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Date March 9, 2021 **Report No.** 2021-133

To Chair and Members
Committee of the Whole – Community Development

From Paul Moore, General Manager
Community Development

1.0 Type of Report

Consent Item
Item For Consideration

2.0 Topic **Applications for Zoning By-law Amendment PZ-11-20 and Draft Plan of Condominium 29CD-20503 - 180 Grand River Avenue [Financial Impact – None]**

3.0 Recommendation

- A. THAT Zoning By-law Amendment Application PZ-11-20, submitted by Urban Solutions Planning and Development Consultants Inc. on behalf of King and Benton Redevelopment Corporation, affecting lands at 180 Grand River Avenue, to amend the “Mixed Commercial Residential – Exception 20 Zone (F-C3-20)” to permit a 30-unit apartment building, with site specific provisions, BE APPROVED, in accordance with the applicable provisions as noted in Section 9.3 of Report 2021-133; and
- B. THAT Draft Plan of Condominium Application 29CD-20503, submitted by Urban Solutions Planning and Development Consultants Inc. on behalf of King and Benton Redevelopment Corporation, affecting lands at 180 Grand River Avenue, BE APPROVED subject to the conditions included in Section 9.5 “Conditions of Draft Plan of Condominium Approval” of Report 2021-133; and

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- C. THAT the By-law to remove the “Holding (H)” provision from the subject lands be presented to Council for approval once the following conditions have been satisfied:
- i. That the applicant has provided confirmation that a Record of Site Condition (RSC) has been filed;
 - ii. That the applicant has provided a signed Site Plan Agreement to the City, along with all necessary securities; and,
 - iii. That all servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford; and
- D. THAT Pursuant to Sections 34(18) and 51(38) of the *Planning Act*, R.S.O. 1990, c.P.13., the following statement SHALL BE INCLUDED in the Notice of Decision:
- “Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 8.2 and 9.4.1 of Report 2021-133”.*

4.0 Executive Summary

This Report evaluates an application to amend the City’s Zoning By-law 160-90, and for approval of a Draft Plan of Condominium to permit a 4-storey, 30-unit apartment building with site specific zoning provisions. The proposed apartment building is a permitted use on the subject lands, however, site specific provisions are requested to facilitate the development as proposed.

Issues considered in the review of the applications included the proposed parking requirements, building height, privacy and the proposed balcony encroachments, as well as site design. The surrounding residents were advised of the proposed development through a public notice for Neighbourhood Meeting mailed out on June 9, 2020. General comments from the meeting and the area residents are discussed in this Report. The proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the City of Brantford Official Plan. Planning Staff recommend that the zoning application be approved subject to a Holding “H” provision. Planning Staff also recommend draft approval of the Plan of Condominium, subject to conditions. Final approval of the Site Plan Control application cannot be issued until such time as these planning applications are in full force and effect and the “H” Provision has been removed.

5.0 Purpose

Applications have been received to amend the City of Brantford Zoning By-law 160-90, and for approval of a Standard Draft Plan of Condominium. These applications affect the lands municipally addressed 180 Grand River Avenue. A copy of the location map is attached as **Appendix A**.

The subject lands are currently designated “Mixed Commercial-Residential Area” in the Official Plan and are zoned “Mixed Commercial Residential - Exception 2 Zone (F-C3-2)”. The applicant has submitted the subject applications to facilitate the construction of an apartment building with 30 dwelling units and 33 parking spaces. To facilitate the proposed development, the applicant is seeking site specific amendments to the F-C3-2 Zone. The proposed apartment building is a permitted use on the subject property; however, site specific amendments have been requested to facilitate the development as proposed. The site plan, building elevations and renderings are attached as **Appendices B and C**.

6.0 Background

6.1 Site Features and Surrounding Land Use

The subject lands are located within close proximity to the Grand River, and are situated within the Holmedale Neighbourhood. The subject property is irregularly shaped and previously comprised of 5 parcels of land, which have now been consolidated. The subject property has frontage on Chestnut Avenue, Grand River Avenue and Jubilee Avenue and is approximately 0.21 hectares (0.51 acres) in size. With the exception of a single detached dwelling and a former auto service shop, which has since been demolished, the subject property is vacant. A portion of the subject lands were part of the former Lake Erie and Northern Railway, which bisected the property diagonally from the southeast to the northwest. The former railway tracks have since been removed.

The subject lands are located in a predominantly residential area consisting of uses such as: single detached dwellings, duplexes, triplexes, townhouses, as well as a number of apartment buildings along Grand River Avenue. Development applications have also been submitted by the applicant for a proposed 4-storey 45-unit apartment building located on the east side of Jubilee Avenue (File No. PZ-10-20 and 20CD-20503). The neighbourhood also contains some small scale commercial retail and service businesses along Grand River Avenue. Two single detached dwellings immediately abut the subject property to

the south. The surrounding neighbourhood contains a variety of green space, with direct access to the Grand River, including the SC Johnson Trail from both Jubilee Avenue and Yorkshire Street. The subject lands are currently serviced by Brantford Transit with access to Route 8 and 11 along Grand River Avenue. An aerial photograph and site photographs are attached as **Appendices D and E**.

6.2 Description of Proposal

The applicant has submitted an application to amend Zoning By-law 160-90, and an application for the approval of a Standard Draft Plan of Condominium. The purpose of these applications is to facilitate the construction of an apartment building consisting of a 4-storeys with a total of 30 units (refer to **Appendix B**).

The proposed building at 180 Grand River Avenue will contain a mixture of bachelor, 1 bedroom, 1 bedroom + den, 2 bedroom and 2 bedroom + den units. A total of 33 parking spaces will be provided on-site including 2 accessible parking spaces. Of the 33 parking spaces, a total of 23 spaces will be located underneath the proposed building at grade (podium style). Two accesses are proposed to the subject lands from Jubilee Avenue. An outdoor amenity area is proposed to be provided at-grade towards the rear of the proposed building. A 108 m² rooftop outdoor amenity space is also proposed for the apartment building.

As noted, an application has also been submitted for the approval of a Standard Draft Plan of Condominium (see **Appendix F**). The Draft Plan of Condominium will allow for the individual sale of the residential units and vehicle parking spaces. The applicant has advised that the proposed condominium will be a standard condominium in which buyers will own their unit and any parking spaces they wish to purchase. A minimum of 1 space per unit will be available and the additional 3 spaces will be available for visitors. All purchasers will pay a fee for an interest in the property's "common elements", which are common areas managed and maintained by a registered condominium corporation. This includes bicycle parking, outdoor rooftop amenity area, paved services, parking areas, indoor common areas (i.e. hallways) landscaped areas, elevators, stairwells, and any mechanical/storage rooms.

In support of the applications for a Zoning By-law Amendment and for a Draft Plan of Condominium, the following technical studies, reports and plans were submitted:

- Draft Plan of Condominium;

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- Planning Justification Report and an Urban Design Brief;
 - Site Plan;
 - Parking Study;
 - Transportation Impact Study;
 - Turning Movements Plan;
 - Building and Architectural Elevations;
 - Landscape and a Tree Inventory and Preservation Plan;
 - Photometric and a Lighting Plan;
 - Site Servicing and Stormwater Management Brief; and,
 - Grading and Servicing Plan.

7.0 Corporate Policy Context

7.1 2021-2022 Council Priorities

This Report is in keeping with the City of Brantford Council Priorities approved October 15, 2020, specifically the following outcomes:

- The City is mitigating its environmental footprint and adapting to climate change.

The proposed apartment building will provide additional housing in the neighbourhood and will develop underutilized parcels of land with existing infrastructure and services. The development will assist to reduce the City's carbon footprint by promoting walkable and transit orientated built form. The proposed development also encourages the redevelopment of a brownfield site by encouraging the reuse of the former railway corridor for housing purposes. In Staff's opinion, the development of an apartment building provides additional housing, and utilizes existing infrastructure, which is consistent with Council's priorities.

7.2 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. These development applications propose 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 apartment building will facilitate infill development of a brownfield site within the City’s Built Boundary, which is currently serviced and will create additional housing in the neighbourhood. Based upon the foregoing, Planning Staff is of the opinion that these applications are consistent with the Provincial Policy Statement (PPS).

7.3 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 these applications were reviewed within the context of A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan indicates 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 encourage the use of active transportation and providing high quality public open space. They also support the use of active transportation by minimizing land consumption through compact built form.

The proposed development will contribute to a complete community with access to nearby amenities and transit. It will also contribute by providing additional housing units in an established neighbourhood and to the minimum density target within the built boundary as described in detail

below. Staff is of the opinion that these applications are in conformity with the Growth Plan for the Greater Golden Horseshoe.

7.4 Growth Management

The subject lands are located in an area identified as Built Boundary/Delineated Built-Up Area in the Growth Plan and the Official Plan. While the Growth Plan requires a minimum of 50% of all new residential development to occur within the built up area, the current Official Plan reflects a lower target of 40%. This target will be further refined in the new Official Plan since the Minister of Municipal Affairs and Housing has approved an alternative intensification target for the City of 45% to 2031. After 2031, a minimum of 50% of all new residential development within the City shall occur within the Delineated Built-Up Area on an annual basis. These applications, if approved, will result in the creation of 30 residential units. This is detailed in the Growth Management table outlined in Table 1 of this Report:

Table 1: Growth Management Table – 180 Grand River Avenue (January 29, 2021)

Units Proposed	
2021	
Number of units proposed by this application	30
Total units proposed in City in 2021	309
Total units proposed in Built Boundary in 2021	309
Total units proposed in Greenfield Area in 2021	0
Total % of growth proposed in Built Boundary in 2021	100%
Units Created (Building Permits Issued)	
2020	
Total units created in City in 2020	781
Total units created in Built Boundary in 2020	232
Total % of growth in Built Boundary for 2020	29.71%
January 2015 – January 2021	
Total units created in City	3013
Total units created in Built Boundary	1263
Total % of growth in Built Boundary	41.92%

8.0 Input From Other Sources

8.1 Technical Liaison Response

These applications were circulated to internal departments and external agencies for review, and the comments received are summarized in **Appendix G**, with detailed comments from the Grand River Conservation Authority and the Development Engineering Services are attached as **Appendices H** and **I**. Transportation Staff have requested the conveyance of road widenings and daylight corners at both abutting intersections for the subject property. The requested road widenings consist of 3.25 m along Chestnut Avenue, 2.25 m along Grand River Avenue and 3.25 m along Jubilee Avenue for 180 Grand River Avenue. These road widenings are not listed in Schedule 5-2 of the City of Brantford Official Plan, however, the road widenings were requested in order to achieve minimum engineering standards to accommodate features such as: sidewalks, roadways, boulevard trees and underground infrastructure. The applicant has incorporated these widenings into the design of the proposed development.

To address initial comments made by City Staff, the applicant made a second submission to address the first submission comments. Development Engineering Staff had no concerns with the respective zoning by-law amendment application, and had some minor comments on the condominium plan, which have since been addressed by the applicant. Transportation Staff expressed some concerns with the movement of large vehicles on-site for the proposed building at 180 Grand River Avenue. The applicant will be required to satisfy all requirements of the City as part of their application for Site Plan Control, including the technical comments made by Staff. Additionally, Planning Staff are recommending a holding "H" provision until such time as the conditions, outlined in this Report, have been satisfied. The recommended holding provision is discussed further in Section 9.3.8 of this Report.

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 these applications be approved.

8.2 Public Response

Notice of the Public Meeting in consideration of these applications under the *Planning Act* was issued to all property owners within a 120 m radius of the subject lands (76 owners in total) and by a public notification sign posted on the property (refer to **Appendix J**).

Due to the COVID – 19 pandemic, a Virtual Neighbourhood Meeting was held regarding this application on September 2, 2020, with approximately 4 residents and the Ward Councillors in attendance. The meeting was held for this proposal in conjunction with the proposal at 10 Jubilee Avenue (File No. PZ-10-20 and 29CD-20504). A notice of the neighbourhood meeting was sent to all property owners within a 120 m radius of both subject properties (95 owners in total). The notes from the meeting were forwarded to the meeting attendees, the Ward Councillors and the applicant (refer to **Appendix K**). The public attendees at the Neighbourhood Meeting expressed concerns about the proposed building height, location of proposed balconies and privacy, and parking requirements. The comments from the public are discussed in more detail in Section 9.4.1 of this Report.

8.3 Grand River Notification Area Input

Notice of this Zoning By-law Amendment was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the New Credit First Nation, with no response received to date.

9.0 Analysis

9.1 Waterfront Master Plan

In 2010, Council approved the Waterfront Master Plan (WMP) which set out a vision for the waterfront and a framework to protect the Grand River and its tributaries as a fundamental public resource for the residents of the City. The Plan is also intended to guide decisions with respect to lands along the Grand River, its tributaries and the canals. The plan includes a series of pillars and principals regarding the future development of lands along the Grand River. Pillar Number 8, *Plan for a Sensitive Urban Interface*, states that *“it is imperative that the Grand River, its tributaries and the natural features they support are protected. A sensitive interface to adjacent development is an essential condition required to protect, maintain and enhance the ecological functioning of the system of natural*

features. The interface includes a buffer, setbacks to built features, and appropriate uses that front, face and feature the natural heritage system.”

The Waterfront Master Plan also contains a number of components, which have guided the inventory, analysis and recommendations of the plan. The “neighbourhoods and district” component of the plan identifies potential development areas, which contribute positively to the waterfront and the City’s image by showcasing the highest standards of urban design and architecture. The plan also provides general guidelines for all development applications adjacent to the waterfront so that new buildings are integrated within their built surrounding, designed to face the waterfront, and still protect natural features. The subject lands are located along the Urban Waterfront Interface and within the Commercial Mixed-Use Area in the Holmedale Neighbourhood. The proposed applications support the vision of the Waterfront Master Plan by applying good urban design principles with an appropriate density. The proposed building is separated from the Grand River by some existing dwellings and the building will create a sensitive interface along the waterfront. Planning Staff are of the opinion that the proposed plan is consistent with the policy direction established by the Waterfront Master Plan.

9.2 City of Brantford Official Plan

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

The subject lands are designated “Mixed Commercial - Residential Area” on Schedule 1-1 of the City’s Official Plan (refer to **Appendix L**). The “Mixed Commercial - Residential Area” designation permits residential and a restricted range of retail and service commercial uses. The main permitted residential uses in this designation include: single detached, semi-detached, duplex, triplex, and fourplex residential dwellings, townhouse, rowhouse, fourplex, low-rise apartments, and other forms of low rise multiple unit dwelling units. The proposed apartment building is a permitted use and conforms to the policy respecting built form within the “Mixed Commercial - Residential Area” designation.

Section 6.2.13 of the Official Plan states that it is the objective of the City to *“provide for the efficient use of urban land resources through the planning of appropriate intensification and redevelopment opportunities and provision of adequate densities and mix of land uses that promote a compact urban form”*. It is also a goal of the City to encourage

“revitalization, redevelopment, reuse and/or conversion of greyfields, underutilized sites, or regeneration areas within which are included any combination of the following: brownfield sites, greyfield sites, underutilized sites, or sites within the City’s Urban Growth Centre”. The proposed development will facilitate intensification and a redevelopment project, which will rehabilitate a former railway corridor and make use of vacant brownfield site.

Section 7.3.8.4 of the Official Plan states that new development may be permitted on an infilling basis, where it is compatible in type and scale with surrounding uses and buildings. Development shall be subject to the provisions of Section 14 – Urban Design of this Plan regarding intensification and redevelopment to ensure compatibility with surrounding uses and buildings.

Section 14.1 of the Official Plan establishes criteria for intensification developments in the City’s Built Boundary such as: *“development will support and promote the use of transit; contribute to the creation of a range of housing options for the community; and contribute to an attractive, safe and comfortable pedestrian environment that encourages walking”*.

As it relates to urban design, the applicant submitted an Urban Design Brief prepared by thinkGiraffe dated April 2020 and a Planning Justification Report prepared by Urban Solutions Planning and Development Consultants Inc., dated April 30, 2020. The proposed development will be designed as walkable and compact consisting of an apartment building located in an established residential neighbourhood. The height of the building complies with the minimum building height in the zoning by-law. The proposed building design places a strong emphasis on enhancing the Grand River Avenue streetscape with the placement and orientation of the apartment building, while also maintaining views of the waterfront. The majority of parking is accommodated underneath the proposed building, screened from public view to minimize the visual impact of the surface parking area. The development will repurpose the former railway corridor and revitalize the vacant property for residential purposes. Additional housing opportunities will also be provided, supporting a complete community, and will assist in providing a transit-supportive built form.

The proposed development conforms to the urban design goals of the Official Plan as it represents desirable intensification within an established neighbourhood. The development proposes an appropriate building height as permitted under the Zoning By-law, while minimizing impacts on the existing neighbourhood. The building will be located along local transit routes, with access to nearby bicycle and pedestrian paths and trails along the Grand River. Amenity spaces are proposed throughout the site as well.

Given the above analysis, Planning Staff are of the opinion that the proposed apartment building conforms to the Official Plan.

9.3 Zoning By-law 160-90

Existing Zoning: “Mixed Commercial Residential – Exception 2 Zone (F-C3-2)”

Proposed Zoning: “Mixed Commercial Residential – Exception 20 Zone (F-C3-20)”

Attached as **Appendix M** is a map identifying the zoning in the general area of the subject lands. The subject lands are currently zoned “Mixed Commercial Residential – Exception 2 Zone (F-C3-2)” in Zoning By-law 160-90. The Exception 2 permits all of the uses in the C3 Zone including “existing industrial uses”. The “F” prefix denotes that the subject lands are located within a flood zone, which prohibits basements and restricts the establishment of some uses such as schools, hospitals, etc. The proposed apartment building is a permitted use on the subject lands. To facilitate the development applications as proposed, the applicant is seeking to amend the current zoning to “Mixed Commercial Residential – Exception 20 Zone (F-C3-20)”. The proposed zoning amendment will provide site specific regulations for the proposed building. The proposed special exceptions for the 4-storey, 30 unit apartment building are outlined in Table 2 below.

Table 2: Proposed Zoning Exceptions

Zoning Regulations (C3-2 Zone)	Required	Proposed
Lot Area (minimum)	167.0 m ² /unit	52.8 m ² /unit
Lot Coverage (maximum)	35%	58%

Front Yard	7.5 m	1.8 m (front lot line) 1.2 m (northwest corner of building) 0.8 m (northeast corner of building)
Rear Yard (minimum)	10 m	4.9 m (southwest corner of building) and 3.0 m (southeast corner of building)
Exterior Side Yard (minimum)	7.5 m	1.8 m (westerly lot line) 0 m (easterly lot line)
Landscape Open Space (minimum)	30%	19%
Balcony encroachments	Project 1.5 m into a required yard provided that the projection is no closer than 3.0 m from a lot line	Notwithstanding Section 6.4.1.1, balconies (not constructed on foundations) may project 0 m from the lot line abutting Chestnut Avenue and Grand River Avenue.
Parking (minimum)	1.5 spaces/unit	1.1 spaces/unit
Loading (minimum)	1 Type 'A' space required.	No loading spaces proposed.
Planting Strip	3.0 m or the area between the Established Front Building Line and the street, whichever is less.	A planting strip having a width of 1.8 metres adjacent to Chestnut Avenue, 0 m adjacent to Grand River Avenue and Jubilee Avenue and 3 m along the southerly lot line, or a buffer approved pursuant to the Site Plan Control provisions of the <i>Planning Act</i> .

Zoning Regulations (C3-2 Zone)	Required	Proposed
Privacy Fence	N/A	A continuous fence shall be provided and maintained along all abutting residential properties.

9.3.1 Minimum Lot Area

The By-law defines lot area as “*the total horizontal area within the lot lines of a lot*”. In this regard, the minimum lot area per unit provision is intended to ensure there is an adequate habitable area per unit as it relates to the overall area of the lot. Currently, the By-law requires a minimum lot area of 167.0 m²/unit for apartment dwellings. The applicant is requesting a minimum lot area of 52.8 m²/unit.

The requirement for minimum lot area is included in the Zoning By-law to ensure that new development and redevelopment is able to accommodate an adequate building size and to prevent properties from being overdeveloped. Given the irregular shape of the lot this area is proposed to be reduced, however Staff is of the opinion that the lot area is still appropriate and supportable. The proposed reduction will still result in a lot that can accommodate the proposed building and will facilitate the construction of a compact development, which is considered compatible with the existing neighbourhood. Adequate landscaping and amenity space will still be provided on-site and Planning Staff is satisfied that the intent of the Zoning By-law with regard to minimum lot area is maintained. Planning Staff is supportive of the lot area reduction as it will facilitate the development of the subject lands and will permit a greater intensification of the property that is appropriate for the neighbourhood.

9.3.2 Maximum Lot Coverage

Zoning By-law 160-90 permits maximum lot coverage of 35% for apartment buildings, whereas the applicant is requesting a minimum of 57.6%. As a result of the irregular lot shape and a request by the City to acquire daylight corners and a road widening along all three frontages, specifically, Chestnut, Grand River and Jubilee Avenue, has resulted in a reduction of nearly 20% of the total lot area. The intent of limiting lot coverage is to prevent overbuilding by controlling the intensity and

massing of a development. The applicant has requested other reductions in the zoning such as bringing the proposed building closer to public streets, while minimizing the impacts of the proposed building on neighbouring properties. Based on the above, Planning Staff is supportive of this request for the purpose of this proposed development as it is considered appropriate as a result of the reduction to the total lot area due to the requested road widenings. Planning Staff also recommend that the total lot coverage be rounded up to 58% to address any potential discrepancies during construction.

9.3.3 Minimum Front, Rear and Exterior Side Yards

For the purpose of this application, Grand River Avenue is defined as the front lot line, Chestnut and Jubilee Avenue are exterior side yards. The Zoning By-law requires a minimum front yard of 7.5 m for apartment buildings in the C3 Zone. The applicant is requesting a minimum front yard of 1.8 m abutting Grand River Avenue, 1.2 m to the northwest corner of the building and 0.8 m for the northeast corner of the building. In light of the requested road widening and daylight corner coveyances, the applicant has requested the minimum yards as described. Planning Staff are supportive of this request as the proposed reduction in the minimum front yard requirement will assist in creating an attractive pedestrian streetscape, and will minimize the impacts of the building onto the neighbouring properties at the rear of the subject lands.

The Zoning By-law requires a minimum rear yard of 10.0 m. The applicant is requesting a minimum rear yard of 4.9 m in the southwest corner and 3.0 m in the southeast corner of the proposed building. Two residential properties abut the subject lands, both of which contain a single detached dwelling. 11 Jubilee Avenue contains a 2-storey dwelling, whereas 182 Grand River Avenue contains a 1 ½ storey home. The applicant has indicated that they agree to provide some additional land to the neighbouring property at 11 Jubilee Ave. to accommodate an existing driveway, which would provide some additional buffering to the neighbouring property. The southwestern portion of the rear property line abuts a large property to the south addressed as 182 Grand River Avenue. This dwelling is situated away from the proposed building and is buffered by a mature treed area. To mitigate the impacts of privacy and building massing, the applicant is not proposing any balconies along the southern edge of the building. Planning Staff recommend the implementation of a planting strip with enhanced landscaping and a

privacy fence along the southern property line. This is discussed further in Section 9.3.7 below. Based on the foregoing, Planning Staff are satisfied that the requested yards are adequate for the proposed development.

9.3.4 Minimum Landscape Open Space

Zoning By-law 160-90 requires a minimum landscape open space of 30% in the C3 Zone. The applicant is requesting that a minimum landscaped open space requirement of 19% be provided on-site. Although this reduction is less than the required 30%, Planning Staff are of the opinion that this amount is sufficient as the subject lands are now constrained as a result of the daylight corners and road widening conveyances. If approved, enhanced landscaping will be implemented through the Site Plan Control process along the rear property line, with additional landscaping buffering adjacent to the abutting properties. The proposed development will provide a large rooftop outdoor amenity space for the residential units. The subject property is also in close proximity to parks and trails, with direct access to the Grand River. All buffering and screening consisting of fencing and landscaping will all be implemented through the Site Plan Control process.

9.3.5 Balcony Encroachments

The applicant is requesting that balconies encroach within 0 m from a lot line. This request applies specifically to the frontages along Chestnut Avenue and Grand River Avenue. The proposed balconies along Chestnut Avenue are in fact 3.25 m from the current right-of-way, however, as a result of the requested road widening, a minimum of 0 m is now proposed. Similarly, the balconies fronting Grand River Avenue are proposed to be 0 m after the road widening is conveyed, but would otherwise project 2.25 m away from the front lot line. The balconies are actually setback further from the current property boundaries, however in order to recognize future property boundaries as a result of the road widening conveyances to the City, the applicant has requested that the balconies abut the property line.

The proposed balconies will face public streets and the front yards of residential lots. The balconies facing Grand River Avenue are also terraced on the 4th fourth floor, which helps to articulate the front façade, and reduces the massing of the building along the street edge. The proposed encroachments will not impact the public right of way or any of the abutting properties. Staff is supportive of this request as it will help

animate the street and provide for a better streetscape given the proposed location of the building.

9.3.6 Minimum Parking and Loading

As noted previously, the Zoning By-law requires a minimum of 1.5 parking spaces per unit for apartment dwellings. A minimum of 45 spaces would be required for the proposed building. The intent of this ratio is to provide an adequate number of parking spaces for residents and visitors. The applicant is proposing a total of 33 parking spaces for 30 dwelling units, which results in a parking ratio of 1.1 spaces/unit. In support of this request, justification was provided by the applicant, which included the submission of a parking supply analysis dated April 1, 2020, prepared by JD Northcote Engineering Inc. Planning Staff note that the subject lands are located within a walkable and pedestrian friendly neighbourhood and within walking distance of the downtown, which includes community and commercial amenities. The subject lands are also well served by Brantford Transit connecting to the rest of the City through the Brantford Bus Terminal. Transportation Staff reviewed the justification for the parking study and indicated they were satisfied with the reduction in parking. Through the Site Plan Control process and the condominium agreement, details of the pre-paid transit passes shall be identified and addressed. To address this comment, Planning Staff recommend a condition of draft condominium approval (refer to Condition 17 in Section 9.5 of this Report). Based on the foregoing, Planning Staff support the proposed parking ratio of 1.1 spaces per unit for the proposed development.

The applicant has also requested that no loading spaces be provided. One Type 'A' loading space for apartment buildings are required for buildings with greater than 25 units. The proposed building will consist of 30 dwelling units. The additional 5 units triggers a requirement for a loading space in the by-law. As noted above, the subject lands are constrained due to their irregular shape and the requested road widenings. Staff acknowledges that it would be very challenging to provide a loading space without significantly diminishing other zoning requirements. The subject lands are constrained and providing a loading space is not feasible and because of the placement and design of the building, any loading space would be located far away from the main entrance and unusable. Loading can still be provided on-site, as a temporary basis within the access aisles. To address this request, the applicant is proposing that a temporary loading site be established as a condition of Draft Plan of Condominium.

Based on the foregoing, Planning Staff are in support of this request; however recommends Condition 18 (refer to Section 9.5 of this Report). Condition 18 will ensure that a temporary loading space be included in the condominium agreement and that future residents are aware of this requirement.

9.3.7 Planting Strip and Privacy Fence

Since the subject lands are situated within a commercial zone, a planting strip is required along public roadways. Further, it is not feasible as a result of the requested road widening conveyances. However, Planning Staff recommend that the planting strip can be 2 m or a buffer as approved pursuant to the Site Plan Control provisions. The planting strip will also be required along the rear lot line. Staff will review all landscaping, buffering and planting strips as part of an application for Site Plan Control.

Planning Staff recommend that a privacy fence be constructed abutting residential properties, specifically along the southern property line. The privacy fence shall be the maximum allowable fence height of 2.2 m as per the Municipal Code. In Planning Staff's opinion, the planting strip and privacy fence will assist in mitigating any impacts to the adjacent residential uses. The proposed fence and any additional buffering and screening consisting of landscaping will be implemented through the Site Plan Control process.

9.3.8 Holding "H" Provision

As per Section 18.5 of the Official Plan, Staff recommends that a Holding provision ("H") be applied to the subject lands. Since the lands were previously occupied by an active railway line, the proposed apartment buildings will require a Record of Site Condition (RSC) to be filed on the Environmental Registry with the Ministry of Environment, Parks and Conservation. Furthermore, Site Plan Control will be required to address any proposed landscaping, parking and engineering related comments. Accordingly, Staff recommends that a Holding "H" provision be applied to the subject lands to ensure that the City's requirements will be satisfied before the new development can proceed. Staff recommends that the Holding provision "H" not be removed until the following provisions have been satisfied:

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- That the applicant has provided confirmation that a Record of Site Condition (RSC) has been filed;
 - The applicant has provided a signed Site Plan Agreement to the City, along with all necessary securities; and,
 - All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.

Provided these provisions are satisfied within two years of the Council approval date, a new report would not be required to be presented to Council for the removal of the “H”, and no further application fees would be required to be submitted. The lifting of the Holding “H” provision would be a condition of Site Plan Control approval.

9.4 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.

9.4.1 Public Input

9.4.1.1 Building Height, Balconies and Privacy

There were some questions raised during the neighbourhood meeting regarding the proposed building height. The proposed building illustrates an elevation of 14.2 m from finished grade to the top of the roof. The City’s Chief Building Official (CBO), has confirmed that the proposed storeys are within the 3.5 m per floor, thereby in conformity with the Zoning By-law requirement for height. The CBO also clarified that that the top storey (by definition) is measured to the finished ceiling of each floor and therefore the total building height could exceed 14 m (4 m x 3.5 m). The C3 Zone permits a maximum building height of 4 storeys and the proposed building conforms to the building height requirements of the Zoning By-law. It is also noted that the proposals include an elevator shaft which will extend above the roofline of the proposed building. Section 6.14 of the Zoning By-law also states that a stair tower, elevator shaft, water tank, skylight,

mechanical penthouse, or other heating, cooling, or ventilating equipment, window washing equipment, or a fence, wall, or structure enclosing such elements which exceeds the height regulations of the Zone, is permitted.

With respect to balconies and privacy, some residents inquired about the proximity of the proposed building and the impacts on privacy to the abutting residential properties. The balconies facing Chestnut Avenue and Grand River Avenue are a sufficient distance away from the neighbouring properties and separated by the existing public roadways. No balconies are proposed along the easterly property line. Balconies facing the rear yard overlook the internal parking lot, and in Staff's opinion the views into the yards of the neighbouring properties will be minimal. Planting strips with enhanced landscaping and fencing will also mitigate any privacy concerns. To ensure that the landscaped buffer and fencing is implemented, Planning Staff recommend that the implementing zoning by-law requires a maximum privacy fence height of 2.2 m in combination with planting strips. Planning Staff is of the opinion that the impacts on privacy will be minimal, and the proposed development will be appropriately screened with a fence and landscaping as well.

9.4.1.2 Parking and Traffic

Residents during the neighbourhood meeting expressed concerns primarily with the proposed parking requirements as well as some questions about traffic. As noted in this Report, the applicant has submitted a parking study to justify the reduction in parking. The applicant also submitted a Traffic Impact Study prepared by JD Northcote Engineering Inc., dated April 27, 2020. The Study concludes that the proposed apartment building will not cause any operational issues and will not add significant delay or congestion to the local roads. No improvements to the existing road network are recommended. No issues were identified

by Transportation Staff with the Study or with existing traffic volumes or safety concerns in the area.

Transportation Staff have reviewed the TIS and parking study and are supportive of the recommendations of the studies. In summary, Planning Staff are supportive of a reduced parking requirement of 1.1 spaces per unit as it will maintain a minimum standard for parking on-site and the proposed Plan of Condominium will facilitate the ownership of each space.

9.4.2 Site Plan Control

The City is in receipt of a Site Plan Control application for the proposed apartment building at 180 Grand River Avenue (File No. SPC-42-2019). Site Plan Control is applicable to the subject lands and will allow for a detailed review of the proposed development including the placement of the buildings and driveway locations as well as allow for the consideration of exterior building materials and elevations. This process will also provide an opportunity for Staff to address buffering for existing land uses through the provision of appropriate landscaping, fencing, and screening. All other technical requirements will be addressed through the Site Plan Control process including traffic movements internal and external to the site and the identification of the driveway visibility triangles. The two Ward Councillors will be included in the Site Plan review process and will have an opportunity to provide input to Staff. A Holding provision is recommended to ensure the Applicant has provided a signed Site Plan Agreement to the City, along with all necessary securities, prior to development.

9.5 Conditions of Draft Plan of Condominium

A Standard Draft Plan of Condominium was received by the Department in November 2020. Since Planning Staff do not have delegated approval on condominium applications, a resolution by Council is needed on the conditions of draft approval. Conditions of Draft Plan of Condominium (File No. 29CD-20503) are included in the recommendations of this Report and they will ensure that the pertinent and applicable issues are addressed prior to the final approval of the development. The proposed conditions are as follows:

-
1. This approval applies to the Draft Plan of Condominium (Standard Condominium) prepared by West and Ruuska Ltd. Land Surveyors, Drawing No. K190008, dated December 22, 2020, as indicated on the Plan attached as **Appendix F2** to Report 2021-133, showing 30 dwelling units, 33 parking spaces, and common elements which include: bicycle parking, outdoor rooftop amenity area, and paved services, indoor common areas (i.e. hallways), landscaped areas, elevators, stairwells, and mechanical/storage rooms.
 2. Unless otherwise stated, all conditions listed below shall be addressed to the satisfaction of the City and at no cost to the City of Brantford, sometimes referred to by these conditions as the “City” or “Municipality”.
 3. Subsequent to final approval of the Plan, but prior to the sale of any units, the Owner or Condominium Corporation or both as required by the City, shall enter into a Condominium Agreement with the City of Brantford and shall register same on title to the lands to the satisfaction of the City.
 4. Prior to final approval of the Plan, the Owner shall provide to the satisfaction of the Director of Planning, a letter of undertaking agreeing to complete a Reserve Fund Study in accordance with the *Condominium Act*, and that the recommendations of the Reserve Fund Study will be implemented.
 5. Prior to final approval of the Plan, the Owner shall provide securities and pay all related fees and obtain all necessary permits to the satisfaction of the General Manager, Public Works.
 6. That the Owner shall agree that all units shown within the Draft Plan will be connected to full municipal services at the Owners expense to the satisfaction of the General Manager, Public Works.
 7. The Owner shall agree that internal design standards must comply with the current municipal standards for private residential condominium developments.
 8. Prior to final approval of the Plan, the Owner shall satisfy all requirements, financial and otherwise, of the City of Brantford,

including those related to the following matters:

- a) Municipal and site servicing, including hydraulic modeling;
 - b) Lot grading;
 - c) Drainage;
 - d) Sidewalks;
 - e) Control of dust during construction;
 - f) The responsibility to complete the required servicing works (i.e. water, sanitary, stormwater) within the Public right-of-way and will need to reconstruct roads and sidewalks as necessary;
 - g) To confirm sanitary, water and stormwater sewer capacity; and,
 - h) Provide all easements, and convey all lands, as may be required for utility or drainage purposes to the appropriate authority.
9. Prior to final approval of the Plan, the Owner shall submit at their expense, for approval, an Engineering Report prepared by a consulting engineer, confirming that the internal paved areas, parking areas and underground servicing have been constructed to a standard that will ensure future purchasers of a reasonable and adequate maintenance free period for those common elements. Said report to be to the satisfaction of the General Manager, Public Works. Should the said works not be completed by the time that final plan registration occurs, the City will retain the Letter of Credit to guarantee satisfactory completion of the said works.
10. The Owner agrees that in the event that the Engineering Report as stated above indicates that the internal services are inadequate and do not meet the City's Standards, the Owner will carry out the necessary work, at their expense as deemed by the General Manager, Public Works, in order to bring that particular service or services up to the City's standard.
11. In the event that the Engineering Report as stated above indicates that the internal services are satisfactory but that the expected life of some or all of the said services is considered to

be limited, then, in order that prospective purchasers may be made aware of this condition, the Owner shall undertake to supply each and every prospective purchaser with a copy of the Consulting Engineer's conclusions in a form approved by the General Manager, Public Works.

12. The Engineering Report referred to above must include the submissions of as-constructed drawings in both hard copy and on disc, video inspection report of the storm and sanitary sewers, compression test results for concrete curb and sidewalk, confirmation that the depths of granular road base and asphalt comply with current standards, as well as sieve analysis and compaction test results for both granular road base materials and asphalt, and testing of the asphalt of A.C. content, confirmation that any fire hydrants are accessible and are set at finished grade and confirmation that the landscaping has been planted in accordance with the approved plans and specifications.
13. The Owner shall agree to ensure internal laneways and parking spaces to be asphalt paved, or similar hard surfaced erosion proof material, to the satisfaction of the General Manager, Public Works.
14. The Owner shall agree that any surplus sanitary and storm private drain connections to be abandoned must be capped in concrete at the property line, to the satisfaction of the General Manager, Public Works.
15. Prior to final approval of the Plan, if applicable, the Owner shall confirm, by certification from a consulting engineer, that all water servicing conditions have been addressed, to the satisfaction of the General Manager, Public Works.
16. That the Owner agrees that upon the condominium corporation indicating its preference to the City, for either a centralized bin or driveway garbage and recyclable pick-up, the City shall review and advise the Owner of the viability of this service. If determined to be acceptable to the City, the condominium corporation shall enter into the City's standard servicing agreement, to address the condominium corporation's requirements for garbage and recycling collection and storm sewer and hydrant maintenance.

-
17. That the Owner agrees to provide monthly pre-loaded Brantford Transit ridership passes for all condominium owners in the future Condominium Corporation, to the satisfaction of the General Manager, Public Works.
 18. That the Owner agrees to establish a temporary loading space location on-site, to the satisfaction of the General Manager, Community Development.
 19. That the Owner agrees to include in all Offers of Purchase, Sale or Lease related to property within the Plan of Condominium the following clauses:
 - a) No alteration of the drainage plan for the property or surrounding properties is permitted without the express written approval of the City of Brantford and the Condo Corporation;
 - b) This dwelling unit has been fitted with a forced air heating system and central air conditioning unit which will allow windows and exterior doors to remain closed, ensuring that the indoor sound levels are within the Ministry of the Environment's noise criteria.
 20. That the Owner shall agree to provide Union Gas Limited the necessary easements and/or agreements required by Union Gas for the provision of gas services for the development, in a form satisfactory to Union Gas.
 21. That the Owner shall agree to the satisfaction of Bell Canada the following:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

-
22. That the Owner shall agree to the satisfaction of Canada Post the following:

“Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space”.
 23. That the Owner agrees that prior to final occupancy, all works and matters that have been constructed must meet the requirements of the Ontario Building Code and any outstanding Orders to Comply must be resolved, to the satisfaction of the Chief Building Official.
 24. Prior to final approval of the Plan, the City must be advised, in writing, by Union Gas Limited, how Condition 20 has been satisfied.
 25. Prior to final approval of the Plan, the City must be advised, in writing, by Bell Canada, how Condition 21 has been satisfied.
 26. Prior to final approval of the Plan, the City must be advised, in writing, by Canada Post, how Condition 22 has been satisfied.
 27. Draft Plan Approval of this Plan of Condominium, together with all Conditions, shall lapse within three (3) years after the date of Draft Approval, unless it has been extended by the City.
 28. Prior to final approval of the Plan, the City must be advised, in writing, by the Owner, how Conditions 1 through 27 have been satisfied.

10.0 Financial Implications

There are no direct Municipal financial implications respecting these applications.

11.0 Conclusion

The proposed apartment building is considered to be compatible with the surrounding development in the immediate area and will enhance the streetscape. The proposed Zoning By-law Amendment and Draft Plan of Condominium will facilitate the development of the subject lands and is

consistent with the PPS, and in conformity with the Growth Plan and the City's Official Plan. The Site Plan Control process will ensure that the requirements of the municipality and other agencies are addressed and implemented prior to the issuance of a building permit. The proposed development is located in close proximity to services, amenities, active transportation corridors and transit that will benefit the future residents. Based on these considerations, Planning Staff is of the opinion that the applications for a Zoning By-law Amendment and Draft Plan of Condominium are appropriate and represent good planning.



Paul Moore, MCIP, RPP, General Manager
Community Development

Prepared By:

Jeff Medeiros, MCIP, RPP, Intermediate Planner
Joe Muto, MCIP, RPP, Manager of Development Planning
Nicole Wilmot, MCIP, RPP, Director of Planning

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

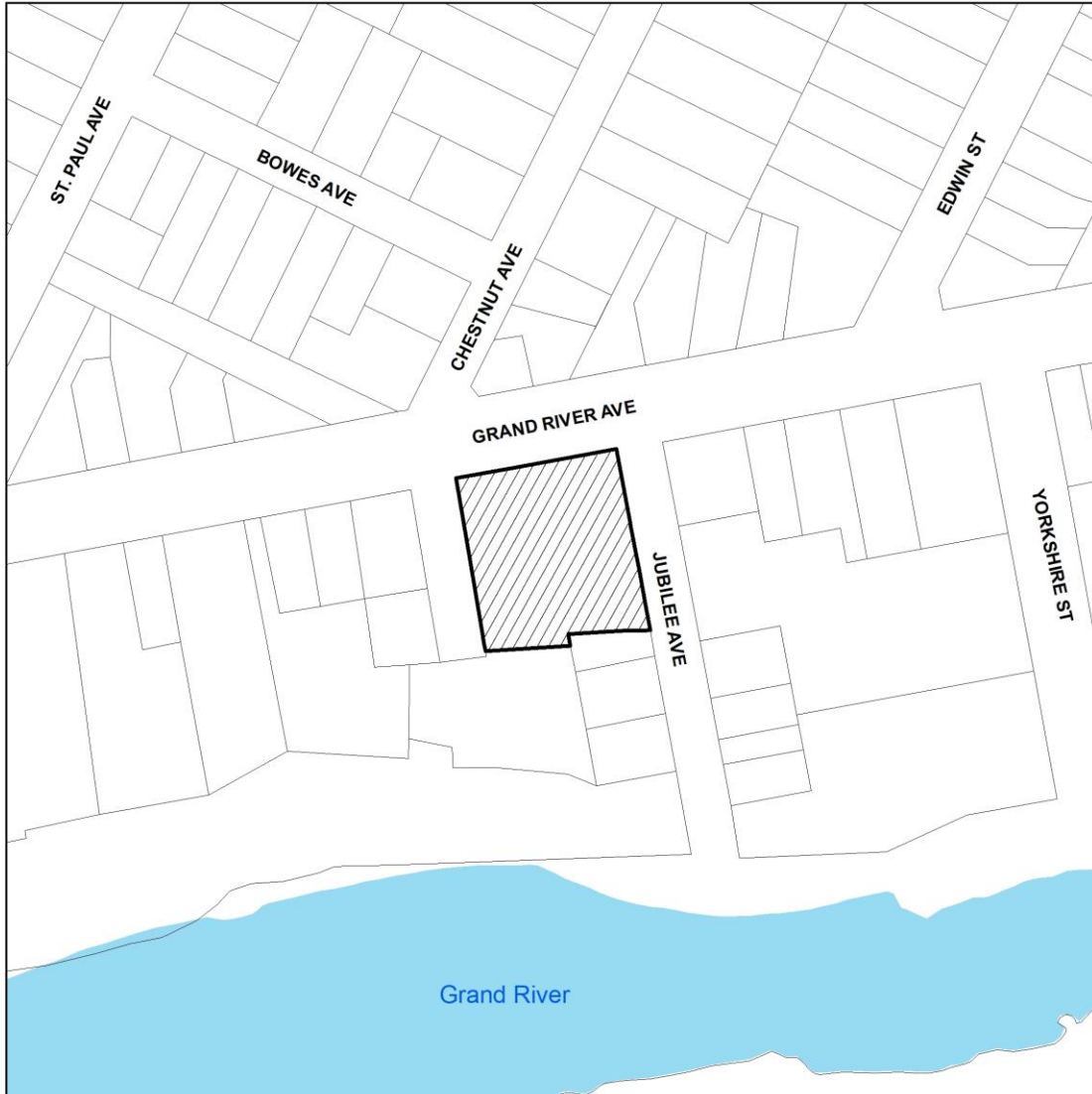
Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

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

APPENDIX A - Location Map

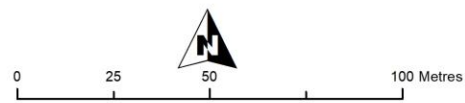
LOCATION MAP

Application: PZ-11-20 & 29CD-20503- 180
180 Grand River Avenue

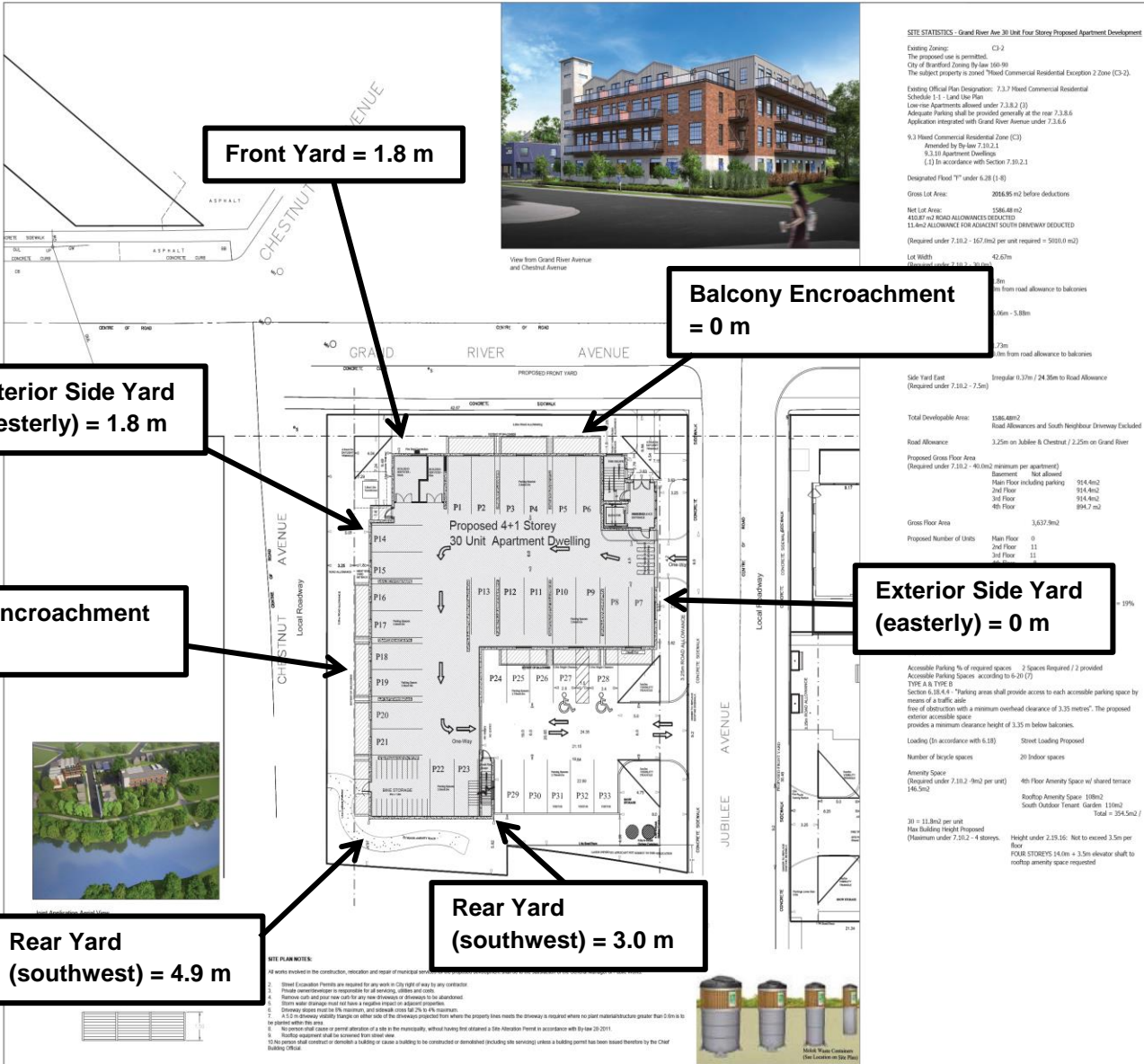


Legend

 Subject Lands



APPENDIX B – Concept Site Plan



APPENDIX C - Building Elevations and Renderings



FRONT ELEVATION
NORTH (Grand River)



SIDE ELEVATION
EAST (Jubilee)



REAR ELEVATION
SOUTH



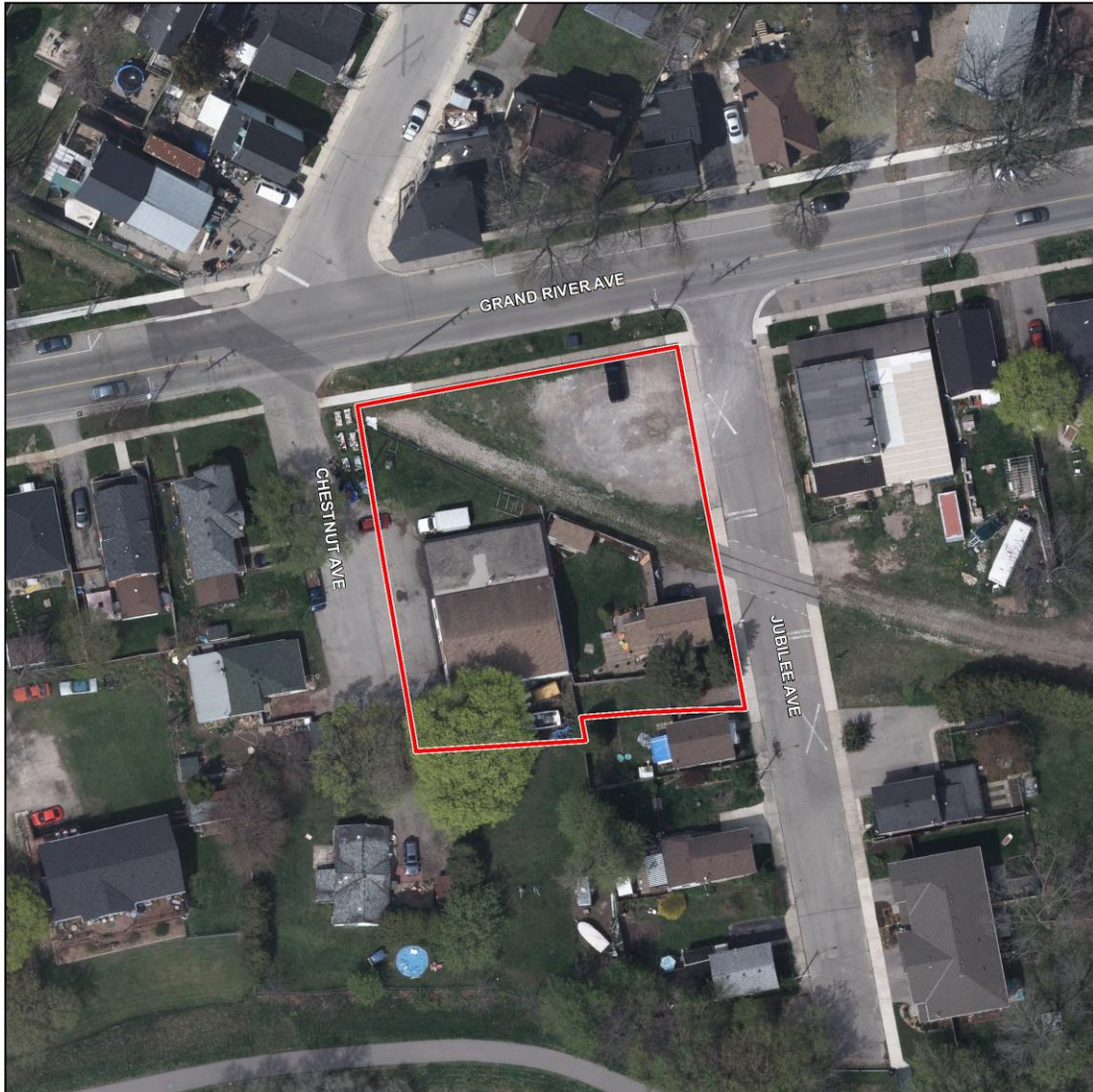
SIDE ELEVATION
WEST (Jubilee)




APPENDIX D - Aerial Photo

AERIAL PHOTO

Application: PZ-11-20 & 29CD-20503- 180
180 Grand River Avenue



Legend

 Subject Land

Aerial Photo from Spring 2017



APPENDIX E - Site Photographs



View of the intersection of Jubilee Avenue
and Grand River Avenue



View of 180 Grand River Avenue from Grand
River Avenue




View along Chestnut Avenue

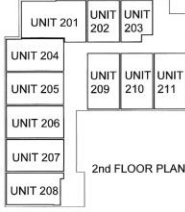
APPENDIX F - Draft Plan of Condominium

DRAFT PLAN OF STANDARD CONDOMINIUM OF

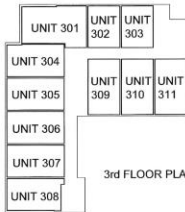
Lot 2 & Part of Lot 3,
 Reg Plan 331
 Parts of Lot 1 & 2
 South of Grand River Ave
 Reg Plan 59 B
 & Part of Lot 1
 West of Jubilee Ave
 Reg Plan 59B
 CITY OF BRANTFORD



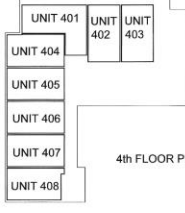
SITE PLAN



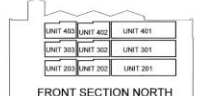
2nd FLOOR PLAN




3rd FLOOR PLAN



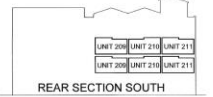
4th FLOOR PLAN



FRONT SECTION NORTH



SIDE SECTION WEST



REAR SECTION SOUTH

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY RESIDENTS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DIMENSIONS ARE THE PROPERTY OF THINKGIROFFE. DIMENSIONS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM THINKGIROFFE. PRINTS ARE NOT TO BE SCALED.

N

COPY THE DRAFT PLAN OF CONDOMINIUM (Standard Form 9 - 201)

REVISIONS	DATE	NO.

thinkGiraffe

ENVIRONMENTAL DESIGN

18 Sulphur Springs Road
 Brantford, ON N9S 1J8
 505 304 1406
 thinkgiraffe@thinkgiraffe.com

PROJECT

Proposed 4 Storey
 30 Unit
 Apartment Dwelling
 Grandriver Ave
 Brantford

SHEET TITLE

SPC-42-2019
 DRAFT PLAN OF
 CONDOMINIUM

FOLDER	DRAWN BY W / J / M S
FILE	SCALE 1:300
DATE	NUMBER

PLANS ILLUSTRATING UNIT BOUNDARIES

SECTIONS ILLUSTRATING UNIT BOUNDARIES

DC1

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

7 Feb 4, 2021
DATE

[Signature]
ONONDAGA LAND SURVEYOR

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE WEST & BURGESS LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE CORPORATION OF THE CITY OF BRANTFORD FOR APPROVAL.

Feb 4 2021
DATE

[Signature]
KING & BENTON REDEVELOPMENT

SECTION 51 (17) PLANNING ACT -- AS REVISED

A - SHOWN ON PLAN	Q - SHOWN ON PLAN
B - SHOWN ON PLAN	H - MUNICIPAL PIPED WATER AVAILABLE
C - SHOWN ON PLAN	J - SANDY SOILS
D - SEE SCHEDULE	K - SHOWN ON PLAN
E - SHOWN ON PLAN	L - MUNICIPAL SERVICES EXISTING
F - SHOWN ON PLAN	L - SHOWN ON PLAN

SCHEDULE

TOTAL LOT AREA	=	1,262.25m ² /0.15ha
TOTAL NUMBER OF RESIDENTIAL UNITS	=	30
TOTAL VEHICLE PARKING SPACES	=	3
TOTAL RESIDENT PARKING SPACES	=	30
MAXIMUM BUILDING HEIGHT	=	14m
CONSTRUCTION TO COMMENCE IN	=	2021

APPENDIX G – Departmental and Agency Comments

Department / Agency	Comment
Bell Canada	<p>The following paragraphs are to be included as a condition of approval:</p> <p>“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.</p> <p>The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”</p> <p>The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.</p>
Brantford Power	No comments.
Building Department	No comments received.
Canada Post	This development will require a mail panel to be installed if under 100 units (mail room if over 100 units) by the developer / owner for mail delivery.
Engineering Services	Refer to Appendix I2 (January 4, 2021)
Fire Prevention Officer	No comments received.
Grand River Conservation Authority	Refer to Appendix H2
Heritage	<ul style="list-style-type: none"> • The subject lands are within the Demolition Control Area set out in By-law 156-2019. Previously, it appeared that only vacant lands would be part of the development proposal but now it appears additional properties have been included. 7 Jubilee Avenue is a residential property, and accordingly, is subject to the Demolition Control By-law. • The Applicant should submit their demolition control application <u>after</u> receiving conditional site plan approval or draft plan of condominium approval so that the demolition control application can be deemed routine. Routine applications can be reviewed and approved by the Chief Building Official. • If the demolition permit application is received prior to conditional site plan approval or draft plan of condominium approval and cannot be deemed routine, it will need to be

	circulated to the Brantford Heritage Committee for comment and will be subject to Council approval.
Hydro One	No comments or concerns
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 H - Grand River Conservation Authority Comments



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

December 3, 2020

City of Brantford
100 Wellington Square
Brantford, ON
N3T 2M3

Attention: Jeff Medeiros, Intermediate Planner

**Draft Plan of Condominium 29CD-20503 and
Zoning By-law Amendment PZ-11-2020 Submission 2
King and Benton Redevelopment Corp – Applicant/Owner
UrbanSolutions Planning and Land Development Consultants Inc. - Agent
180 Grand River Avenue, City of Brantford
Associated Files: SPC-42-2019**

GRCA staff has had the opportunity to review the Draft Plan of Condominium and Zoning By-law amendment applications submitted in support of a four-storey apartment building, with 30 residential units, on the subject lands. GRCA staff have no objection to the proposed Draft Plan of Condominium application nor the Zoning By-law Amendment.

BACKGROUND:

1. Resource Issues:

The subject properties are located within the floodplain of the Grand River, specifically the City of Brantford Special Policy Area 1. Grand River Conservation Authority policies reference Special Policy Areas with respect to flood-proofing requirements when considering new development. These policies can be found within the City of Brantford Official Plan Section 10.2.8.

2. Legislative/Policy Requirements and Implications:

The subject lands contain natural hazard features identified in the Provincial Policy Statement (2020) and the City of Brantford Official Plan. The natural hazard lands are associated with the floodplain of the Grand River.

The subject lands are regulated by the GRCA pursuant to the Grand River Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 150/06. Any development proposed within the regulated areas will require prior permission (a permit) from the GRCA.

The Grand River Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 150/06 applies to the following development activities:

- the construction, reconstruction, erection or placing of a building or structure of any kind,

- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading,
- or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The permit process involves the submission of a Permit Application, supporting plans/reports and the required application fee to this office, the review of the proposal by Authority staff and the subsequent presentation of the Permit Application to the Internal Review Committee of the GRCA.

On June 30, 2020, GRCA issued permit 433/20 for the subject lands. The purpose of work is "To construct a multi-unit residential building." The site plans approved as part of the GRCA permit are consistent with the site plans submitted in association with 29CD-20503 and PZ-11-2020 (submission 2). Through this review, it was determined that the proposed development is consistent with the Special Policy Area 1 policies for the City of Brantford for development in the Grand River floodplain.

3. Additional Information/Suggestions Provided in an Advisory Capacity:

A major site plan control application review fee of \$3,215 is required for the GRCA's review of the Draft Plan of Condominium (29CD-20503), Site Plan Control (SPC-42-2019) and Zoning By-law Amendment (PZ-11-2020). With a copy of this correspondence, the applicant will be invoiced in the amount of \$3,215.

Sincerely,



Ashley Graham
Resource Planner
Grand River Conservation Authority

cc via email King & Benton c/o Steve Charest scharest@kingandbenton.com
 Urban Solutions c/o Matt Johnston mjohnston@urbansolutions.info

APPENDIX I - Engineering Services 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 checked="" 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.:	29CD-20503 & PZ-11-20 (2 nd Submission)		
DATE DUE TO PLANNING	December 4, 2020		
APPLICANT / OWNER	King And Benton Redevelopment Corp.		
AGENT	UrbanSolutions Planning and Land Development Consultants Inc.		
ADDRESS	180 Grand River Avenue		
TRANSPORTATION			

1. Large vehicles, such as that required for waste pickup, should enter and exit the public roadway in a forward motion to minimize any negative impacts to safety and operation of the public roadway. Analysis provided seems to indicate the waste vehicle reversing from the public roadway into the site. Maneuvering of vehicles should be contained within the site, with potential opportunity to utilize the second proposed driveway.

 Consideration may be given to a scenario where waste from this site is collected on the neighbouring site at 10 Jubilee St which is also currently being reviewed for development and for which analysis seems to show that large vehicles can satisfactorily access. Appropriate agreements should be established between applicable parties.
2. The proposed conveyance shown for the Jubilee Ave ROW and the Chestnut Ave ROW are approximately consistent with City records to achieve the current local road standard width of 18.5m. However, it should be noted that private property will not be permitted to encroach into the public ROW.

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 checked="" 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.:		29CD-20503 & PZ-11-20 (2 nd Submission)	
DATE DUE TO PLANNING		December 4, 2020	
APPLICANT / OWNER		King And Benton Redevelopment Corp.	
AGENT		UrbanSolutions Planning and Land Development Consultants Inc.	
ADDRESS		180 Grand River Avenue	
ENVIRONMENTAL SERVICES			

I reviewed the Draft Plan of Condominium application and associated documents on behalf of Environmental Services and have no objections regarding the application. Comments will be addressed through the Site Plan Control Application.

Note that the Site Plan Control Application, SPC-42-19, still has outstanding conditions for from January 2020.

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



**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 checked="" 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.:	29CD-20503 & PZ-11-20 (2 nd Submission)		
DATE DUE TO PLANNING	December 4, 2020		
APPLICANT / OWNER	King And Benton Redevelopment Corp.		
AGENT	UrbanSolutions Planning and Land Development Consultants Inc.		
ADDRESS	180 Grand River Avenue		
DEVELOPMENT ENGINEERING			

PZ-11-20 (2nd Submission comments)

The Development Engineering Department has had an opportunity to review the current submission of technical reports and the attached documents for the above noted development.

By thinkGiraffe Environmental Design:

- SPC 42-2019 Proposed Site Plan

By Mighton Engineering:

- Site Lighting Plan SPC-42-2019

By Development Engineering Limited:

- Engineering Response Letter – SPC-42-2019
- Wastewater Allocation Request Form
- Engineering Response Letter – PZ-11-2020
- Engineers Cost Estimate
- Existing Conditions and Removals, Sheet No. SE1W, Revision 3, Oct. 19/20
- Site Servicing, Sheet No. SE2W, Revision 3, Oct. 19/20
- Grading Plan, Sheet No. SE3W, Revision 3, Oct. 19/20
- Details, Sheet No. SE4W, Revision 3, Oct. 19/20

The Development Engineering Department has reviewed the provided technical reports and drawings for the proposed site development, and has the following comments:

A. Zoning By-law Amendment Comments

1. No comments.

B. General Comments (To be addressed during Site Plan)

Note: Further comments may be provided after the formal site plan resubmission review.

2. Include the mud mat on the Existing and Removals Plan.
3. Private sidewalk shall be located on private property and not within the right-of-way unless used as a connection to municipal sidewalk.
4. Include Landscaping in the Cost Estimate.
5. Include the 50mm water service under the watermain items in the Cost Estimate.
6. Include the oil grit separator, orifice plate, and drop structure under the storm items in the Cost Estimate.

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 checked="" 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.:	29CD-20503 & PZ-11-20 (2 nd Submission)		
DATE DUE TO PLANNING	December 4, 2020		
APPLICANT / OWNER	King And Benton Redevelopment Corp.		
AGENT	UrbanSolutions Planning and Land Development Consultants Inc.		
ADDRESS	180 Grand River Avenue		
DEVELOPMENT ENGINEERING con't			

Please revise the above noted drawings / documents and resubmit the package, **accompanied with the itemized response letter** - for further review and subsequent approval.

29CD-20503 (2nd Submission comments)

The Development Engineering Department has had an opportunity to review the current submission of technical reports and the attached documents for the above noted development.

By West & Ruuska Ltd:

- Draft Plan of Standard Condominium

The Development Engineering Department has reviewed the provided technical reports and drawings for the proposed site development, and has the following comments:

C. Engineering Comments

7. The road widening along Jubilee Avenue should be clearly identified on the plan and not included within the boundary of the Plan of Condominium.
8. The road widening along Chestnut Avenue should be clearly identified on the plan and not included within the boundary of the Plan of Condominium.
9. The road widening along Grand River Avenue should be clearly identified on the plan and not included within the boundary of the Plan of Condominium.
10. The daylight triangle at the corner of Grand River Ave. and Jubilee Ave. should be clearly identified on the plan and not included within the boundary of the Plan of Condominium.
11. The daylight triangle at the corner of Grand River Ave. and Chestnut Ave. should be clearly identified on the plan and not included within the boundary of the Plan of Condominium.

Please revise the above noted drawings / documents and resubmit the package, **accompanied with the itemized response letter** - for further review and subsequent approval.

Adam Quibell, P.Eng., C.Tech.
 Development Engineering Reviewer

***ADDITIONAL COMMENTS MAY BY ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED ***

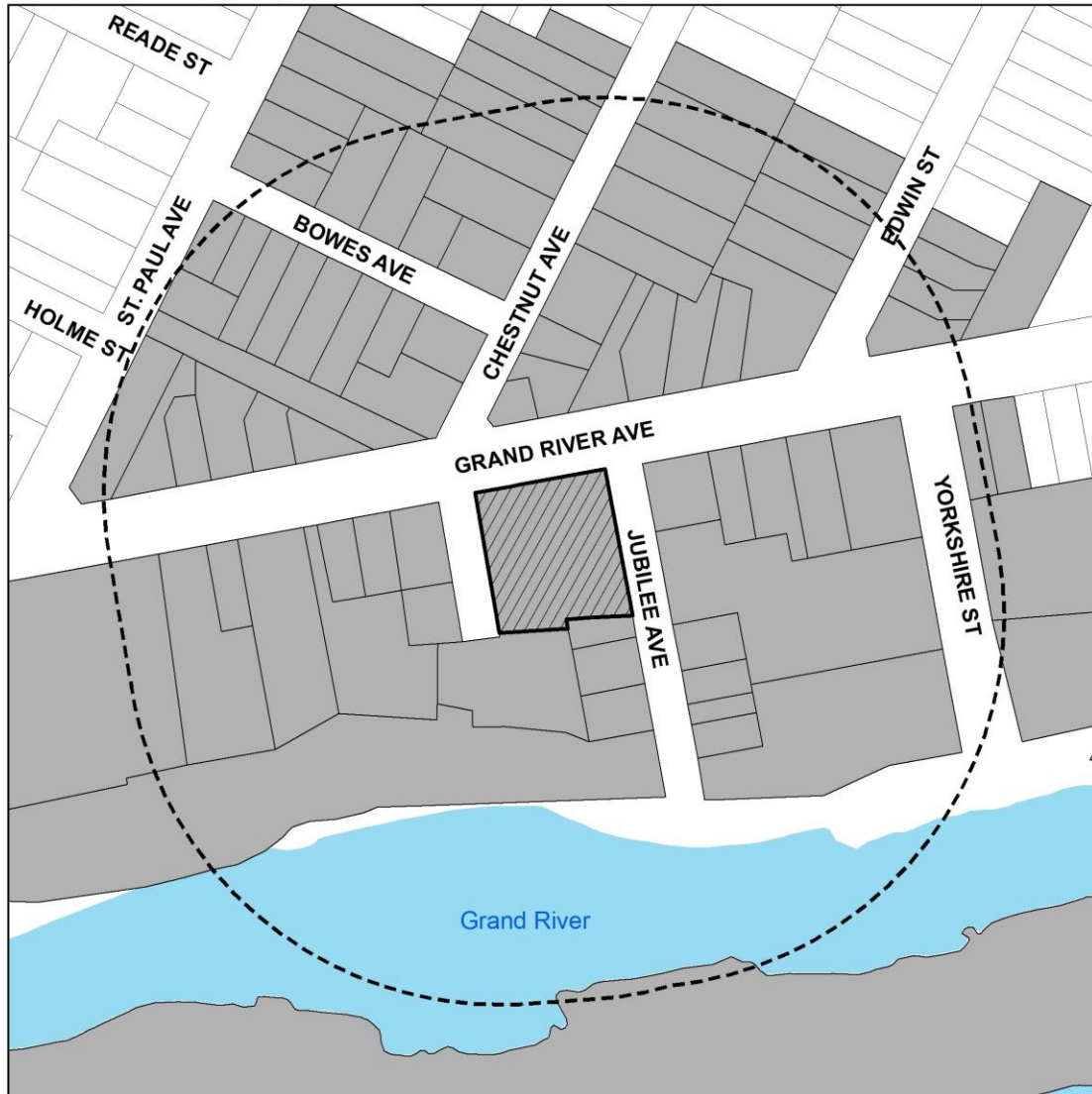
January 4, 2021
 DATE


 Gary Peever, P.Eng.,
 Manager, Development Engineering

APPENDIX J - Notification Area

AREA OF PUBLIC NOTIFICATION

Application: PZ-11-20 & 29CD-20503- 180
180 Grand River Avenue



Legend

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



APPENDIX K - Neighbourhood Meeting Notes

NEIGHBOURHOOD MEETING NOTES

**ZONING BY-LAW AMENDMENT (PZ-10-20) AFFECTING 10 JUBILEE AVENUE
&
ZONING BY-LAW AMENDMENT (PZ-11-20) AFFECTING 148-150 CHESTNUT
AVENUE / 7 JUBILEE AVENUE / VACANT LANDS FRONTING GRAND RIVER
AVENUE**

Agent: Urban Solutions Planning and Land Development Consultants
(c/o Matt Johnston)

Applicant/Owner: King and Benton Redevelopment Corporation
(c/o Steve Charest)

Meeting Date: September 2, 2020 @ 6:00 p.m.

Present:

Councillor Sless
Councillor Utley

Jeff Medeiros, Intermediate Planner
Joe Muto, Manager of Development Planning
Gary Peever, Manager of Development Engineering

Applicant/Agent/Owner(s):

Matt Johnston – Urban Solutions Planning & Land Development
Ava Barnett - Urban Solutions Planning & Land Development
Steve Charest – King and Benton Redevelopment Corporation
Paul Schuit – Surreal Homes
Derek Hoevenaars – Development Engineering
John Northcote – JD Engineering
Marina Fensham – thinkGiraffe Design Inc.

4 Residents registered for the meeting.

Councillor Sless started off the meeting introducing himself and Councillor Utley, and stated that this is the first opportunity for public input, and that the meeting provides an opportunity for the applicant to provide information to the residents regarding the proposed development. Councillor Sless acknowledged that the meeting is being held via Zoom.

Jeff Medeiros, Planner on the file for the City of Brantford, provided an overview of how the meeting will be structured and how to participate on Zoom. J. Medeiros then explained the planning process required under the *Planning Act* and that this meeting is being held because the City has received an application for a Zoning By-law Amendment for the lands located at 10 Jubilee Avenue. (File No. PZ-10-20) to facilitate the construction of a 4-storey apartment building with 45 units. The City of Brantford has also received an application for a Zoning By-law Amendment for the lands located at 148-150 Chestnut Avenue, 7 Jubilee Avenue and the vacant lands fronting Grand River Avenue (File No. PZ-11-20) to permit the construction of a 4-storey apartment building with 30 units.

Mr. Medeiros explained that the Official Plan designates these lands as “Mixed Commercial-Residential Area” and that apartment buildings are a permitted use in this land use designation. The lands are presently zoned “Mixed Commercial Residential - Exception 2 Zone (F-C3-2)”, which also permits apartment buildings. The applicant is proposing to modify the F-C3-2 zoning to allow site specific exceptions for each application including: a reduction in the minimum lot area; increase in the maximum lot coverage; reductions in the minimum yards and for balcony encroachments; and a reduction in the minimum parking and loading requirements. J. Medeiros concluded that there are different ways to provide input on the applications, including participating in the public meeting and/or by providing written submissions. He also noted that participants will receive a copy of the notes, as well as anyone who requests a copy.

Ava Barnett and Matt Johnston, Agent for the application, introduced the consulting team and described the proposed development in more detail. Matt Johnston adds that they are still welcoming feedback. The neighbourhood meeting is meant to be informative and not a sales pitch. The objective is for people to leave with a sound understanding of what’s being proposed. They’re documenting questions and comments that are received to incorporate into their next submission.

J. Medeiros concluded the introductions and indicated that they will move to the public question and answer component.

A resident asks about the future widening of Yorkshire Street, including how many lanes are being proposed and will there be on-street parking. M. Johnston responds that the goal is to improve Yorkshire Street, but the final configuration is evolving and discussions with City Staff are ongoing. Derek Hoevenaars adds that the City has asked for a standard local road, which includes 2 lanes and a parking lane, as well as boulevards and sidewalks. The resident is concerned that the widened road will encroach onto their property. Gary Peever, Manager of Development Engineering, clarifies that the right of way that the City currently owns on Yorkshire Street can accommodate the proposed widening.

The resident then asks if garbage and waste will be located close to their property. Joe Muto, Manager of Development Planning, responds that the garbage receptacle

placement will be vetted through the site plan process. The comment will be brought back to the consultant team to find a more appropriate location.

A final concern was raised by the resident about the proposed balconies and that they are concerned about overlook into their back yard. They indicated that the height of the building being constructed further down Grand River Avenue has helped them realize this. M. Johnston responds that they are mitigating privacy concerns through the use of landscaping and setbacks. M. Johnston states that while he believes the balconies are appropriate given what's being proposed, they acknowledge the comment and will take a closer look at it.

A resident joined the meeting and indicated that their primary concern is that there will only be 10 visitor parking spaces for 70 units between the two proposed buildings. Then they asked, given limited parking on Jubilee, where will overflow parking go? M. Johnston responds that they've had experts review the proposal in the context of the neighbourhood through a parking study. The study looked at unit make-up, site and context. They've indicated that this is the correct ratio to provide. The resident responds that 1.5 parking spaces per unit should be provided, but only approximately 1.1 spaces per unit are proposed. J. Medeiros then explains that this neighbourhood meeting is one of the first steps in the development process and may result in changes to the plan. All comments are being taken into account and will help to formalize any future staff recommendation.

The next resident asks what the earliest possible date for construction to begin is. M. Johnston explains that there are many stages left before they can begin construction, including the Council Meeting on the rezoning applications and approval of a site plan application. The proposal may take 18 months to construct, but they are unable to commit to a start date. They would like to commence preliminary grading for the first quarter of 2021, but the timing is dependent on how the approval process proceeds.

The resident raised another question regarding stormwater and asks if there will be any significant improvements to the local storm water system to reduce flooding risk for neighbouring properties. M. Johnston responds that storm water runoff at site can't be increased as a result of development. Any run-off must be put back into the system at a controlled rate using rooftop control and parking lot storage.

Another resident joined the meeting and asked for clarification on some of the proposed setbacks and expressed concern that it might not leave enough space to buffer adjacent properties. M. Johnston replied that they will provide PDF's that clearly show the setback dimensions. The proposed development is a permitted use, but they need to reduce some setbacks due to the irregularly shaped properties.

The resident then expressed some concerns about the removal of trees. M. Johnston explains that they have prepared a landscape plan and tree inventory and protection plan that identifies trees to be removed.

A question was then raised by a resident regarding improvements to Chestnut Avenue. D. Hoevenaars responds that the current proposal is only to remove asphalt that extends beyond the city right of way and replace it with landscaping.

A resident inquired if the developer has explored other development options other than a four storey apartment building. M. Johnston responded that they have worked with the owner to do more with the site and provide a number of community benefits. The team compiled a submission that checks a lot of boxes and fits the right scale and policy objectives for the area and City. M. Johnston reiterated that they are not there to sell the proposal, but rather try to inform the residents about what's being proposed and any work that's been done to support the application.

A resident asks how tall is a four storey building? They are concerned that the proposed building height is taller than what is permitted in the zoning by-law. J. Medeiros responds that the maximum height of a building cannot exceed 3.5 m per storey. The resident explains that their concern arises from the apartment building being constructed down the road, which is taller than they originally expected. Joe Muto further explains that the developer hasn't sought relief for height. Four storeys is permitted, but the Building Department will review and J. Medeiros will provide a thorough response. Additionally, the resident asks if the building is indeed higher than what is currently permitted, what happens? J. Medeiros responds that while this is still being reviewed by City Staff, they would have to amend their application if the height is greater than what is currently permitted and/or comply with the by-law. Councillor Sless adds that they could also reduce the height of the building to conform to Zoning.

Another resident indicated that the average household owns 1.5 vehicles. Using this average, this means 28 cars will have to park on the street and there's not enough space on the local roads to accommodate this many vehicles. John Northcote explains that there are two components of analyzing a parking supply – resident and visitor. For the current proposal, resident parking is being provided at 1 space per unit. They're providing an opportunity for people with less than two vehicles so they're not paying for excess parking. There are also parking restrictions on adjacent roads so that people aren't parking permanently there. In terms of visitor parking, J. Northcote indicated they have looked at the amount of visitors that visit similar developments and found that what they are proposing would accommodate this. The goal is for all parking to be contained on the site, similar to other developments. Historically, parking has been over-provided for other developments, and a reduction in parking is consistent with recent zoning by-laws in other jurisdictions. As a follow up question to this information, the resident asks that at the time of sale, will a sale be refused for someone with 2 cars? M. Johnston responds that the Condominium and built form is self-regulating and targets towards individuals seeking a certain lifestyle. A buyer would not purchase if it is important to them to have more than one parking space. A resident then asks if the traffic study includes the new development on Grand River Ave. J. Northcote replies that they consulted with the City to account for developments close by. Anything beyond that would have been picked up by background traffic growth rate based on the transportation master plan and projected population growth. The study did take into account the development at 226 Grand River Avenue.

A resident asks if it is possible to move balconies to the other side of the building. M. Johnston responds that they have heard the balcony concerns and will speak to it in their next submission.

Councillor Utley asks Staff to look into the projection for car usage in the next five years. Many people may decide to get rid of a second car if they're not using it.

A resident asks if the balconies can be set back further from the lot line. J. Medeiros responds that there are setback exceptions for balconies which he will look into further and respond to the resident.

A resident then indicates that they would like to hear from King and Benton about their vision for the project. M. Johnston responds that King and Benton had unfortunately run into audio issues, but he will try to answer. The goal is to create a lifestyle enclave within the broader area. The proposal meets policy objectives of the City, but requires some massaging to fit within the irregularly shaped properties. The resident then acknowledges that greenspace is a major feature of the neighbourhood, and the current proposal takes away from this.

A resident asks if there is a date for the next meeting. Joe Muto responds that the Committee of the Whole meeting date will not be selected until the comments have been addressed. Councillor Sless states that they may hold another neighbourhood meeting if comments are not adequately addressed.

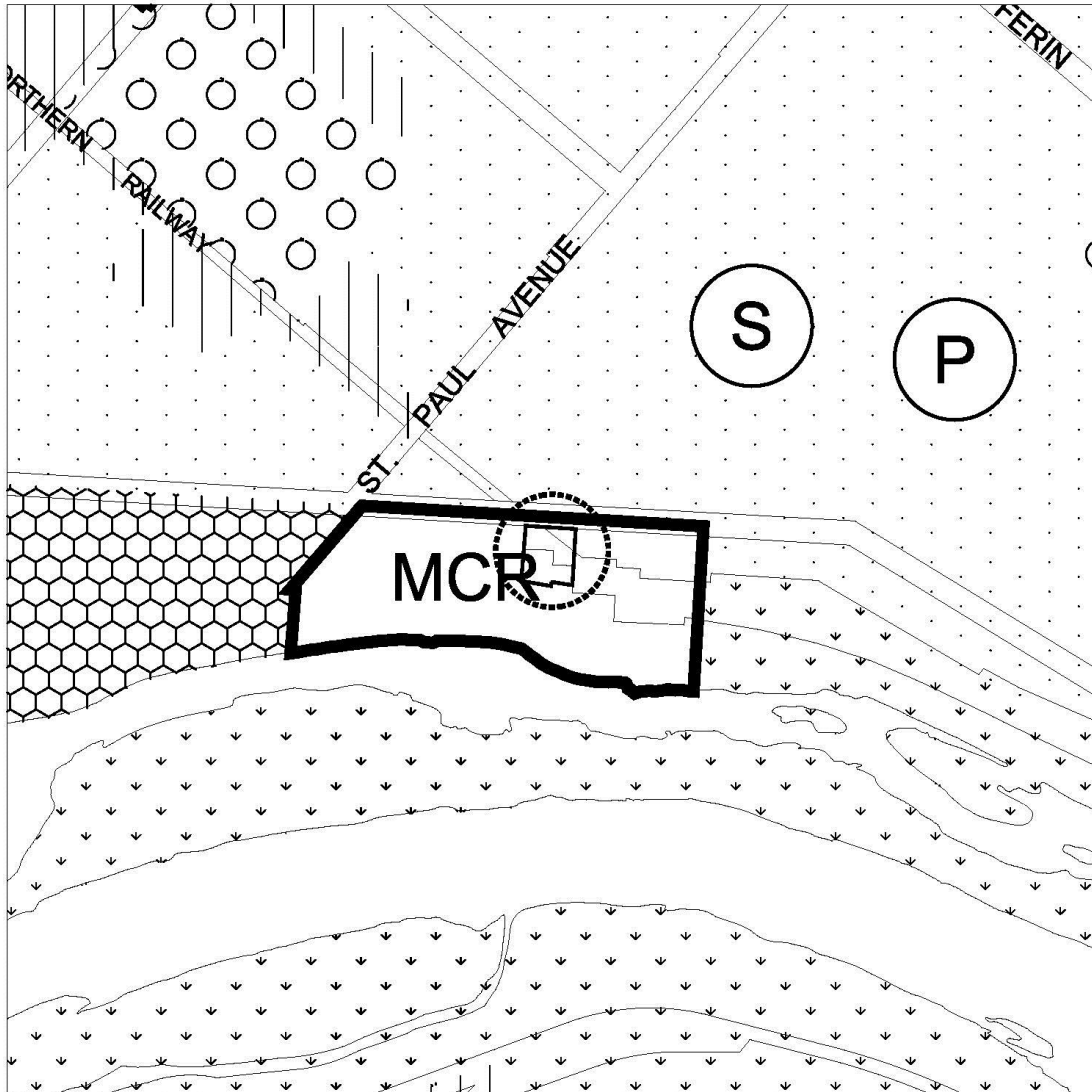
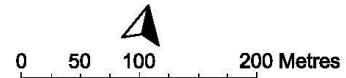
Councillor Utley thanks the members of the public for participating and being respectful, and provides a summary of the comments heard this evening.

The Meeting concluded at 7:30 PM.

APPENDIX L - Official Plan – Land Use Designation

OFFICIAL PLAN

Application: PZ-11-20 & 29CD-20503- 180
 180 Grand River Avenue



LEGEND

SUBJECT LAND	CORE COMMERCIAL AREA	CEMETERY
LOW DENSITY RESIDENTIAL AREA	COMMUNITY CENTRE COMMERCIAL AREA	ELEMENTARY SCHOOL
MEDIUM DENSITY RESIDENTIAL AREA	GENERAL COMMERCIAL AREA	FREEWAY
HIGH DENSITY RESIDENTIAL AREA	MIXED COMMERCIAL RESIDENTIAL AREA	LONG TERM CORRIDOR PROTECTION
GENERAL INDUSTRIAL AREA	DISTRICT CENTRE COMMERCIAL AREA	SPECIALIZED PARK and OPEN SPACE
MIXED INDUSTRIAL COMMERCIAL AREA	NEIGHBOURHOOD CENTRE COMMERCIAL AREA	COMMUNITY PARK and OPEN SPACE
BUSINESS PARK AREA	HIGHWAY COMMERCIAL AREA	NEIGHBOURHOOD PARK and OPEN SPACE
MAJOR INSTITUTIONAL	NEW FORMAT COMMERCIAL AREA	
MAJOR OPEN SPACE		



APPENDIX M - Zoning By-law 160-90 – Existing Zoning

ZONING

Application: PZ-11-20 & 29CD-20503- 180
180 Grand River Avenue



Legend

-  Subject Land
-  Zone Boundary

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

- RC Residential Conversion
- C3 Mixed Commercial Residential
- C7 Convenience Commercial
- OS3 Open Space Restricted
- F Floodplain Provision
- 2 Exception Number

