial core and in a neighbourhood which includes a variety of commercial and residential uses. The properties along Chatham Street contain semi-detached and single detached dwellings as well as a 5-storey apartment building. The buildings along Market Street are primarily 2-storeys in height with commercial uses on the ground floor and apartments above. Directly across from the proposed development on the south side of Nelson Street there is a parking lot. To the west of the proposed development along Nelson Street, there are primarily single detached dwellings. Buildings along Market Street are generally low rise commercial buildings with ground floor commercial uses at street level and residential units above. The lands further south of the subject lands contain commercial uses including restaurants as well as institutional uses including the Court House, some of which are located within the Victoria Park Heritage Conservation District. The Brantford Transit Bus Terminal

(with the GO Transit bus service) the Via Rail Station, Central Public School, civic buildings, Victoria Park as well as campuses for Conestoga College and Wilfrid Laurier University are all located in close proximity and walkable. A location map and aerial photo, map of surrounding land uses and site photographs are attached as **Appendices A, E and F**.

5.2 Description of the Proposal

The applicant has applied to amend Zoning By-law 160-90, to permit a 10-storey mixed use building with a total of 200 dwelling units and 724 m² of commercial space on the ground floor facing Market Street (refer to **Appendix B**). The west portion of the lands are zoned “Mixed Commercial Residential Zone (C3)” which limits the permitted uses and restricts the building height to 3 storeys or 12 metres depending on the use. The easterly portion of the lands are zoned “General Commercial Zone (C8-19)” which also restricts the permitted uses and limits the height to two storeys. The applicant is proposing to change the zoning for the entirety of the lands to “General Commercial Zone (C8-102)” to permit the mixed use building and several site specific special exceptions which are discussed in more detail in Section 8.2 of this Report.

The apartment dwelling units will be comprised of one, two and three bedroom units with laundry facilities in each unit and the applicant has indicated that the units are directed to the rental housing market. The building is designed in such a way as to place the principal façade along the Market Street frontage and step backs or terracing of the building have been incorporated into the design to reduce the impact of the building on the residential buildings to the west. The step backs begin from the 4th floor and continues to the 10th floor.

Vehicular access to the parking garage is proposed from two driveway entrances off of Chatham Street and Nelson Street. Parking is to be provided in an underground garage, within the podium and at-grade. The entrance off Chatham Street has direct access to the at-grade parking area which leads to the loading areas within the parking garage. Both driveway entrances are proposed to have two-way movements for vehicular access. The proposed development includes one level of underground parking, one level of ground floor parking and one level of podium parking. The parking levels are fully enclosed within the parking structure which is incorporated into the building envelope.

The applicant has requested that the commercial uses for the units fronting Market Street be limited to day nurseries, financial institutions, general office, health clubs, neighbourhood convenience stores, place of entertainment/recreation, specialty retail stores and restaurants. A total of 205 parking spaces are proposed which includes parking for visitors and for the commercial uses. Further analysis of the proposal relating to the commercial uses and parking is discussed in Section 8.2 of this Report.

The applicant is proposing both interior and exterior amenity space. The proposed interior amenity space is 283 m² and will be available for all residents for the purposes of recreation or gatherings and similar functions. The outdoor amenity space will be provided on the third floor of the proposed building on a landscaped roof top over the podium parking area and will have an area of 854.7 m² (see **Appendix D**). The total area of the two proposed amenity spaces is 1,137.7 m², which is approximately 5.6 m² of amenity space per residential unit.

In support of the application for the Zoning By-law Amendment, the following technical studies, reports and plans were submitted:

- Conceptual Landscape Plan and Tree Management Plan;
- Engineering Plans (i.e. Grading, Site Servicing, etc.);
- Environmental/Hydrogeological Report;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Report;
- Heritage Impact Statement;
- Parking Study;
- Planning Justification Report;
- Public Consultation Strategy;
- Shadow Analysis;
- Site Plan;

- Survey;
- Traffic Impact Study; and,
- Urban Design Brief.

6.0 Policy Context

6.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) outlines that Ontario's long term prosperity, environmental health, and social well-being depend on wisely managing change as well as promoting efficient land use and development patterns. Section 1.1 of the PPS promotes efficient development and land use patterns which minimize land consumption and servicing costs. It also includes policies that focus growth in existing settlement areas, encourage intensification and redevelopment, as well as making efficient use of existing infrastructure and public facilities. This development application proposes the redevelopment and intensification of underutilized lands within the existing built boundary. The proposed development will use existing infrastructure and municipal services.

Section 1.1.3.3 directs that "*Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*" The proposed mixed use development will facilitate infill development within the Urban Growth Centre through the construction of a mixed use building with 200 residential units as well as commercial uses on an existing underutilized lot and existing municipal infrastructure is available for this proposed development. Based upon the foregoing, Planning Staff is of the opinion that this application is consistent with the Provincial Policy Statement (PPS).

6.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe (August 2020)

The subject lands are located within the delineated Built-Up Area, and this application was reviewed within the context of A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan provides that complete communities must accommodate forecasted growth. These are communities that are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the Greater Golden Horseshoe to reduce the need for long distance commuting. They also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.

The proposed development will contribute to a complete community with access to nearby amenities such as public open space, schools, parkland and commercial uses as well as its location in close proximity to a local and regional transit station. The proposed development will also contribute to the minimum density target within the Urban Growth Centre as described in Section 6.3 of this Report. Planning Staff is of the opinion that the proposed Zoning By-law Amendment conforms to the Growth Plan.

6.3 Growth Management

The subject lands are located within the City's Downtown in an area identified as Urban Growth Centre (UGC) in the Growth Plan and in the City's Official Plan. The Growth Plan has established a target of 150 residents and jobs combined per hectare in the Urban Growth Centre for the City of Brantford. In 2019, there was approximately 7,423 residents and jobs in the UGC, resulting in a density of 57 residents and jobs per hectare (refer to **Table 1** below).

Table 1 – Urban Growth Centre Calculation (2019)

<u>Year</u>	<u>2019</u>
Population	2,894
Employment	4,529
Total	7,423
Area (Hectares)	130
Residents and Jobs Per Hectare (7,423/130 ha.)	57

The population and employment data illustrated in **Table 1** was obtained from the City's Urban Growth Centre Employment Survey which was last undertaken in 2019. Planning Staff were not able to update the survey this year due to COVID-19. **Table 2** below outlines how this proposed development contributes to the density target for the Urban Growth Centre.

Table 2 – Growth Management Chart for 120-138 Market and 31 and 35 Chatham Street

Population in Apartments	200 units x 1.6 people per unit	320 residents
Total Projected Population (320 Residents in Apartments)		320 residents
Commercial Jobs	724 m ² of retail use x 0.0256 jobs/m ²	18 jobs
Work-at-Home Jobs	320 residents x 2.1% of residents work-at-home	7 jobs
Total Projected Jobs (18 commercial jobs + 7 work-at-home jobs)		25 jobs
Total residents and jobs (320 residents + 25 jobs)		345 residents and jobs
Residents + Jobs Per Hectare (345/0.47 ha.)		734

Last updated October 2, 2020.

Assumptions based on 2016 rates identified in the *Envisioning Brantford - Municipal Comprehensive Review, Part 1: Employment Strategy, Intensification Strategy, Housing Strategy and Land Needs (Draft – December 2018)*.

For the purposes of calculating growth management in the UGC, it is acknowledged that persons and jobs are measured across the entire UGC. The proposed development is expected to result in a population of 320 residents (based on a calculation of 200 units multiplied by an estimated 1.6 persons per dwelling unit). In order to calculate the jobs

created, some standardized assumptions are made regarding the number of people who would work from the home and the number of jobs that would be created in the community from the increase in the proposed commercial uses of this development. Using these factors, it is anticipated that the total number of jobs created would be 25 (18 commercial jobs and 7 work-at-home jobs) for a total of 345 residents and jobs per hectare. Given that the area of the subject lands is .47 hectares, this works out to 734 residents and jobs per hectare.

As illustrated in **Table 2** above, the proposed development will add 345 residents and jobs to the existing 7,423 residents and jobs in the UGC. This will bring the total residents and jobs to 7,768, resulting in an increase in the density within the UGC from 57 to 60 residents and jobs per hectare as outlined in **Table 3** below.

Table 3 – Urban Growth Centre Calculation (including 120-138 Market Street and 31 and 35 Chatham Street)

Population + (320)	3,214
Employment + (25 jobs)	4,554
Total	7,768
UGC Total Area (Hectares)	130
Residents and Jobs Per Hectare (7,768/130 ha.)	60

The proposed development will contribute to the total number of residents and jobs per hectare in the UGC. Although the City's current number of residents and jobs per hectare in the UGC is less than the minimum density target of 150 people and jobs per hectare established by the Province, the inclusion of this development will assist in meeting the required density target for the UGC. It is noted that the student population within the downtown is not factored into this calculation as the Growth Plan excludes students from the UGC density calculation.

Planning Staff is of the opinion that the application is consistent with the growth management policies of the Growth Plan and Official Plan as this proposed use will contribute to the overall growth target for the UGC required by the policies in the Growth Plan and the Official Plan.

7.0 Input From Other Sources

7.1 Technical Liaison Response

This application was circulated to internal departments and external agencies for review, and the comments received are summarized in **Appendix H** with detailed comments from the Engineering Department and CN Rail attached as **Appendices H1 and H2**.

Development Engineering Staff commented that the applicant is to confirm that the existing sanitary sewer can handle wastewater from the proposed development. The current Functional Servicing Report will need to be updated, but in consultation with Public Works staff, this issue will be addressed through the Site Plan Control process.

Staff circulated CN Rail as the proposed development is in close proximity to railway operations, including a rail shunting yard located on Wadsworth Street. Staff has received written confirmation from CN Rail indicating that they have no objections to the proposed development. However, CN Rail has requested to review the future noise study as part of the Site Plan Control process and will provide further comment at that time.

All other comments provided have either been incorporated into the recommendations of this Report or have been noted and will be addressed through the Site Plan Control process should this application be approved.

7.2 Public Response

Notice of the public meeting was issued by personal mail (100 notices) within a 120 metre radius of the subject lands as illustrated in **Appendix I** and by public notification signs posted on the property fronting each street. In consultation with the Ward Councillors, a Ward Meeting was held on March 4, 2020. An abutting property owner, located at 46 Nelson Street, was in attendance and voiced concerns about the proximity of the development to her lot line (westerly lot line of the subject lands). As a result of these comments, the developer increased the setback along the westerly lot line. The neighbouring land owner has seen the revised proposal and has confirmed with Staff that her concerns have been satisfied given the revised concept provided attached as **Appendix B**. Public input is discussed further in Section 8.3.1 of this Report.

At the time of writing this Report, no other comments were received from the public.

7.3 Grand River Notification Area Input

Notice was issued as part of the Grand River Notification Agreement and no comments were received.

8.0 Analysis

8.1 City of Brantford Official Plan

Existing Land Use Designation: “General Commercial” and
“Mixed Commercial - Residential Area”

The east portion of the subject lands is designated in the City of Brantford Official Plan as “General Commercial” and the west portion is designated “Mixed Commercial – Residential Area” as illustrated on an extract from Schedule 1-1, Land Use Plan of the City of Brantford Official Plan (attached as **Appendix J**). The “General Commercial” designation permits a broad range of retail uses, restaurants and entertainment uses, hotel and motel uses, personal and business services, recreational uses, business and professional offices, accessory uses, and multiple unit residential dwellings. The Official Plan states that *“all uses may be permitted in either mixed use or single use buildings in accordance with the City’s Urban Design Guidelines.”* The main uses permitted in the “Mixed Commercial - Residential Area” designation permits a restricted range of retail and service commercial uses and residential uses, in limited locations of the City. The proposed apartment dwelling units in a mixed use building meets the policies of the “General Commercial” and “Mixed Commercial - Residential Area” designation as set out in Section 7.3.6.1 and 7.3.8 of the Official Plan.

The subject lands are located within the Urban Growth Centre. Section 15.3 of the Official Plan states that the Urban Growth Centre is the major focus area to accommodate a significant share of the City’s population and employment growth. It also states that new development within the Urban Growth Centre should accommodate and support major transit infrastructure, including the City’s transit station.

This proposal encourages intensification and allows for efficient use of land and infrastructure while revitalizing underutilized sites within the Urban Growth Centre. As stated earlier in this Report, development within the Urban Growth Centre will assist in achieving the minimum density target of 150 residents and jobs combined per hectare in the Urban Growth Centre by 2031. If approved, this Zoning By-law Amendment will result in 200 rental apartment dwelling units as well as contribute to jobs as a result of the commercial uses proposed.

Section 6.2.14, “Downtown Brantford Goal” states that one of the goals is to promote the revitalization of the City’s downtown through a mix of various commercial, office, residential, cultural, entertainment, educational, institutional uses and recreational facilities. This proposal for a mixed use building conforms to the policy direction set out in the Official Plan regarding the Urban Growth Centre as well as the goals of the Official Plan related to Growth Management and to development in the General Commercial Area..

Section 6.2.10.1 of the Official Plan, Cultural Heritage and Archaeology Goal states that the City must identify, inventory and conserve lands, cultural heritage landscapes, buildings, structures and site of historical architectural and archaeological value. The applicant retained a consultant to conduct a Stage 1 Archeological Assessment for the lands which was completed on March 23, 2020. The report has been filed with the Ministry of Tourism, Culture and Sport. The applicant will be undertaking a Stage 2 assessment as recommended in the Stage 1 report. This is discussed further in Section 8.3.4 of this Report.

In addition to Archeological Goals, heritage resources are to be protected and must be in keeping with City policies and regulations and the *Ontario Heritage Act*, including adaptive reuse of designated heritage buildings and structures. The applicant is proposing to protect and preserve the Crystal Cottage located at 35 Chatham Street by removing the structure and relocating it to the site adjacent to the Brant Historical Society museum at 53 Charlotte Street. The relocation of the Crystal Cottage and other heritage conservation strategies are discussed further in Section 8.3.3 of this Report.

The proposed development is a comprehensive proposal with a mix of commercial and residential uses and structured parking. The commercial uses facing Market Street and apartments above will create a vibrant

streetscape by creating new office, retail and commercial uses on the ground floor while providing additional residential units in the downtown. The proposal contributes to meeting the density target of 150 persons and jobs for the Urban Growth Centre established by the Province and the City's Official Plan.

Based on the above analysis, Planning Staff are of the opinion that the proposed development conforms to the City of Brantford Official Plan.

8.2 Zoning Considerations

Existing Zoning: "Mixed Commercial Residential Zone (C3)

"General Commercial – Exception 19 Zone (C8-19)"

Proposed Zoning: "General Commercial – Exception 102 Zone (C8-102)"

Attached as **Appendix K** is a map identifying the zoning in the general area of the subject lands. The west portion of the subject lands (31 and 35 Chatham Street) is currently zoned "Mixed Commercial Residential Zone (C3)" and the east portion is zoned "General Commercial Exception 19 Zone (C8-19)" in Zoning By-law 160-90. Extracts from the Zoning By-law listing the permitted uses are attached as **Appendices M, N and N1**. The C3 Zone permits a variety of low to mid rise residential built forms in addition to commercial uses, subject to a height restriction of 3 storeys, or 12 metres depending on the type of use. Permitted uses within the C8-19 Zone include a limited number of commercial uses such as art galleries, art schools, medical clinics and medical offices, personal service stores, and restaurants etc. **Appendix N** refers to the permitted uses in the C8 Zone which includes the proposed mixed use building and the related regulations.

The applicant is seeking to change the zoning of the subject lands to "General Commercial Exception 102 Zone (C8-102)" which will permit the development of a mixed use building and include 200 residential apartment units and a total of 724 m² commercial gross floor area on the ground floor. The applicant has also requested relief from the zoning by-law regulations contained in the C8 Zone for mixed use buildings with respect to building height, interior side yard, permitting residential uses on the ground floor (for the frontages along Chatham and Nelson Streets), a

reduction in the parking standard for residential units, limited commercial uses with a modified parking rate and a reduction in landscape open space.

In addition to the requested relief to the C8 zoning provisions, Staff recommends the inclusion of some additional site specific regulations pertinent to the C8 site specific zone to address the building layout and form. This includes defining the front lot line as Market Street, identifying a scoped list of permitted commercial uses and the maximum gross floor area for those uses, establishing an updated building step back definition including the minimum building step backs from both the front and rear building line, and identifying minimum rear and exterior yards, and minimum amenity areas (indoor and outdoor).

If approved, the implementing Zoning By-law would reflect the proposed modifications to ensure that the proposed built form reflects the proposal under consideration. The proposed changes to the Zoning By-law are set out in **Table 4** below and are discussed in more detail following the table.

Table 4 – Proposed Exceptions to Zoning By-law 160-90

Zoning Requirements for C8 Zone for a Mixed Use Building		Proposed Exceptions C8 – 102 Zone
DEFINITION: Lot Line, Front: shall mean the lot line dividing the lot from the street In the case of a corner lot bound by two streets, shall mean the shorter of the two lot lines abutting a street, in the case of a corner lot abutting three or more streets, the front lot line shall be one of the lot lines abutting a street as designated by the person administering this Bylaw.	Nelson Street	For the purposes of this By-law, the front lot line shall be Market Street

Zoning Requirements for C8 Zone for a Mixed Use Building		Proposed Exceptions C8 – 102 Zone
Permitted Uses for Commercial Units	A broad range of commercial uses are permitted within the General Commercial Zone (C8) (see Appendix N)	Permitted uses <ul style="list-style-type: none"> • Mixed Use Buildings • Commercial uses in a Mixed Use Building are limited to the following: <ul style="list-style-type: none"> ○ Art Galleries ○ Art Schools ○ Day Nurseries ○ Financial Institutions ○ General Office ○ Neighbourhood Convenience Stores ○ Photography studios ○ Place of Entertainment/Recreation ○ Restaurants (full service, fast food and take out) ○ Specialty Retail Stores
Gross Floor Area (maximum)	N/A	Maximum GFA 724 m ² for commercial uses
Lot Area (minimum)	Nil	4490 m ²
Lot Width (minimum)	Nil	47 m
Lot Coverage (maximum)	100%	89%
Building Height	6 storeys (maximum) 2 storeys (minimum)	10 storeys (maximum)
Rear Yard (minimum)	Abutting residential zones 7.5 m Abutting other zones NIL	2.37 m (for a portion of the building which extends 38 m along the rear lot line perpendicular to 46 Nelson Street) 1.25 m (for a portion of the building which extends 38 m along the rear lot line perpendicular to 29 Chatham Street)

Zoning Requirements for C8 Zone for a Mixed Use Building		Proposed Exceptions C8 – 102 Zone
Interior Side Yard (minimum)	<p>Abutting a residential Zone 7.5 m</p> <p>Abutting a building with windows and facing wall 5.5 m</p> <p>Abutting any other zones NIL</p>	0.55 m (for a portion of the building which extends 24.25 m from the interior lot line parallel to the rear lot line of 46 Nelson Street)
Exterior Side Yard (minimum)	NIL	0.87 m along Nelson Street 1.7 m along Chatham Street
Amenity Space (minimum)	3 m ² per dwelling unit	<p>Interior amenity space (minimum) - 283 m²</p> <p>Exterior amenity space (minimum) - 854.7 m² as a landscaped rooftop amenity area</p>
Landscaped Open Space (minimum)	15% of lot area	13 %
Parking Spaces (minimum)	1.0 space /dwelling unit, plus the total spaces required for non-residential uses as set out in Section 6.18.7.8	0.93 space/dwelling unit plus 1 space per 40 m ² commercial uses
Definition: Building, Step back	Building, Step Back: shall mean the portion of a building or structure that is recessed from the front building line or structure at a defined height	Building, Step Back: Shall mean the portion of a building or structure that is recessed from the front and rear building line at a defined height
		<p>a) A minimum building step back of 3 m from the building line fronting Market street at a height of 11.70 m</p> <p>b) Step backs from the rear building line perpendicular to Nelson Street starting at a building height of 11.70 m above grade.</p> <p style="padding-left: 40px;">(4th and fifth storey) 0.33 m 6th storey – 3.63 m 7th storey – 7.63 m 8th storey – 10.63 m 9th storey – 13.63 m</p>

Zoning Requirements for C8 Zone for a Mixed Use Building		Proposed Exceptions C8 – 102 Zone
		<p>c) Step backs from the rear building line perpendicular to Chatham Street starting at a building height of 11.70 m above grade.</p> <p>4th and 5th storey – 21.75 m 6th storey – 28.75 m 7th floor – 31.75 m 8th floor – 34.75 m 9th floor – 37.75 m</p>
Residential uses shall not be permitted on the ground floor of a mixed use building		Residential uses shall only be permitted on the ground floor for that part of the building which are adjacent to Nelson Street and Chatham Street and the minimum ground floor height of 4.5 m shall not apply to those residential uses.

The proposed site specific exceptions to the C8 Zone outlined in **Table 4** above are reviewed and analyzed in more detail below:

8.2.1 Commercial Uses

As noted in Section 5.2 of this Report, the applicant is proposing to limit the types of commercial uses that would be permitted as well as limit the total gross floor area to 724 m² for the commercial units on the ground floor. Planning Staff are supportive of this request as the proposed uses are suitable to smaller, street-related commercial units within the mixed used building and considered compatible with the existing residential and street related commercial neighbourhood. Planning Staff also recommend the inclusion of some additional commercial uses which are also considered appropriate at this location. This includes art galleries, art schools, and photography studios. Collectively, the proposed commercial uses listed in **Table 4** will serve both the residents of the proposed building as well as the surrounding neighbourhood. The commercial units along Market Street will have a minimum ground floor height of 4.5 m whereas the minimum ground floor height will not apply for the residential uses along Nelson Street and Chatham Street.

8.2.2 Building Height

While the maximum height permitted in the C3 and C8-19 Zones ranges from 2-3 storeys, the C8 Zone typically permits a maximum height of 6 storeys for a mixed use building. The proposed development is 10-storeys in height. However, the design of the building includes steps backs (also called terraces) which begin at the 4th floor. These step backs are intended to help reduce the overall scale of the building and its impact on the neighbourhood. Elevation drawings for all four sides are attached as **Appendix C** to this Report. The subject lands are located in the Urban Growth Centre and as such buildings taller than 8-storeys are encouraged provided the height does not adversely impact neighbouring properties.

In support of the application, StudioCANOO Architecture prepared a Sun/Shadow Study dated February 28, 2020 as part of the Heritage Impact Statement and the Urban Design Brief. The Study analyzes the shadow impacts of the proposed development in relation to the City of Brantford Urban Growth Centre Urban Design Guidelines. Commercial uses on the west side of Market Street will see shadowing in the late afternoon, typically after 3 p.m. The property located at 46 Nelson will have shadowing in the early morning, but ending by 9 a.m. Buildings on the south side of Nelson are not affected by the proposed building. Chatham Street will experience some intermittent shadowing between 8 a.m. and 10 a.m. The Study determines that the proposed development casts minimal shadows during the summer solstice (June 21st) and does not affect the residential area to the west. Shadows are most extreme during the winter solstice (December 21st), when shadows will extend over the commercial and residential areas on the west side of Market Street in the late afternoon, which is generally typical during the winter solstice given the positioning of the sun at that time of year. Based on the findings outlined in the Study, the proposed development is not anticipated to result in adverse effects due to shadowing impacts on abutting properties (see **Appendix C1**)

To achieve the densities in the Urban Growth Centre development proposals must provide for an appropriate intensification in built form than what currently exists. The

proposed development of 200 units and commercial uses in a 10-storey building assists in reaching those targets while incorporating a design which includes step backs on all sides. This will lessen the impact on the streetscape and neighbouring properties by reducing the overall massing of the building. Accordingly, Planning Staff support the requested increase in height.

8.2.3 Interior Side Yard

The current zoning regulations in the C8 Zone for a mixed use building requires a minimum interior side yard abutting a building with windows on the facing wall. The interior side yard of the proposed development is abutting the building located at 46 Nelson Street, which contains windows on the facing wall. According to Zoning By-law 160-90, a minimum interior side yard of 5.5 m would be required. The applicant has requested an interior side yard of 0.55 m which runs parallel to the rear yard of 46 Nelson Street (see **Appendix B** which shows the location of the interior side yard).

The intention of the current regulation for a 5.5 m interior side yard abutting a building with windows on the facing wall is to allow light, air circulation and privacy to abutting properties. The distance between the rear building wall of 46 Nelson Street and the proposed building wall located along the interior side yard will be approximately 14 m which would provide for appropriate light and air circulation between the two buildings. Since the proposed building wall does not contain any windows along the interior side yard, privacy will be maintained in the rear amenity area of 46 Nelson Street.

The proposed height of the building along the interior side yard is 3 storeys and the massing of the building is stepped back at the 4th storey. The distance provided in the rear yard of 46 Nelson Street and the stepping back of the building wall in that location assist in mitigating the impact of the proposed development and Planning Staff support the reduction in the interior side yard.

8.2.4 Exterior and Rear Yards

The current zoning regulations in the C8 Zone for a mixed use building does not require the provision of an exterior or rear yard when the lands are adjacent to other properties which are in a Commercial Zone. Although the abutting lands to the west are used for residential purposes, they are zoned for commercial uses. As noted in Section 7.2 and 8.3.1 of this Report, the owner of the adjacent property located at 46 Nelson Street was initially concerned with the original proposal which included a rear yard of 0.61 metres adjacent to her property. Following discussions with the applicant, the proposal was revised and the rear yard was increased to 2.37 m. The increased rear yard in conjunction with enhanced landscaping in this area will help to provide a buffer to the neighbouring property which is acceptable to the adjacent property owner. A minimum rear yard of 1.25 m is also proposed along the property at 35 Chatham Street (see **Appendix B**). The proposed rear yard along this lot line is appropriate as it can provide adequate space which can accommodate landscaping including climbing plants and shrubs along this edge of the building (see **Appendix D**). Further, there are no windows located along this edge of the building, so privacy and overlook are not a concern. Planning Staff are supportive of these modifications.

With respect to the exterior side yard, the Zoning By-law allows for an exterior side yard of 'nil' for mixed use buildings in the C8 Zone. However, to reflect the proposal under consideration, Planning Staff recommend that the amending by-law specify the exterior side yards as proposed (0.87 m along Nelson Street and 1.7 m along Chatham Street). Although the exterior side yard is small, it should be possible to provide for some enhanced landscaping along Chatham and Nelson Streets.

8.2.5 Private Amenity Space

Under the current C3 and C8-19 Zone regulations, there is no requirement for private amenity space to be provided. Amenity space is typically addressed through the minimum yard regulations. The C8 Zone for mixed use buildings does require that 3 m² of amenity space be provided per dwelling unit. The

indoor space is proposed to be 283 m² in area and the outdoor amenity space is proposed to be 854.7 m² in area, to be provided as a landscaped rooftop on the fourth floor.

Planning Staff support the provision of the amenity space as proposed and recommend that this be stipulated in the amending By-law, to reflect the proposal under review. The design of the outdoor amenity space will be further reviewed at the Site Plan Control stage to ensure that a good standard of design is achieved.

8.2.6 Landscaped Open Space

The applicant has requested a reduction of the landscaped open space provision in the zoning bylaw from 15% to 13% of the lot area. Due to the enclosed parking structure and the size of the building, the proposed development will not meet the current regulations in the Zoning By-law. In Planning Staff's opinion, the reduction in landscaping by 2% is considered relatively minor and the focus for the landscaping will be along the rear yard as a buffer to the adjacent properties as well as along the north and south edge of the subject lands as illustrated on **Appendix D**. Additional landscaping in the form of planter boxes are also proposed within the Market Street road allowance. The details of the proposed landscaping within any of the road allowances will be reviewed with Parks and Recreation and Public Works staff during the Site Plan Control process. Through that process there would be an opportunity to receive a contribution for street trees and an encroachment agreement with the City and Owner would be required regarding the installation and maintenance of any additional landscaping on City property, such as planter boxes.

Parking

Mixed use buildings are required to provide parking at a ratio of 1 parking space per dwelling unit plus the number of parking spaces for commercial uses which are calculated at the standard parking rate depending on the type of use. Given the nature of the proposed uses, this can range from 1 space per 20 m² to 1 space per 30 m² except for a full service restaurant use, which would require 1.0 space per 4 persons of permitted building capacity.

The applicant is proposing to provide a total of 205 parking spaces and is seeking a reduction in the parking requirement for dwelling units from 1 space per dwelling unit to 0.93 spaces per dwelling unit. As well, because it is difficult to determine the precise number of spaces that would be required at this time for the commercial component, (without knowing the type of uses that will occupy part of the ground floor of the proposed building – which is limited to 724 m² GFA), the applicant is proposing that parking for commercial uses be calculated by applying a parking ratio of 1 space per 40 m² for the commercial uses. In total, 186 parking spaces would be available for the residents of the building and 18 spaces would be available for the commercial uses.

Planning Staff are supportive of the proposed reduction in the parking requirement. Individual units will not be assigned individual parking spaces although the area available for the commercial uses may be grouped together within the parking garage and parking spaces will be shared on site. This will be addressed at the Site Plan Control stage. The proposed development is located in close proximity to a transit station with access to local and regional service, (GO Bus) is within walking distance of the Via Rail station as well as other amenities in the downtown. In addition to the close proximity of transit, there are also other parking opportunities in the downtown that are within walking distance of the subject lands.

8.2.7 Apartment Dwelling Units on the Ground Floor

Typically a mixed use building consists of commercial uses which occupy the entirety of the ground floor with residential uses above. To reflect this proposal, the applicant has requested relief from the Zoning By-law to allow residential units on the ground floor but only within the part of the building that is adjacent to Nelson Street and Chatham Street. There will be no direct access from these units to Nelson or Chatham Streets, as access will only be available from an internal hallway. The part of the building which faces Market Street will consist entirely of commercial units as it is the most prominent frontage and will continue the commercial uses on the ground floor in keeping with the current streetscape along Market Street.

Since Nelson Street and Chatham Street are local roads that contain residential buildings, the continuation of residential units on the ground floor along Chatham and Nelson Street will keep the pedestrian and vehicular traffic for the commercial uses away from the side streets and focused along Market Street. The minimum ground floor height of 4.5 m shall not apply to the residential uses along Nelson and Chatham Street. Planning Staff support the request for residential uses on the ground floor for the Nelson and Chatham Street frontages only.

8.2.8 Step Backs from Rear and Front Yard

The proposed development is designed with a podium by incorporating a step back above the building base in the portion of the building along Market Street, and in the westerly portion of the building adjacent to the abutting residential uses which are lower in height. This helps to create a human-scaled building edge and will assist in mitigating the overall impact of the building height on the street and on the abutting neighbours. This design is encouraged in Intensification Areas throughout the City and Planning Staff support the implementation of the step backs.

The definition of building step back in the Zoning By-law 160-90 refers to the portion of a building or structure that is recessed from the front building line or structure at a defined height. For the purposes of this by-law, Staff recommend that the definition be amended to ensure that it refers to the portion of a building or structure that is recessed from the front and rear building line at a defined height in order to implement step backs at the rear building line along both Chatham and Nelson Streets as they vary along those two frontages. The recommended step back requirements will assist in minimizing the impact of the building height related to the residential buildings to the west. The step back regulations recommended by Staff will ensure that the concept plan and elevations are constructed as proposed.

8.3 Development Considerations

Below is an analysis of the development considerations that were identified by Staff through consultation with the public and the review of these applications with technical staff and external agencies.

8.3.1 Public Input

A Neighbourhood Meeting was held on March 4, 2020. There were approximately 6 residents in attendance as well as the Ward Councillors, City Staff, and the applicant. The notes from the meeting were forwarded to the meeting attendees and are found in **Appendix L**.

The property owner at 46 Nelson Street attended the Neighbourhood Meeting and expressed concerns regarding the location of the proposed setback next to her abutting property. The applicant reviewed the Sun/Shadow Study with the property owner who explained that the portion of the building and the building overall, would not adversely affect her property from a sun/shadow perspective.

However, to address the neighbour's concerns, the applicant agreed to revisit the proposed rear yard adjacent to her property and increased the rear yard from 0.61 m to 2.37 m for the length of the rear wall abutting 46 Nelson Street. Additional landscaping was also proposed in this area to assist in mitigating the impact on the adjacent residential building. Staff provided a copy of the revised concept plan to the property owner which illustrated the increased rear yard and the property owner indicated that it has addressed her initial concerns.

8.3.2 Compatibility with Surrounding Land Uses

The proposed design of the development takes into consideration the context of the surrounding neighbourhood and integrates the development into the community. This is achieved through the building orientation with the main façade and associated commercial uses facing Market Street. The majority of the height and massing is focused toward Market Street and away from the residential dwellings to the west. There is a proposed podium created through a step back above the building base at the 4th floor which creates a human-scaled wall along the street and mitigates the overall impact of the building height on the pedestrian environment and neighbouring low scale residential uses.

As previously noted in this Report, the design of the building step backs are at the front and rear of the building to ensure minimal impact to neighbouring properties and the pedestrian environment on Market Street. The step backs along the Chatham Street and Nelson Street frontages begin at the 4th storey and continue to the 10th storey. The more significant step back is along the Chatham Street elevation (see **Appendix C**). The proposed rear yards and the reduction in height and massing for both elevations will reduce the visual impacts as well as any shadowing of the proposed development on the neighbouring properties.

Landscaping will be used to soften the built form and will provide a buffer between the parking garage wall and the rear property line. In Planning Staff's opinion, creating a podium at the front façade of the building and introducing step backs at the rear of the building abutting the residential uses ensures that the building will be compatible with the existing neighbourhood. This development will offer more rental options within the downtown and will bring more people to the area leading to greater vibrancy in the downtown.

8.3.3 Heritage

Allan Avis Architects Inc. and Heritagedowntowns.com prepared the Heritage Impact Statement (HIS) dated July 16, 2019 in support of this application. The HIS was presented to the Brantford Heritage Committee on February 3, 2020 for their review and comment. In response to comments from the Heritage Committee and comments from Planning Staff, the Applicant submitted a Heritage Impact Statement Addendum (HISA) dated March 20, 2020. The HISA was reviewed by Staff and presented to the Heritage Committee for review and comment on July 6, 2020.

The HIS assessed the Cultural Heritage Value of each of the nine buildings on the site and concluded that three of the properties meet the criteria prescribed by Ontario Regulation 9/06 for determining heritage value, as follows:

- 35 Chatham Street, known as the Crystal Cottage, has design or physical value because it is representative of the

Brantford Cottage style of architecture and displays a high degree of craftsmanship which includes the unique use of a green glass bottle string course. It is designated under Part IV of the *Ontario Heritage Act* (By-law 6-85);

- 31 Chatham Street has historical or associative value, being the former home of Thomas Broughton, who served as Councillor and Reeve for the City of Brantford as well as the Manager of the Grand River Navigation Works; and
- 136-138 Market Street has historical or associative value because it was used as the home and office for three doctors of the Marquis family who were significant to the Brantford community. The building at 136 Market Street also has design or physical value because it is representative of the Italianate style of architecture.

The HIS indicated that none the buildings on the above noted properties were proposed to be incorporated into the new development, and identified that 31 Chatham Street and 136-138 Market Street would be demolished. With regard to 35 Chatham Street, the HIS identified that the relocation of the Crystal Cottage to another property was one option being considered by the owner. Council passed a motion on February 11, 2020, which recognized that Market Street Developments Inc. has agreed to sell the Crystal Cottage to the Brant Historical Society for \$10.00 and they have further agreed to relocate the Crystal Cottage, at their own expense, to a vacant lot municipally known as 53 Charlotte Street. Refer to the resolution attached as **Appendix O** to this Report.

The HIS and HISA included recommendations for methods that should be used to conserve the heritage value of 35 Chatham Street, 31 Chatham Street, and 136-138 Market Street. Based on these recommendations as well as the review and comments by Planning Staff and the Heritage Committee, the following is a list of minimum requirements to conserve the cultural heritage value of the above noted properties:

- A further addendum to the HIS is required to be submitted to the City to provide additional information to contribute to property records for 31 Chatham Street and 136-138 Market Street. The addendum must include, high

resolution, catalogued photographs of all historical features on both of the properties. In addition, the addendum must include additional information on Thomas Broughton, including an overview of the Grand River Navigation Works during his time as Manager and any accomplishments as Councillor and/or Reeve of Brantford.

- Plaques are required to be erected at the subject property to commemorate Thomas Broughton and the three Doctors Marquis. The plaques will be provided by the applicant and the content and location of the plaques will be approved through the Site Plan Control process for the subject development.
- The building located at 35 Chatham Street, (the Crystal Cottage) must be successfully relocated to a new property which will conserve its design and physical value. Council approval of an application under Section 34 of the *Ontario Heritage Act* to remove the building is required. The application should also include high resolution, catalogued photographs of all historical features of the property as well as architectural drawings to contribute to the property record.
- Plaques are required to be erected at the current and future location of the Crystal Cottage to commemorate its value and direct people back to its original location. The plaques will be provided by the applicant of this development and the content and location of the plaque at the current site will be approved through the Site Plan Control process for the subject development. The plaque at the future site of the Crystal Cottage will be addressed through the Site Plan Control process for 53 Charlotte Street, which is required to relocate the Crystal Cottage to this property

Should this application be approved, Planning Staff recommend the application of a holding provision. The Holding would be removed once a final addendum to the HIS has been received and the Crystal Cottage is successfully relocated to another

property, to the satisfaction of the General Manager of Community Development.

8.3.4 Demolition Control

The *Ontario Heritage Act* does not regulate the demolition of the buildings on 120-138 Market Street and 31 Chatham Street as these properties are not designated or listed on the Heritage Register. However, the subject lands are located within the City's Demolition Control Area, and therefore approval under the Demolition Control By-law 156-2019 (Chapter 433 of the Municipal Code) is required for the properties that contain dwelling units (122-138 Market Street and 31 Chatham Street). The Demolition Control By-law establishes criteria to determine if the demolition could be considered "Routine", allowing the City's Chief Building Official to issue a demolition permit through delegated authority. The demolition control applications will be considered routine under the By-law if Conditional Site Plan Approval has been granted for the subject property. If the applicant seeks to demolish these buildings before Conditional Site Plan Approval is granted, the applications would not be considered routine and Council approval would be required. Non-routine demolition control applications are reviewed by the Brantford Heritage Committee when they involve the demolition of buildings older than 40 years, so that the Committee can provide comments to Council. After review by the Heritage Committee, Council would then consider a staff report and make a decision on the demolition control applications. Demolition permit applications for the above mentioned buildings have not been submitted at the time of writing this Report.

8.3.5 Archeological Assessment

The Stage 1 Archeological Assessment prepared by Irwin Heritage Inc. dated March 23, 2020, has now been completed and submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries. The Stage 1 Archaeological Assessment indicated that the study area has been highly impacted by the existing structures. However, areas of archaeological potential remain and therefore a Stage 2 Archaeological Assessment is required. Should this application be approved, Planning Staff

recommend the application of a Holding provision which would not be removed until this is addressed.

8.3.6 Environmental Site Assessment

An Interim Phase Two Environmental Site Assessment (ESA) has been undertaken by Stantec dated July 16, 2019. The Interim Phase II ESA was conducted for the subject lands in support of a Record of Site Condition (RSC) pursuant to the Ontario Ministry of the Environment, Conservation and Parks (MECP), Ontario Regulation 153/04 (O.Reg. 153/04). An RSC is required because some of the existing land uses are to be converted from commercial use to residential use and there is potential for contamination. Due to the fact that the area to be investigated currently contains buildings and structures, further soil and ground water investigations will be conducted once the existing buildings are removed.

The Building Department will not issue a Building Permit until Phase II is complete and a Record of Site Condition is acknowledged by the Ministry of the Environment, Conservation and Parks (MECP) and will be required at the building permit stage.

8.3.7 Site Plan Control

Site Plan Control is applicable to the subject lands and will allow for a detailed review of the placement of the building, zoning and accessibility compliance, driveway locations as well as allow for the consideration of exterior building materials and elevations, including the review of the landscaping and outdoor amenity spaces. Site Plan Control will implement the Urban Design requirements outlined in Section 14 of the Official Plan and the City's Urban Design Guidelines for Intensification Proposals. All of the City's other technical requirements will be addressed through the Site Plan Control process. The Ward Councillors will be included in the Site Plan review process and will have an opportunity to provide input to Staff.

8.3.8 Holding Provision

As per Section 18.5 of the Official Plan, Staff recommends that a Holding provision (“H”) be applied to the subject lands to ensure that the City’s requirements are satisfied before the development can proceed. Staff recommends that the Holding provision “H” not be removed until the applicant has provided the following:

- a) That the applicant has provided a signed Site Plan Agreement to the Corporation of the City of Brantford, along with all necessary securities;
- b) That the applicant submit a Stage 2 Archaeological Assessment and any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries’ Standard and Guidelines for Consultant Archaeologists, as amended from time to time, as well as copies of all letters from the Ministry of Heritage, Sport, Tourism and Culture Industries verifying that archaeological assessments have been entered into the Ontario Public Register of Archaeological Reports, to the satisfaction of The Corporation of the City of Brantford;
- c) That the applicant submits a further addendum to the Heritage Impact Study Allan Avis Architects Inc and HeritageDowntowns.com dated March 20, 2020, addressing the relevant matters outlined in Staff Report 2020-221, to the satisfaction of The Corporation of the City of Brantford;
- d) That approval under Section 34 of the *Ontario Heritage Act* to remove the Crystal Cottage from 35 Chatham Street is received, and that the Crystal Cottage is successfully relocated to a new property, to the satisfaction of The Corporation of the City of Brantford; and,
- e) That all servicing issues, financial and otherwise, have been addressed to the satisfaction of The Corporation of the City of Brantford.

9.0 Financial Implications

There are no direct Municipal financial implications respecting this application.

10.0 Conclusion

The proposed Zoning By-law Amendment will support the intensification of the downtown, and is on a site which is currently underutilized. The proposed 10 storey mixed use building is consistent with the Provincial Policy Statement, in conformity with the Growth Plan and the City of Brantford Official Plan. The proposed development is located in the Urban Growth Centre for the City of Brantford and close to GO Transit, Via Rail as well as Brantford Transit services and within walking distance of amenities and services in the downtown. The proposal will provide an additional housing option that will benefit the citizens of Brantford. The application of the Holding "H" provision and the Site Plan Control process will ensure that the requirements of the City, other agencies and resident's concerns are addressed prior to the commencement of development. Based on these considerations and the analysis provided in this Report, Planning Staff is of the opinion that the application to amend Zoning By-law 160-90 is appropriate and represents good planning.



Nicole Pettenuzzo, MCIP, RPP
Senior Planner
Community Development



Joe Muto, MCIP, RPP
Manager of Development Planning
Community Development



Lucy Hives, MCIP, RPP
Director of Planning
Community Development



Paul Moore, MCIP, RPP
General Manager
Community Development

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 Location Map

LOCATION MAP

Application: PZ-02-20
120-138 Market Street, 31 and 35 Chatham Street

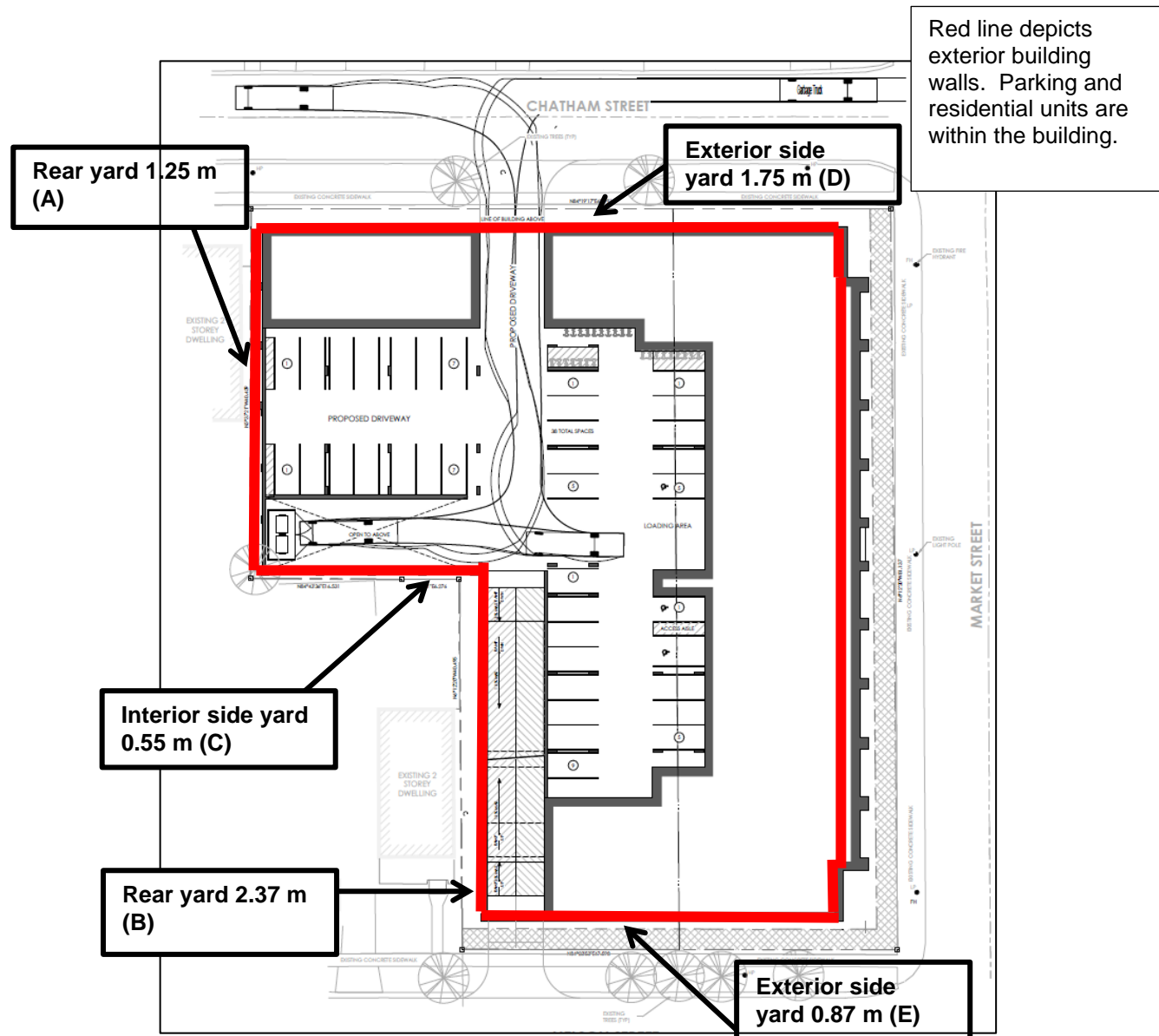


Legend

 Subject Lands



APPENDIX B Concept Plan

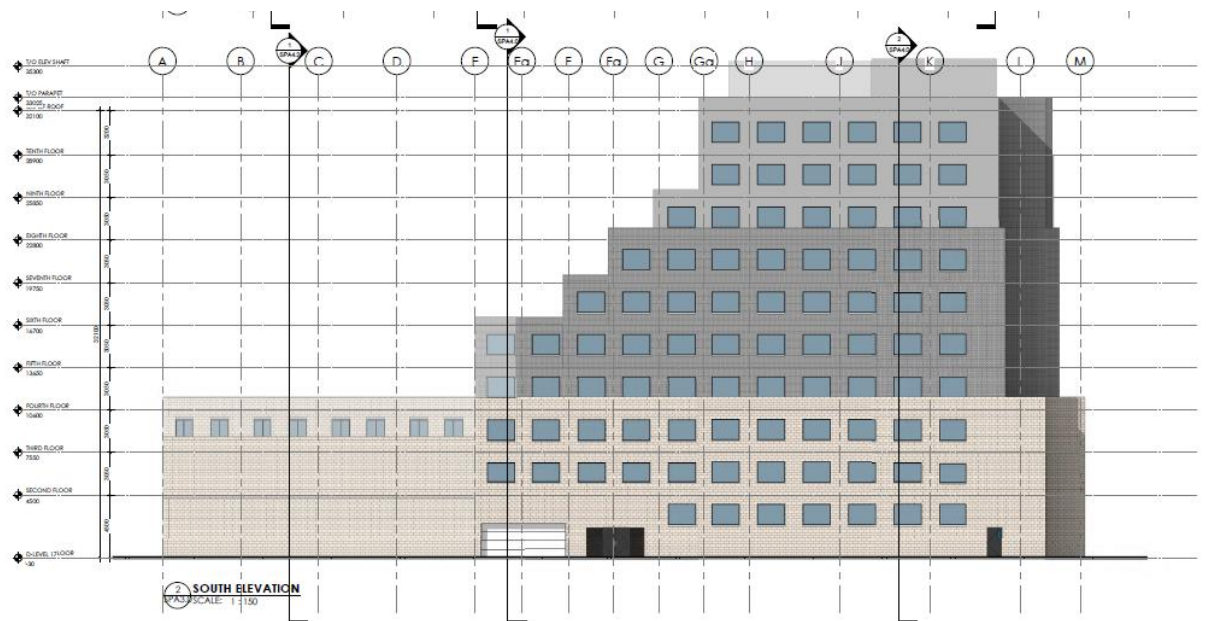


APPENDIX C Elevations

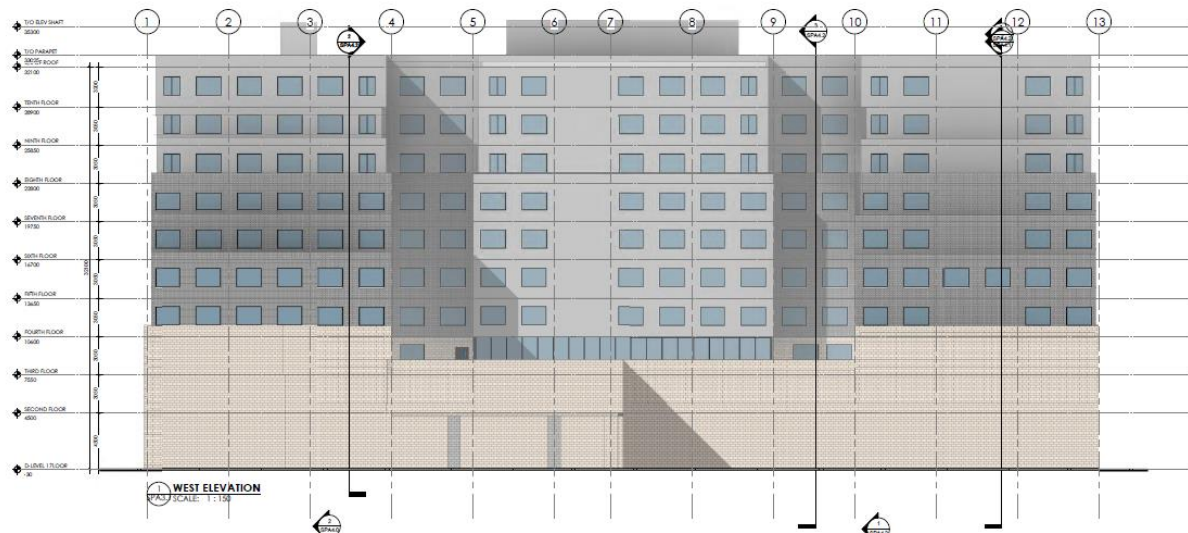
East Elevation (Market Street)



South Elevation (Nelson Street)



West Elevation (abutting 46 Nelson Street)



North Elevation (Chatham Street)



APPENDIX C1 Sun/Shadow Study

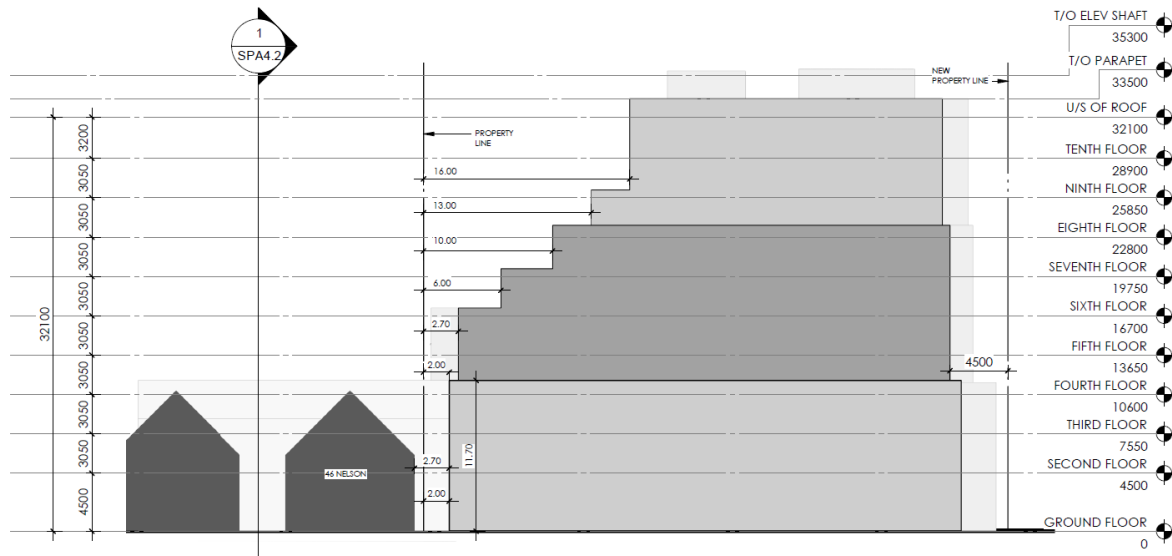


June 21st from 7 am to 7 pm

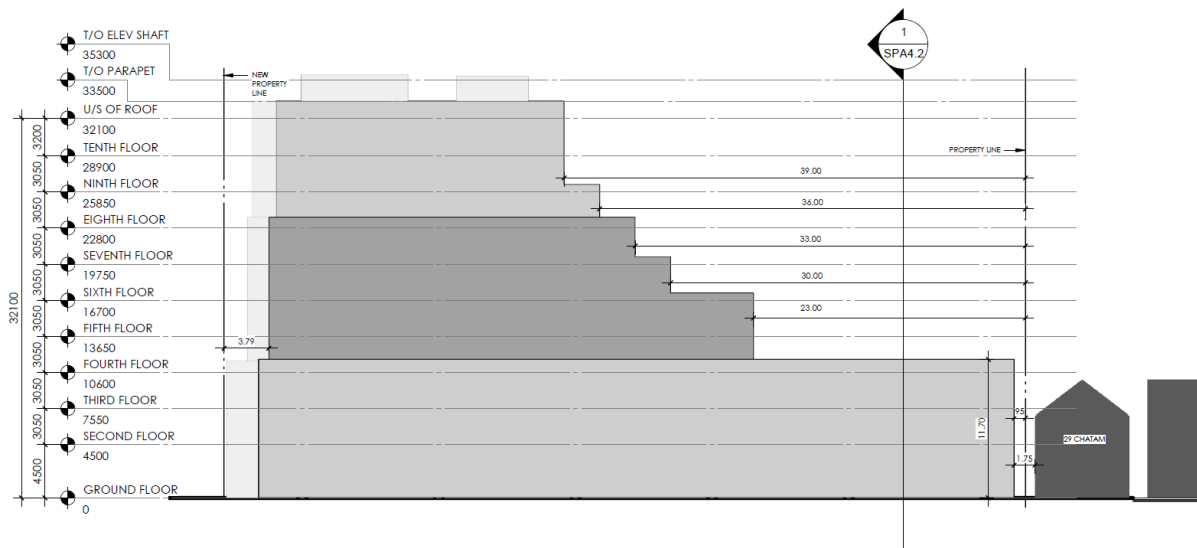


APPENDIX C2 Building Step backs

Proposed Building Step backs along Nelson Street

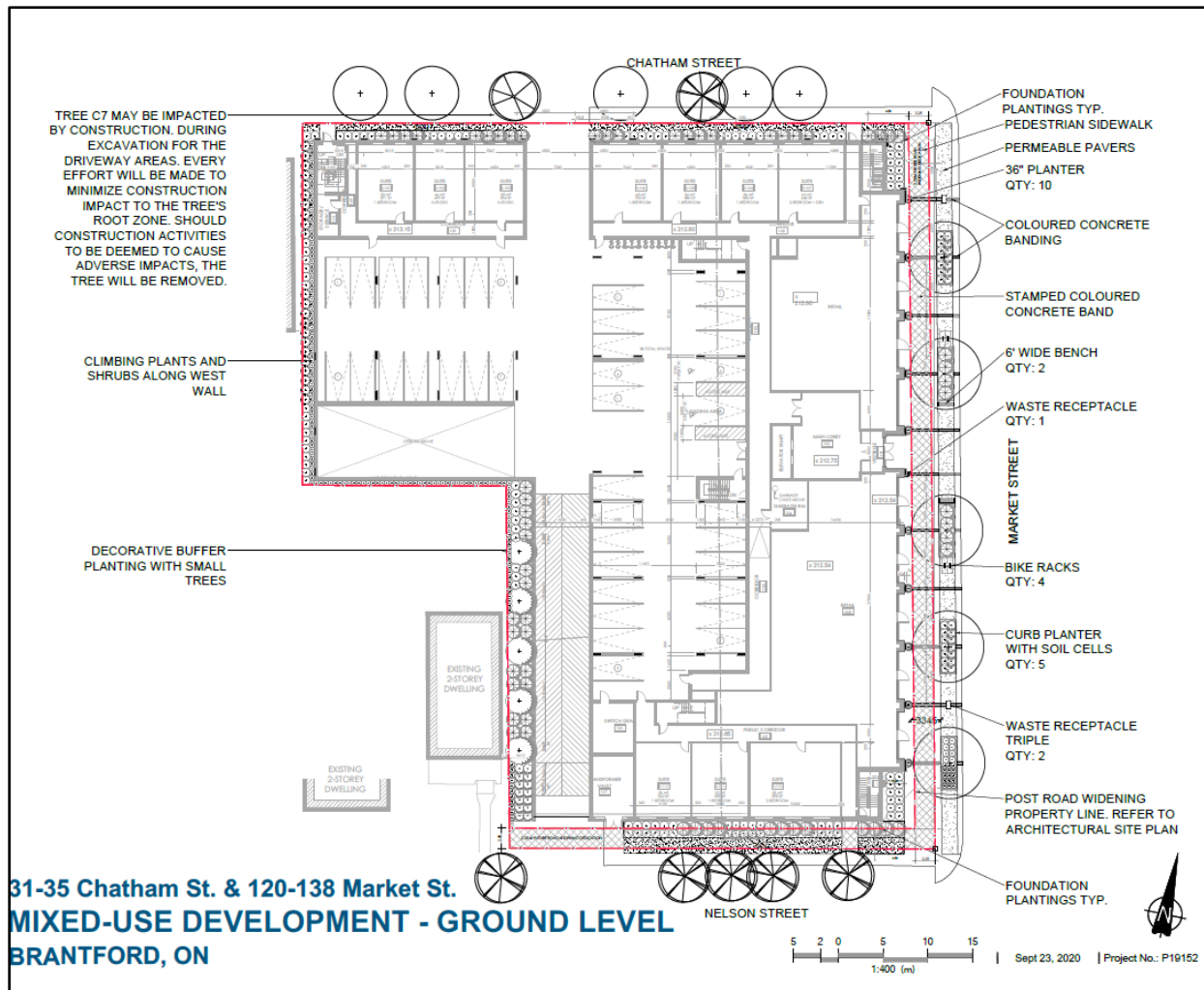


Proposed Building Step backs along Chatham Street



APPENDIX D Landscape Plans

Ground Floor Landscape Plan



[illegible]

APPENDIX E Aerial Photo


AERIAL PHOTO

Application: PZ-02-20

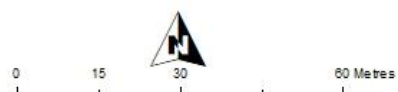
120-138 Market Street, 31 and 35 Chatham Street



Legend

 Subject Land

Aerial Photo from Spring 2017



APPENDIX F Land Use Map

LAND USE

Application: PZ-02-20

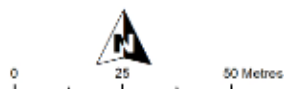
120-138 Market Street, 31 and 35 Chatham Street



Legend

Subject Land

- Residential (1 to 3 units)
- Residential (4 units/3 storey)
- Residential (4+ storey)
- Institutional
- Commercial
- Industrial
- Park/Open Space
- Vacant Land



APPENDIX G
Photos of the Site

Buildings along Market Street



35 Chatham Street (Crystal Cottage)



Parking Lot along Nelson Street



APPENDIX H
Agency Comments

Department / Agency	Comment
Building Department	No comments received.
Engineering Department	A Holding provision is to be put in place on the development until Development Engineering with respect all matters pertaining to Site Plan Approval. (refer to Appendix H1)
Fire Prevention Officer	The Brantford Fire Department has no comments or concerns regarding a zoning amendment to allow for the project, but would like to offer the following regarding the provided site plan: <ul style="list-style-type: none"> - please identify any/all adjacent municipal hydrants and proposed private hydrants servicing the site - if the building is to be sprinklered, please show the location of the fire department connection - please show fire access route signage on the site plan - we would ask that the building address be clearly identified on the exterior of the building so that we can easily identify it in the event of an emergency
Bell Canada	No comments received.
Canada Post	The developer / owner will be required to install a mail room since there will be over 100 units for mail delivery. I will further comment on the Site Plan application. .
CN Rail	CN will anticipate the opportunity to review a noise study, conducted by an engineer with an acoustic background, accounting for all existing and future railway emissions. It should also be noted that CN will be seeking a development agreement stipulating how CN's concerns will be resolved. CN will also be seeking an environmental easement and a warning clause to be registered on title in order to help forestall future potential noise complaints directed to the municipality, the developer, and/or the railway. Noise Study will be required for Site Plan Approval. (see Appendix H)
Brantford Power	No comments received.
Parks and Recreation	No comments received.
Roger's Cable TV	No comments received
Union Gas Limited	No comments received.

Agencies are advised at the time of circulation for comment that they are considered as having no objection to an application if they do not reply within the time limit provided. If additional time is required in which to comment they are to contact Planning Staff.

APPENDIX H1 Engineering Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input checked="" type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.		PZ-02-2020 – 2 nd Submission	
DATE DUE TO PLANNING		July 30, 2020	
APPLICANT		Market Street Development Inc.	
AGENT		Studio Canoo Architecture	
ADDRESS		120 - 138 Market Street and 31 and 35 Chatham Street	
TRANSPORTATION			

1. TDM measures identified in the comment response sheet dated June 2, 2020, specifically those listed below, are deemed appropriate justification for the proposed parking ratio.
 - a. Separated rental of parking spaces from living units (commonly referred to as unbundled parking).
 - b. Access to shower and changing facilities for employees at the commercial units.
 - c. Provision for a minimum of 24 short term and 32 long term bicycle parking spaces, as well as parking for electric scooters.
 - d. Easily accessible pedestrian access from the street.

Jacob McDonald, C.E.T.
Transportation Technologist



CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input checked="" type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.		PZ-02-2020 – 2 nd Submission	
DATE DUE TO PLANNING		July 30, 2020	
APPLICANT		Market Street Development Inc.	
AGENT		Studio Canoo Architecture	
ADDRESS		120 - 138 Market Street and 31 and 35 Chatham Street	
ENVIRONMENTAL SERVICES			

I reviewed the proposed applications and associated documents—as submitted by Studio Canoo Architecture—on behalf of Environmental Services and have no objections regarding the zoning by-law amendment; however, I would like to offer the following pre-consultation comments for consideration:

1. City records indicate the subject properties are serviced as follows: **Acknowledged**

31 Chatham Street

- 25 mm copper lateral from the 200 mm PVC watermain in Chatham Street; this service lateral appears to be located 2.3 m Left of the Left side of the existing dwelling and the curb stop 4.0 m Out from same;

35 Chatham Street

- 19 mm (copper) x 13 mm (lead) lateral from the 200 mm PVC watermain in Chatham Street; this service lateral appears to be located 3.1 m Right of the Left side of the existing dwelling and the curb stop 3.9 m Out from same;

120 Market Street

- 25 mm (copper) x 25 mm (lead) lateral from the 150 mm Cast Iron watermain in Nelson Street; this service lateral appears to be located 7.5 m Right of the Left side of the existing building and the curb stop 2.3 m Out from same;

122 Market Street

- 25 mm (copper) x 13 mm (lead) lateral from the 200 mm Ductile Iron watermain in Market Street; this service lateral appears to be located 10.7 m Right of the corner of 120 Market St. and the curb stop 2.0 m Out from same;

126 Market Street

- 25 mm copper lateral from the 200 mm Ductile Iron watermain in Market Street; this service lateral appears to be located 1.7 m Right of the Right side of the existing building and the curb stop 0.6 m Out from same;

128 Market Street (Vacant Lot)

- 25 mm copper lateral from the 200 mm Ductile Iron watermain in Market Street; this service lateral appears to be located 2.7 m Right of 126 Market St. and the curb stop 0.6 m Out from same;

130 Market Street

- 25 mm copper lateral from the 200 mm Ductile Iron watermain in Market Street; this service lateral appears to be located 1.2 m Left of the Right side of the existing building and the curb stop 0.3 m Out from same;

Continued...



CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input checked="" type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.		PZ-02-2020 – 2 nd Submission	
DATE DUE TO PLANNING		July 30, 2020	
APPLICANT		Market Street Development Inc.	
AGENT		Studio Canoo Architecture	
ADDRESS		120 - 138 Market Street and 31 and 35 Chatham Street	
ENVIRONMENTAL SERVICES con't			

132 Market Street

- 25 mm x 19 mm copper lateral from the 200 mm Ductile Iron watermain in Market Street; this service lateral appears to be located 1.2 m Left of the Right side of the existing building and the curb stop 0.5 m Out from same;

134 Market Street

- 25 mm copper lateral from the 200 mm Ductile watermain in Market Street; this service lateral appears to be located 3.2 m Right of the Left side of the existing building and the curb stop 2.5 m Out from same; and

136/138 Market Street (Vacant Lot)

- 25 mm copper lateral from the 200 mm Ductile Iron watermain in Market Street; this service lateral appears to be located 6.8 m Left of the Right side of the existing building and the curb stop 2.2 m out from same.

- The Owner will be required to remove the existing water services and curb stops during demolition of the existing buildings. The services must be removed from the main to preserve water quality and prevent leaks and the curb stops removed to avoid confusion; **Acknowledged**
- At the time of Demolition Permit application, the Owner will be required to submit deposits for removal of the water services; the deposits will be based on the current Corporation approved rate. The Owner can apply to the City's Water Customer Service Department to have the deposits returned once the water service removals are inspected to the satisfaction of the City; **Acknowledged**
- Provide detailed site servicing plans for review, comment and approval; **Acknowledged**
- Provide a detailed Functional Servicing Report (FSR) outlining the proposed domestic and fire demands for the development, in accordance with the latest version of the City's Linear Design & Construction Manual: Watermains. Provide details to demonstrate the adequacy of the proposed water service and that 50 psi can be maintained at the highest fixture in the proposed water supply system; **Addressed for modelling: additional details regarding pressure available at the highest fixture in the water supply system will be required at the time of site plan control.**
- The development must be water modeled in accordance with the approved detailed FSR to determine if sufficient capacity exists and ensure no negative impact to the City's distribution system will occur; the modeling will also indicate that the development meets Ministry of the Environment criteria. Modeling will be completed by the City's consultant; the Owner is required to pay all costs for the modeling prior to the modeling being completed; **Outstanding;**

Continued...



CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input checked="" type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.		PZ-02-2020 – 2 nd Submission	
DATE DUE TO PLANNING		July 30, 2020	
APPLICANT		Market Street Development Inc.	
AGENT		Studio Canoo Architecture	
ADDRESS		120 - 138 Market Street and 31 and 35 Chatham Street	
ENVIRONMENTAL SERVICES con't			

7. The FSR is acceptable for modelling. The City will initiate modelling. The developer will be required to implement recommendations that arise from the City's review.
8. The City will complete the inspection of all watermain and appurtenances within the development; the Owner must pay the City's inspection time. The Owner will be required to provide a \$3,000CAD deposit for inspections; **Acknowledged**
9. Only one (1) service will be permitted to the property; **Acknowledged**
10. The Owner will be required to obtain a Water Service Connection Permit and pay all applicable fees prior to commencing any work to connect the new water service; the City will complete the inspection of all connections to City watermain; **Acknowledged**
11. The Owner will be required to obtain a Street Excavation Permit prior to commencing any work in the City's right-of-way; **Acknowledged**
12. The development must be metered during construction; the Owner is responsible to pay the current fee per cubic metre for the quantity of water used; and **Acknowledged**
13. All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code. **Acknowledged**
Functional Servicing Report – Prepared by Stantec (August 19, 2019)
14. In accordance with the latest version of the City's Design and Construction Manual: Watermain, determination of design flows must utilize the following average day demands: **Addressed**
 - Residential – 245 L/person/day
 - Employment – 275 L/person/day
15. In accordance with the latest version of the City's Design and Construction Manual: Watermain, determination of design flows must utilize the following peaking factors: **Addressed**
 - Maximum Day – 2.0
 - Peak Hour – 3.0
16. *FUS calculations* – The calculation sheet included appears to be for another development—70 King Street North, Waterloo. Revise accordingly; **Addressed**
17. *FUS calculations* – The floor area (A) appears to be calculated assuming fire-resistive construction with protected vertical openings; however, the coefficient related to the type of construction (C = 0.8) indicates it will be of non-combustible construction. Confirm construction type and revise accordingly; **Addressed**

Continued...



CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input checked="" type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.		PZ-02-2020 – 2 nd Submission	
DATE DUE TO PLANNING		July 30, 2020	
APPLICANT		Market Street Development Inc.	
AGENT		Studio Canoo Architecture	
ADDRESS		120 - 138 Market Street and 31 and 35 Chatham Street	
ENVIRONMENTAL SERVICES con't			

18. *FUS calculations* – Item #8: The summarized domestic demands are inconsistent with Appendix B. Revise accordingly; **Addressed**

On behalf of Environmental Services—Solid Waste, I would like to offer the following solid waste management comments for consideration:

19. Due to the large projected volume of waste and recycling materials, curbside collection will not be permitted. The Owner will be required to utilize private collection services, at the property or building owner's expense, for the management of all waste streams; **Acknowledged**
20. The Owner is responsible for collection, haulage and disposal of all waste during construction; **Acknowledged**
21. Under Bill 151, Waste Free Ontario (WFOA) and "Food and Organic Waste Framework in Ontario", Part B, Waste Policy Statement, new requirements have been established for the future management of food and organic waste materials for residential and commercial locations. The proposed development shall comply with all future requirements of the Provincial Waste Policy Statement; and **Acknowledged**
22. If applicable, Residential Condominium Corporations may submit paid invoices to the City monthly for reimbursement of residential waste disposal fees through the City's Solid Waste Rebate Program. **Acknowledged**

As outlined in the City's Rebate Program Agreement, participating Condominium Corporations must meet the following requirements:

- Obtain quotes from three (3) different service providers to demonstrate that the condominium is receiving competitive pricing for services received;
- Obtain quotes upon enrollment in the program and prior to expiry and/or renewal of a current Rebate Program Agreement;
- Include a clause in the private service arrangement, which specifies that all waste materials be disposed of the Mohawk Street Landfill Site; and
- Submit monthly Rebate Reimbursement Requests to the City for review and approval.

All quotes obtained should be for an all-inclusive per bin lift to allow easy comparison of information received from service providers. Also, please note invoices must clearly show the name and address of the service provider, Harmonized Sales Tax Registration number, service dates, itemized service charges, registration number or address of condominium serviced, etc.

Continued...



CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input checked="" type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.		PZ-02-2020 – 2 nd Submission	
DATE DUE TO PLANNING		July 30, 2020	
APPLICANT		Market Street Development Inc.	
AGENT		Studio Canoo Architecture	
ADDRESS		120 - 138 Market Street and 31 and 35 Chatham Street	
ENVIRONMENTAL SERVICES con't			

The following services and/or charges are eligible for the all-inclusive per lift cost reimbursement under the approved rebate program:

- a. All-inclusive, per bin lift charges for garbage and recyclable materials;
- b. Fuel/environmental charges (limited to no more than 10% of the overall invoice); and
- c. HST.

Please note that the following services and/or charges are not eligible for reimbursement under the approved rebate program:

- a. Additional administration fees;
- b. Additional container fees or rental fees;
- c. Additional charges relating regulatory fees;
- d. Additional charges such as blocked bin, over-weight bin, bin replacement and/or late payment fees. Payment for these charges is the responsibility of the Condominium Corporation and will be not reimbursed by the City; and
- e. Additional charges relating to Commodity or Recycling Material charges.*

* To avoid these fees, please specify to the private waste collection contractor that the Condominium requests to be provided with two stream recycling program.

Jennifer Elliott, LET, C.E.T.
Senior Project Manager, Environmental Services

APPENDIX H2 CN Comments



Railway Properties

1 Administration Rd
Concord, ON L4K 1B9
Telephone: 514-399-7627
Fax: 514-399-4296

PRINCIPAL MAIN LINE REQUIREMENTS

- A. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
 - B. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
 - C. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
 - D. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
 - E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
 - F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 - G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
 - H. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
 - I. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
-

APPENDIX I
Map of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: PZ-02-20

Left Indent 8 Market Street, 31 and 35 Chatham Street



Legend

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

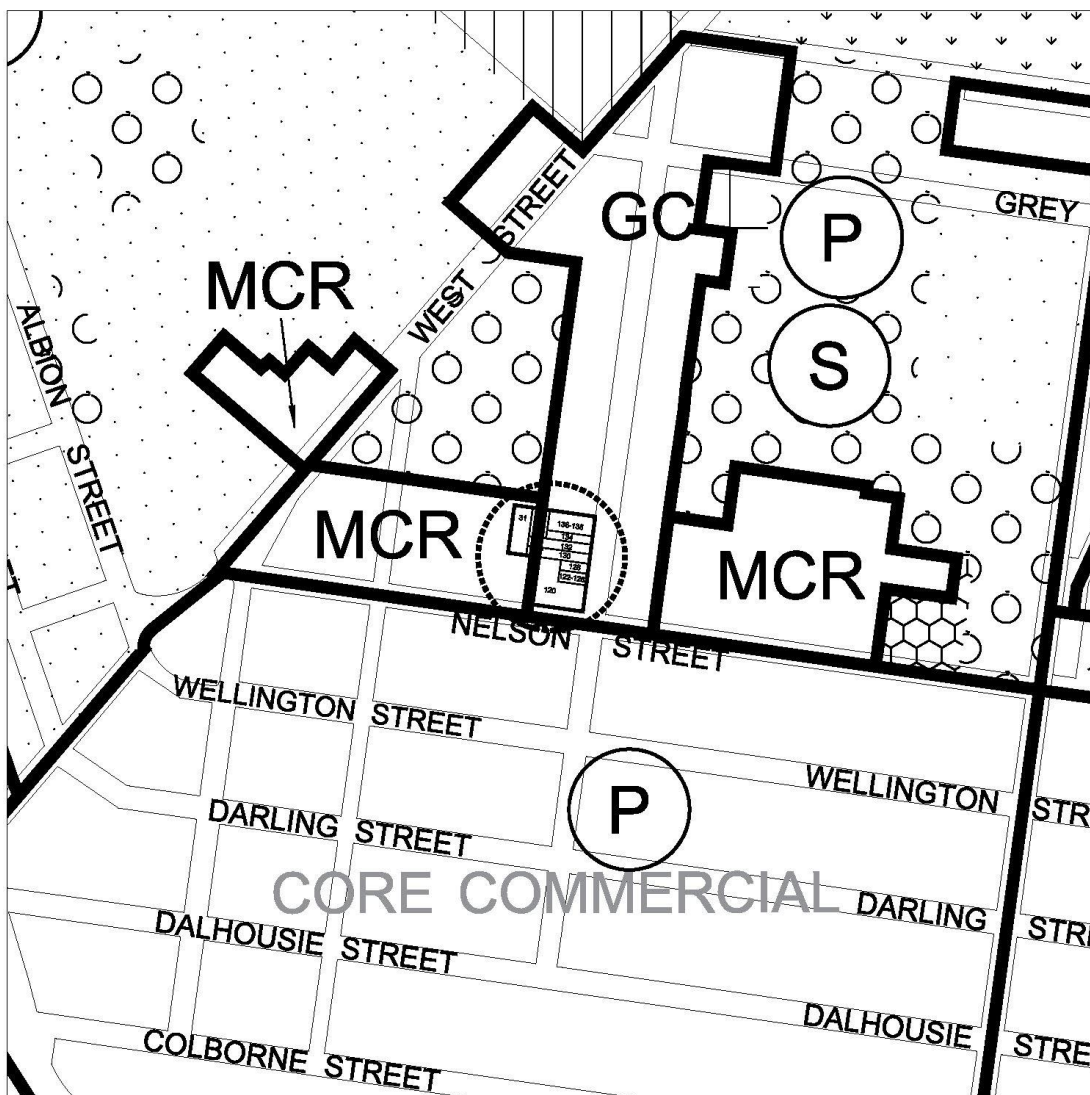


APPENDIX J Official Plan – Land Use Designations

OFFICIAL PLAN

Application: PZ-02-20

120-138 Market Street, 31 and 35 Chatham Street



LEGEND



SUBJECT LANDS

- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- COMMUNITY CENTRE COMMERCIAL AREA
- GENERAL COMMERCIAL AREA
- MIXED COMMERCIAL RESIDENTIAL AREA
- DISTRICT CENTRE COMMERCIAL AREA
- NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HIGHWAY COMMERCIAL AREA
- NEW FORMAT COMMERCIAL AREA

- CEMETERY
- ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- SPECIALIZED PARK and OPEN SPACE
- COMMUNITY PARK and OPEN SPACE
- NEIGHBOURHOOD PARK and OPEN SPACE

APPENDIX K
Zoning By-law 160-90 - Existing Zoning



ZONING

Application: PZ-02-20

120-138 Market Street, 31 and 35 Chatham Street



Legend

-  Subject Land
-  Zone Boundary

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

- R4A Residential Medium Density Type A
- RC Residential Conversion
- C2 Fringe Core Commercial
- C3 Mixed Commercial Residential
- C8 General Commercial
- 3 Exception Number



0 25 50 100 Metres

APPENDIX L Neighbourhood Meeting Notes

NEIGHBOURHOOD MEETING NOTES - Draft

ZONING BY-LAW AMENDMENT (PZ-02-20)

Regarding: 120-138 Market Street and 31 & 35 Chatham Street
Applicant/Agent: Greg Latimer, Studio ~~Canoo~~
Owner: Market Street Development Inc.

Meeting Date: ~~March 4, 2020 @ 6:00 p.m.~~
Meeting Location: Council Chambers, City Hall

Present:

Councillor Wall
Nicole Pettenuzzo, Senior Planner
Alexandra Mathers, Development Planner

Owner: Aaron Zahler, Alex

Applicant/Agent(s): Greg Latimer, Studio ~~Canoo~~ Architecture
Mark Gladysz – Heritage Downtown
Cynthia – Planner

Approximately 5 residents were in attendance.

Councillor Wall opened the meeting, welcomed residents and introduced staff. The Councillor explained the purpose of the meeting and the next steps in the process. It was stated that the meeting notes will be forwarded to attendees who have provided information on the sign in sheet.

Nicole Pettenuzzo introduced herself, gave an introduction to the planning process and provided a brief history and overview of the site and related policies. The application has been circulated for comments to the various departments and agencies. No Council date has been scheduled yet.

Mark Gladysz began the presentation by giving an overview of the Zoning By-law Amendment application and the proposed development. The proposed development is a 10-storey mixed-use commercial-residential building oriented towards Market Street. The proposed façade is light coloured limestone, similar to the neighbouring Bell Building. There will be multiple ~~stepbacks~~ provided and streetscape amenities. M. Gladysz provided the planning rationale for the development which included providing additional retail space and dwelling units that are in close proximity to major transit.

M. Gladysz also provided that a Heritage Impact Statement was provided and reviewed by the Heritage Committee. This report provided details on the Crystal Cottage at 35 Chatham Street,

which is now the focus of the conservation efforts and will be relocated to the Brant County Museum site.

M. Gladysz noted that a Sun-Shadow Study was submitted with the application, which concluded there were some minimal shadow impacts to the west, mainly in the morning period and that the key criteria was met for almost all cases. The shadowing was minimized by the proposed setbacks.

There was a question regarding if the surface parking was open to the sky. M. Gladysz provided that there was no building above the parking structure. There is proposed amenity space and green rooftop above the proposed second storey facing westward.

One member of the public asked how do we know how many rental units are needed in the City? M. Gladysz provided it is determined based on the City's vacancy rate.

A resident to the west had concerns of the impact of the proposed development on the adjacent property. Their main concerns were regarding the shadows produced by the development; and the building's proximity to the lot line. The resident pointed out that the adjacent property to the west would be surrounded on two lot lines with a blank solid façade which would limit light and airflow to their units on the ground floor.

G. Latimer provided they are looking at providing additional setback between the proposed development and the lot line and providing an additional planting strip. He also provided that there were considerations for a green wall to articulate the wall, and will be reviewing and providing the additional landscaping such as trees, in order to limit the impact of lights from the parking structure on the existing residential uses. These details will be considered and provided in the resubmission. N. Pettenuzzo provided there was potential to accommodate the setback and landscaping strip at-grade through an increase in height. The member of the public provided that they were appreciative of the proposed setback and landscaping strip revisions, especially the setback.

There was a question regarding the next steps and overall timeframe for the planning process. G. Latimer provided that they will address the comments received and heard tonight and revise the application. N. Pettenuzzo provided under the Planning Act, a decision is to be made on the application within 120 days and if there is no decision the applicant can appeal the application to the Local Planning Appeal Tribunal, however the applicant is willing to work with the City on the application. N. Pettenuzzo followed-up that Staff will determine through review of the application, Site Plan Manual and applicable policies including the Official Plan and Zoning By-law if the application is ready to go forward to the Committee of the Whole and Council. There was a follow-up question about when the development would be constructed if all goes to plan. G. Latimer provided that all to plan early 2021. The Holding Provision will not be removed until after the Record of Site Condition and the site is cleaned up and any demolition will also have to take place.

A resident asked about the proposed retail space and made a comment that there currently isn't a strong presence of retail and many empty commercial spaces along this part of Market Street. G. Latimer provided that the additional retail will provide opportunity for growth and vitality for this area of Market Street and Brantford overall. This will be proposed as part of the Zoning By-law Amendment.

2

There were concerns about regarding the Crystal Cottage and how the building would be moved when it is made of glass. M. Gladysz provided it would be moving the Brant County Museum and the moving of the building would be very carefully, and at a high cost. There was a follow-up question regarding the heritage significance of the other buildings. M. Gladysz provided that the information regarding the other properties, including 136 Market Street 'the Marque House' was provided in the Heritage Impact Statement which went forward to the Heritage Committee. The priority was given to the Crystal Cottage at 35 Chatham Street as the key focus for conversation.

The Meeting concluded at 7:00 PM.

APPENDIX M Permitted Uses in the C3 Zone

25-1

9.3. Mixed Commercial Residential Zone (C3)

9.3.1. Permitted Uses

Amended by
Bylaws No.
115-92, 34-93,
149-97, 166-2005,
63-2012, 100-2013,
3-2015, 65-2018

The following uses are permitted in a C3 Zone:

- .1 Arts schools.
- .2 Art galleries.
- .3 Apartment Dwellings.
- .4 Lodging houses, within converted dwellings.
- .5 Commercial schools.
- .6 Converted dwellings.
- .7 Crisis residences.
- .8 Day nurseries.
- .9 Duplex dwellings.
- .10 Dwelling units.
- .11 Existing apartment dwellings.
- .12 Fourplex dwellings.
- .13 Funeral homes.
- .14 General offices.
- .15 Group correctional homes.
- .16 Group correctional residences.
- .17 Group homes.
- .18 Group residences.
- .19 Home occupations.
- .20 Medical clinics.
- .21 Medical offices.
- .22 Mini-group homes.
- .23 Museums.
- .24 Neighbourhood convenience stores.
- .25 Personal service stores.
- .26 Photographers' studios.
- .27 Private clubs.
- .28 Deleted
- .29 Restaurants: full service.
- .30 Retirement homes, within converted dwellings.
- .31 Semi-detached dwellings.
- .32 Single-detached dwellings.
- .33 Specialty retail stores.
- .34 Street townhouse dwellings, comprising a maximum of four attached dwelling units.
- .35 Triplex dwellings.
- .36 Veterinary Clinic.
- .37 Accessory uses, buildings, and structures.
- .38 Uses permitted in Section 6.1.

9.3.2. Regulations

Amended by
Bylaw No.
34-93

Any use, building, or structure in a C3 Zone shall be established in accordance with the following:

- .1 Single-Detached, Semi-Detached, Duplex, Triplex, fourplex, Converted and Street Townhouse Dwellings, Lodging Houses, and

25-2

Retirement Homes

- .1 Lot Area (minimum)
 - .1 Single-detached dwelling 270.0m²
 - .2 Semi-detached, duplex, and triplex dwelling 230.0m²/unit
 - .3 Fourplex dwelling 185.0m²/unit
 - .4 Street townhouse 185.0m²/unit
 - .5 Converted dwelling 360.0m²
- .2 Lot Width (minimum)
 - .1 Single-detached and converted dwelling 9.0 m
 - .2 Semi-detached, duplex, and triplex dwelling 6.0 m/unit
 - .3 Fourplex and street townhouse dwelling 6.0 m/unit
- .3 Lot Coverage (maximum)
 - .1 Street townhouse dwellings containing a maximum of three attached dwelling units on an individual lot 40%
 - .2 One street townhouse dwelling unit on an individual lot 48%
 - .3 All other residential uses 40%
- .4 Building Height (maximum) 3 storeys
- .5 Front Yard (minimum) Established Front Building Line
- .6 Rear Yard (minimum) 7.5 m
- .7 Side Yard (minimum)
 - .1 Interior 0.6 m
 - .2 Exterior 2.4 m
- .8 Landscaped Open Space (minimum) 25%

Amended by
Bylaws No.
68-2011,
63-2012

25-3

- .9 Gross Floor Area (minimum)
 - .1 Single-detached dwelling 70.0m²
 - .2 Semi-detached, duplex, triplex, fourplex, converted or street townhouse dwelling 55.0 m²/unit
 - .3 Lodging house or retirement home 20.0 m²/bed
- .10 Parking
 - .1 In accordance with Section 6.18.
 - .2 Parking shall not be located in a front yard.
- .11 The expansion of any building to be used for the purpose of a converted dwelling shall not exceed a total of:
 - .1 50% of the gross floor area of the building which existed at the date of passing of this Bylaw; or
 - .2 110.0m², whichever is the lesser.
- .2 All Other Permitted Uses Except as noted
 - .1 Lot Area (minimum) 360.0 m²
 - .2 Lot Width (minimum) 12.0 m
 - .3 Lot Coverage (maximum) 40%
 - .4 Building Height (maximum) 12.0 m
 - .5 Front Yard (minimum) Established Front Building Line
 - .6 Rear Yard (minimum) Nil
 - .7 Side Yard (minimum) 0.6 m
 - .8 Landscaped Open Space (minimum) 10%
 - .9 Gross Floor Area (maximum)
 - .1 225.0 m², or the existing gross floor area of the building, whichever is the greater.
 - .10 Parking

25-4

- .1 In accordance with Section 6.18.
- .2 Parking shall not be located in a front yard.
- .11 Open Storage Prohibited
- .12 Buffering in accordance with Section 6.10
- Amended by Bylaws No. 34-93 .3 Dwelling Units
 - .1 Dwelling units shall only be located in a building containing one or more permitted non-residential uses.
 - .2 The minimum gross floor area shall be 40.0 m² per unit.
 - .3 Parking shall be provided at 1.0 spaces/unit in addition to the required parking spaces for the non-residential uses.
- .4 Day Nurseries
 - .1 In accordance with Section 6.8.
- .5 Home Occupations
 - .1 In accordance with Section 6.17.
- Amended by Bylaws No. 149-97, 65-2018 .6 Deleted
 - .1 In accordance with Section 6.34.
- .7 Mini-Group Homes, Group Homes, Group Residences, Crisis Residences, Group Correctional Homes, Group Correction Residences
 - .1 In Accordance with Section 6.15 and 9.3.2.
- .8 Accessory Uses, Buildings, and Structures
 - .1 In accordance with Section 6.3.
- .9 Uses Permitted in Section 6.1.
 - .1 In accordance with Section 6.1.
- Amended by Bylaw No. 100-2013 .10 Apartment Dwellings
 - .1 In accordance With Section 7.10.2.1

9.3.3. Exceptions

The following Zones apply to specific lands within a C3 Zone.

APPENDIX N Permitted Uses in C8 Zone

30-1

9.8. General Commercial Zone (C8)

9.8.1. Permitted Uses

Amended by
Bylaws No.
132-91, 141-94,
35-95, 149-97,
118-2000, 164-2005,
68-2011, 109-2013

The following uses are permitted in a C8 Zone:

- .1 Shopping centres comprised of a combination of any use permitted in C8 Zone
- .2 Amusement arcades accessory to theatres whose principal purpose is for the presentation of film performances
- .3 Art galleries
- .4 Arts schools
- .5 Automobile gas bars
- .6 Automobile rental establishment
- .7 Automobile sales establishment
- .8 Automobile service stations
- .9 Automobile washing facilities
- .10 Bakeries
- .11 Boat and recreational vehicle sales establishment
- .12 Building supply centres
- .13 Commercial schools
- .14 Day nurseries
- .15 Dwelling units
- .16 Existing grocery stores
- .17 Existing supermarkets
- .18 Financial institutions
- .19 Fresh produce outlets
- .20 Funeral homes
- .21 General offices
- .22 Health clubs
- .23 Home furnishing stores
- .24 Hotels
- .25 Libraries
- .26 Meat stores
- .27 Medical clinics
- .28 Medical offices
- .29 Mixed Use Buildings, in accordance with Subsection 9.8.2.13
- .30 Motels
- .31 Neighbourhood convenience stores
- .32 Neighbourhood convenience stores, in conjunction with an automobile gas bar or automobile service station
- .33 Nursery garden centres
- .34 Personal service stores
- .35 Pharmacies
- .36 Photocopy shops
- .37 Photographers' studios
- .38 Place of Entertainment/Recreation
- .39 Places of Worship
- .40 Private clubs
- .41 Private parks
- .42 Propane storage tanks
- .43 Public garages
- .44 Public halls
- .45 Deleted

Amended by
Bylaw No.
65-2018

30-2

- .46 Restaurants: full service, take-out, and fast food (including drive-through service)
- .47 Retail stores
- .48 Retail warehouses
- .49 Veterinary clinics
- .50 Service or repair shops
- .51 Specialty retail stores
- .52 Accessory used motor vehicle sales
- .53 Accessory uses, buildings, and structures.
- .54 Uses permitted in Section 6.1

Notwithstanding any provisions of this bylaw to the contrary, no person shall within any C8 Zone in accordance with "Schedule M" use any lot, or erect, alter or use any building or structure for any mixed use building except in accordance with the following provisions:

- | | | |
|-----|--|--------------------------------------|
| .1 | Lot Area (minimum) | NIL |
| .2 | Lot Width (minimum) | NIL |
| .3 | Lot Coverage (maximum) | 100% |
| .4 | Building Height (maximum) | 6 Storeys |
| .5 | Building Height (minimum) | 2 storeys |
| .6 | Building Setback (minimum) | NIL |
| .7 | Ground Floor Height (minimum) | 4.5 metres |
| .8 | Front Yard (minimum) | NIL |
| .9 | Rear Yard (minimum) | |
| | .1 Abutting a Residential Zone | 7.5m |
| | .2 Abutting any other Zone | NIL |
| .10 | Side Yard Interior (minimum) | |
| | .1 Abutting a Residential Zone | 7.5m |
| | .2 Abutting a building with windows on the facing wall | 5.5m |
| | .3 Abutting any other Zone/wall | NIL |
| .11 | Side Yard Exterior (minimum) | NIL |
| .12 | Amenity Space (minimum) | 3.0m ² / residential unit |
| .13 | Parking | |
| | .1 In accordance with | Section 6.18 |
| | .2 No parking area shall be located between the main building and the front or exterior side lot line. | |
| .14 | Landscaped Open Space (minimum) | 15% which shall include: |

- .1 a minimum 1.5 metre planting strip between any rear or side lot line abutting a residential zone and any surface parking area
- .15 Loading in accordance with Section 6.23
- .16 Residential uses shall not be permitted on the ground floor of a mixed use building
- .17 Industrial uses shall not be permitted in a mixed use building.

APPENDIX N1
C8 Zone – Exception 19

19. Established General Commercial Area (C8-19)

Notwithstanding any provision of this Bylaw to the contrary, any lot within any C8-19 Zone shall be used only for the following use:

- .1 Art galleries.
- .2 Arts schools.
- .3 Commercial schools.
- .4 Day nurseries.
- .5 Dwelling units.
- .6 Existing grocery stores.
- .7 Fresh produce outlets.
- .8 General offices.
- .9 Health clubs.
- .10 Meat stores.
- .11 Medical clinics.
- .12 Medical offices.
- .13 Neighbourhood convenience stores.
- .14 Personal service stores.
- .15 Photographers' studios.
- .16 Places of entertainment.
- .17 Private clubs.
- .18 Public halls.
- .19 Restaurants: full service, take-out, and fast food, excluding drive-through service.

30-18

- .20 Retail stores.
- .21 Service or repair shops.
- .22 Accessory uses, buildings and structures.
- .23 Uses permitted in Section 6.1.

Notwithstanding any provision of this Bylaw to the contrary, no person shall within any C8-19 Zone use any lot, or erect, alter or use any building or structure, except in accordance with the following provisions:

.1 All Permitted Uses Except as Noted

- .1 Lot Area (minimum) 360.0 m²
- .2 Lot Frontage (minimum) 12.0 m
- .3 Lot Coverage (maximum) 40%
- .4 Building Height (maximum) 2 storeys
- .5 Front Yard (minimum) Established Front Building Line
- .6 Rear Yard (minimum) Nil
- .7 Side Yard (minimum) Nil
- .8 Parking
 - .1 In accordance with Section 6.18
 - .2 No parking permitted in required front yard.
- .9 Open Storage Prohibited
- .10 Buffering in accordance with Section 6.10.
- .11 Loading
 - .1 In accordance with Section 6.23.
 - .2 No loading permitted in required front yard

.2 Dwelling units

- .1 Dwelling units shall only be located in a building containing one or more permitted non-residential uses.
- .2 In accordance with the provisions for the permitted non-residential use.

APPENDIX O
Council Resolution dated February 11, 2020

NOW THEREFORE BE IT RESOLVED THAT:

- a) Council waive all municipal approval fees that the Brant Historical Society may incur in the relocation of the Crystal Cottage to 53 Charlotte Street; and*
- b) THAT \$50,000 (50%) BE ALLOCATED to the Brant Historical Society from the Council Priorities Reserve Account to be used for expenses related to pouring a new foundation, site works and incidentals to support the Crystal Cottage; and*
- c) THAT up to \$50,000 (50%) BE ALLOCATED to the Brant Historical Society (less ineligible HST) from the Cultural and Built Heritage Reserve (RF0570) in lieu of a formal application to the 2020-2021 Cultural and Built Heritage Grant Program, to be paid upon completion of the project and submission of a final report; and*
- d) THAT the applicant ENTER into a Cultural and Built Heritage Funding Program Grant Agreement with The Corporation of the City of Brantford in a form to be approved by the City Solicitor or designate; and*
- e) THAT the General Manager, Community Development, EXECUTE the Grant Agreement in accordance with the Execution of Routine Documents By-law.*