



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 42-90

To amend By-law 200-82 (part of
Lot 6, Concession 1, E.H.S.,
in the geographic Township of
Chinguacousy)

The council of The Corporation of the City of Brampton
ENACTS as follows:

1. By-law 200-82, as amended, is hereby further amended:
 - (1) by changing, on Sheet 11 of Schedule A thereto, the zoning designation of the land shown outlined on Schedule A to this by-law from RESIDENTIAL SINGLE-FAMILY B (R1B) to RESIDENTIAL APARTMENT A - SECTION 330 (R4A - SECTION 330), such lands being part of Lot 6, Concession 1, E.H.S., in the geographic Township of Chinguacousy.
 - (2) by adding thereto the following section:

"330.1 The lands designated R4A-SECTION 330 on
Schedule A to this by-law:

330.1.1 shall only be used for the purpose

 - (1) an apartment dwelling

330.1.2 shall be subject to the following
requirements and restrictions:

 - (1) the minimum lot width shall be 45.0
metres
 - (2) the minimum front yard depth shall be
11.0 metres;
 - (3) the minimum side yard width shall be
12.0 metres;

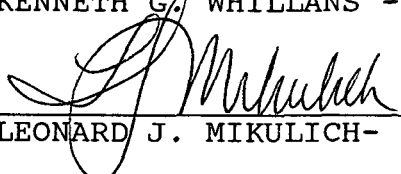
- (4) the maximum building height shall not exceed 13 storeys;
- (5) the maximum gross floor area shall not exceed 9325 square metres;
- (6) the maximum floor space index shall not exceed 1.69;
- (7) the maximum number of dwelling units shall not exceed 122;
- (8) a minimum of 1.4 parking spaces shall be provided per dwelling unit which shall include 0.25 spaces per unit as above ground visitor spaces, and
- (9) the minimum landscaped open space shall be 58 percent of the lot area.

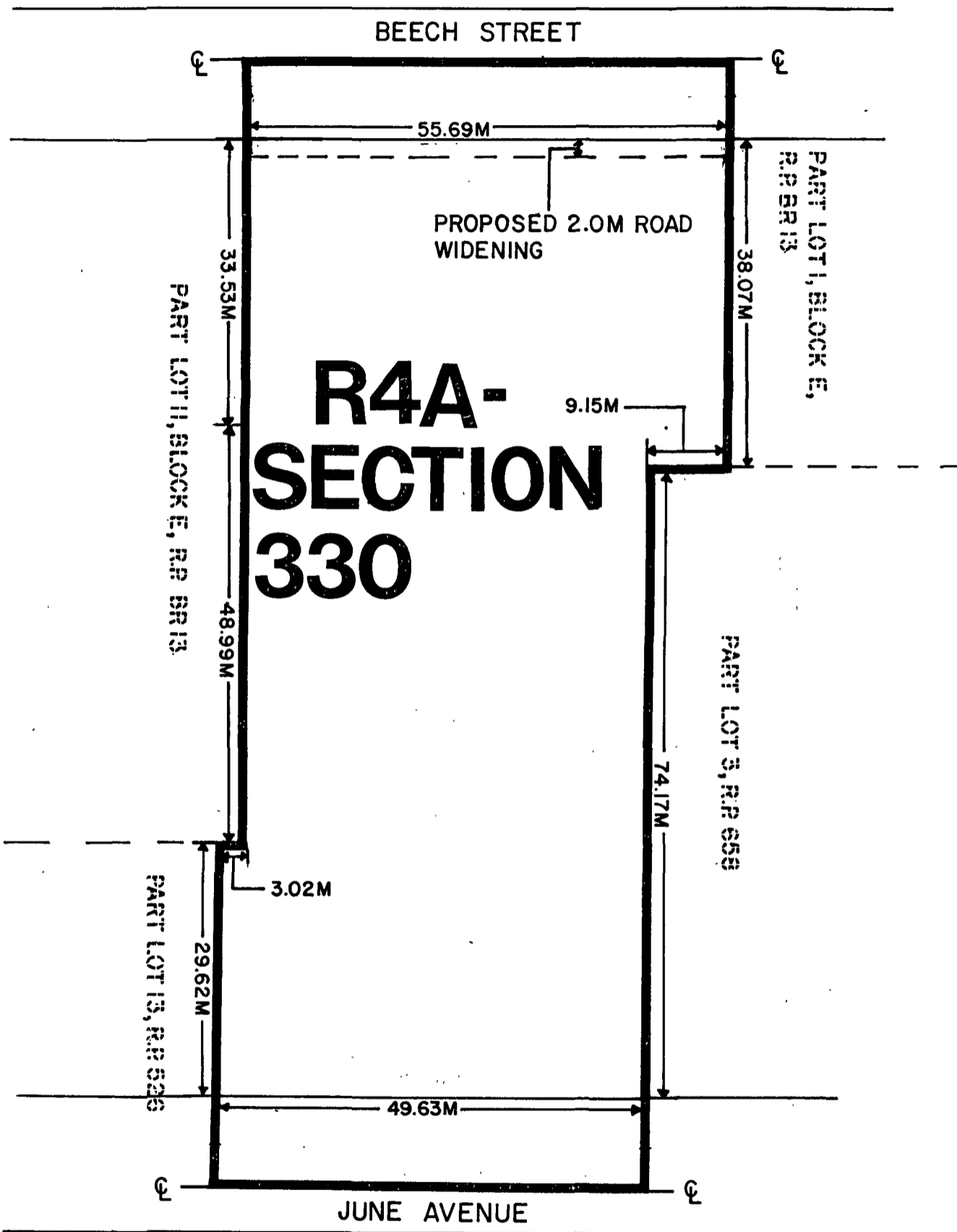
330.1.3 shall also be subject to the requirements and restrictions relating to the R4A zone and all the general provisions of this by-law which are not in conflict with the ones set out in section 330.1.2

330.2 For the purposes of this section: Front Yard shall mean a yard extending across the full width of the lot between the front lot line which abuts Beech Street and the nearest main wall of any building or structure on the lot."

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this 19th day of March 1990.


KENNETH G. WHILLANS - MAYOR


LEONARD J. MIKULICH - CLERK



R4A-SECTION 330

- ZONE BOUNDARY
- Ⓞ CENTERLINE OF ORIGINAL ROAD ALLOWANCE
- M METRE

PART LOT 6, CON. 1, E.H.S. (BRAMP.)
 BY-LAW 200-82 SCHEDULE A



CITY OF BRAMPTON
 Planning and Development

By-Law 42-90 Schedule A

1:640

Date: 1990 01 02 Drawn by: CJK
 File no. CIE6.40 Map no. 43-85E

OB #	84	FOLIO #	51
ORDER ISSUE DATE			
AUG 29 1990			
OB #	090-1	FOLIO #	10



R 900261
O 900104

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 17(11) of
the Planning Act, 1983

AND IN THE MATTER OF a referral to
this Board by the Minister of
Municipal Affairs on a request by
Colleen I. Armstrong of approximately
1.37 acres of land located north of
Queen Street East, between Beech
Street and June Avenue, Part of Lot
6, Concession 1, E.H.S. in the
Municipality of Brampton for
consideration of Amendment No. 175 to
the Official Plan of the City of
Brampton
Minister's File No. 21-OP-0031-175
OMB File No. O 900104

- and -

IN THE MATTER OF Section 34 of the
Planning Act, 1983

AND IN THE MATTER OF an appeal by
Colleen Armstrong against Zoning
By-law 42-90 of the Corporation of
the City of Brampton
OMB File No. R900261

C O U N S E L :

R. Paskar	for Colleen J. Armstrong
J. Atwood Petkovski	for the City of Brampton
M. E. Bench	for the Regional Municipality of Peel
R. K. Webb, Q.C.	for Tornat Construction Inc.

DECISION delivered by D. H. McROBB and ORDER OF THE BOARD

Official Plan Amendment No. 175 and Zoning By-law 42-90 if
implemented would permit the development of a 122 unit 12 storey
apartment building. This site is a "through lot" with 182 feet on
Beech Street, 163 feet on June Avenue and a depth of 368 feet for a
total area of 1.4 acres.

The development would be owned and operated by Peel Non-Profit
Housing Corporation. Mr. Keith Ward, the Director of Policy

Development for the Corporation, explained that the site acquisition and construction would be undertaken by a private company and would be purchased by the Corporation which would receive Provincial funds under a 35 year operating agreement. The Corporation presently has some 3,400 housing units under management in Peel and is an experienced and successful property manager.

The project would have 72 one bedroom units and 50 two bedroom units with 12 of the one bedroom units being specially outfitted for handicapped residents. It was his evidence that due to recent changes, eligibility for assisted housing has been extended to singles. There are now some 200 singles on the waiting list. Thus one bedroom units are needed. Also, two bedroom units are required mostly for single mothers. The policy is to allow only one child in a two bedroom unit and none in the one bedroom units. If more children are found in these units it would only be for a year or so until the family can be relocated to larger quarters. He estimated that total residents might be 180 or so including 55 children. There was no issue as to the need for the development nor any objection to the assisted housing by the area residents.

Mr. David Butler, a planning consultant reviewed the proposal. He pointed out that this block at the north west corner of Queen Street and Kennedy Road and bounded by Church Street on the north and Beech Street on the west was recently the subject of planning studies which culminated in the adoption of Official Plan Amendments 145 and 145A. The lands were designated High Density Residential and Commercial. The High Density Residential designation permits a density up to 60 units per acre. The subject site is so designated. There are about 25 older homes in the area, six of which abut the subject site on the Beech Street frontage northward to Church Street.

In order to develop the building at 89 units per acre, as is proposed, an Official Plan amendment is necessary. Also an amendment to the zoning by-law is necessary as the present zoning is R1B. The amendment is to R4A with certain special provisions. The R4A zoning permits 12 storeys whereas this zoning would permit 13 storeys. As well some of the R4A standards with respect to side yard setbacks, floor space index and open space have been reduced and some of the standards such as minimum lot width, and front yard depth have been increased. Also the by-law provides for reduced parking for tenants. Visitor parking is the same standard as presently exists in the comprehensive zoning by-law.

The neighbours to the north are concerned with the density and height of the building. They are also concerned that this will permit more people and more children and more traffic and more on-street parking in an already busy area. They consider on-site and off-site amenities inadequate, particularly for children's play space. They think that the building is just too big for the site and for the area. There is presently a three storey and a seven storey apartment building to the east of the six single family homes. The residents' expectation, when Official Plan Amendments 145 and 145A were adopted, was that buildings of a similar size would be permitted. They considered that Brampton planning staff may have held a similar view as the staff did not recommend this development to Council for approval. Some of the staff's original objections have been addressed in the most recent site plan, however their main objection which was to density remains.

It was Mr. Butler's evidence and that of Ms. Lynda Newman, a planner with the Ministry of Housing, that the main consideration in assessing densities permitted should be impact on surrounding land uses. Units per acre density disadvantages affordable housing units as they are generally smaller. At the present density permitted of

60 units per acre 84 units could be developed on this site. If it were a condominium or private rental project, there would be no control on tenant population as can be exercised by Peel Non-Profit Housing Corporation, thus using 2.5 persons per unit, a total population of 210 persons could live in the development. Also the number of children could not be restricted. The Board finds that the subject proposal is thus unlikely to result in more people or more children than a building at a density of 60 units to the acre.

The height of 13 stories rather than 12 was considered by Mr. Butler in his review of shadow diagrams, Exhibit 23. There is no doubt that the building will cause shadows, however the main shadow effect on the residences to the north is in the winter morning hours. The difference with the added storey would, in Mr. Butler's opinion, be insignificant. Where the property abuts the residences to the north the side yard has been increased, thus reducing the increased height effect on the residential uses. Mr. Butler was also of the opinion that one more storey than the 12 permitted would not even be noticed. Apparently, the residents were unaware of the possibility that apartments might be developed to at least 12 storeys under an R4A zoning. Thus, it really is not the extra storey that is their main concern but the fact that they expected apartments up to seven storeys as presently exist in the area. The Board finds that the additional one storey will have no adverse impact on the residents.

The residents suggested that the number of units and the building size were only at the density and height proposed so that the developer could make more profit. It was the evidence of Mr. Ward and Mrs. Newman that their respective architectural and financial staff have reviewed the plans and the cost estimates and they both agreed that the proposal was costed accurately and that any significant changes might jeopardize the undertaking. Also, Mr. Ward

pointed out that the Corporation considers 120 to 130 residential units to be the ideal size development to efficiently manage.

Ms. Newman also referred the Board to the Provincial Policy for Housing (Exhibit 12). The development would, in her view, provide a range of housing for low income households and would therefore support the Provincial Policy.

The parking requirements for tenants as would be provided under the zoning now in force would be 150 spaces whereas 140 spaces are to be provided. It was Mr. Ward's evidence that the experience of the Corporation, as supported by the parking statistics of managed buildings (Exhibit 7), indicate a parking requirement for tenants much less than the by-law requires and even much less than is being provided. He pointed out that this project is close to public transportation and that low income tenants and seniors are less likely to have cars. He indicated that where buildings were built with parking provided in accordance with the by-law, the Corporation was now managing half empty underground garages. He considered the cost of this waste space not to be in the best interests of the taxpayers. The Board finds the parking provisions proposed to be more than sufficient. Further, the Board finds the visitor parking is not only sufficient but is in compliance with the by-law requirements. The neighbours' concern for on-street parking was, by their own evidence, not related to tenants or visitors of the existing apartments but to commercial users. Likely the tenants and visitors to this development will be no different than present residents of the area, that is, they will park on-site where there is to be plenty of space.

Concern was expressed with respect to on-site open space and enclosed amenities and off-site parks and play grounds for children. Mr. Butler explained that the Secondary Plan for the area contains

policies which recognize that this area is old and built up and that the sites that will be redeveloped will be relatively small. Thus, all redevelopment is to be assessed as cash-in-lieu payment to provide parks, and each site should have on-site amenities. There is to be a tot lot, landscaped open space, and an interior recreation room. As well, although not immediately adjacent to the site, there is a school yard a few blocks away and a park in conjunction with the Etobicoke Creek. It was suggested that these latter facilities would not be appropriate for young children as sports activities are generally organized. The Board recognises that there just can't be enough park land and recreation space in every community. The children in this development, according to Mr. Ward, are likely to be young and will thus likely use the on-site play areas for the most part. If there are older children surely there is no reason that they can't participate in the organized activities at the school and park. The Board does not consider any deficiency in amenities and parks to be sufficient to make this proposal unacceptable.

Increased traffic from the site was also of concern to the area residents. A traffic study was commissioned which concluded that this proposal, as well as full development of the area in accordance with Official Plan Amendments 145 and 145A, could be undertaken without undue traffic problems.

Counsel for the objectors suggested that original by-law standards should not be relaxed just because this development is for Peel Non-Profit Housing Corporation. The Board agrees that that would not in itself be a legitimate reason to relax by-law standards. However, the Board is able to find that the development, no matter who is to own and manage it, is appropriate as the reduced standards in this case will have no adverse impact either on the site or the

PLEASE NOTE

The enclosed document contains the Board's Decision in this matter and the final Order of the Board. No separate Order document will issue.

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area. The Board therefore dismisses the appeals against By-law 42-90 and approves Official Plan Amendment No. 175, and the Board so orders.

DATED at TORONTO this 29th day of August, 1990.

"D.H. McRobb"

D. H. McROBB
VICE-CHAIRMAN

"A. Delfino"

A. DELFINO
MEMBER