



J1-1

Report

Planning, Design & Development Committee

Standing Committee of the Council
of the Corporation of the City of Brampton

Date: February 20, 2009

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

File: P09 MAI

DATE: April 6, 2009

Subject: **RECOMMENDATION REPORT**
Main Street North Development Permit System
Part of Lots 6 and 7, Concession 1, WHS and Concession 1, EHS
Wards 1 and 5

Contact: Alex Taranu, Manager (905-874-3454)

OVERVIEW:

- Main Street North has been identified as a unique "Character Area" within the Downtown Brampton precinct of the Central Area. There has been a desire to properly capture its characteristics within the planning framework and set in place policies that would help the revitalization and respectful transformation of the area.
- A vision for Main Street North was presented on two occasions at informal public meetings. There was a general affirmation for the direction taken with regard to land use, urban design and other principles set out in this study.
- Staff have been working towards developing the appropriate policy framework that would help support redevelopment/revitalization, while at the same time securing the appropriate controls to guide physical improvements and changes in the area.
- Staff are recommending the use of a new tool under the Planning Act called the Development Permit System. This process combines zoning, site plan and minor variances into one approval. It also allows greater flexibility in the planning framework to secure important land use, urban design, streetscape and other objectives. This report provides a summary of the Development Permit System and how it can be applied to Main Street North.
- This report recommends that Council give direction to staff to proceed with an Open House and subsequently a formal Public Meeting for the Main Street North Development Permit Official Plan Amendment and Development Permit By-law.
- This report also recommends that the background Main Street North Urban Design Study be endorsed by Council and utilized as the basis for amendments to the planning and design policy framework.

J1-2

RECOMMENDATIONS:

1. **THAT** the report from Alex Taranu, Manager of Urban Design and Public Buildings and Bernie Steiger Central Area Planner, Planning Design and Development Department, entitled "*Recommendation Report: Main Street North Development Permit System*", dated February 20, 2009 be received;
2. **THAT** staff be directed to proceed with an Open House and a formal Public Meeting under the Planning Act for the amendment to the Official Plan and Downtown Brampton Secondary Plan (SP 7) to implement the policy framework for the Development Permit System and for the amendment to the Zoning By-law for the Development Permit System By-law for Main Street North.
3. **THAT** the background Main Street North Urban Design Study dated 19 July 2007 and attached as Appendix '2' to this report be endorsed and utilized as the basis for amendments to the planning and urban design policy framework.
4. **THAT** the Discussion Paper by Meridian Planning Consultants, dated July 2008, Revised, and attached as Appendix '5' to this report, be received.

BACKGROUND:

Main Street North acts as the entry point into the historic Downtown Brampton and the Central Area as a whole. It is a unique and historical area, based on the lot pattern, the older historical dwellings and remaining mature tree canopy. Originally a residential area, there has been a gradual and ongoing transition of the area to more commercial type uses as Main Street.

This trend is reflected somewhat in the current Secondary Plan policies, however there has been an ongoing desire to support this transformation as a means to provide a general revitalization of the area and establish it as a unique, attractive and vibrant gateway into the historic Downtown.

Upon formation of the Central Area Planning Group in 2005, staff undertook an Urban Design Vision exercise for the Central Area, culminating in the presentation of a Vision document to Planning, Design and Development Committee. This document was endorsed in September 2005. Since then staff have been moving forward with the implementation of numerous aspects set out in the Vision. As it pertains to Main Street North, work was undertaken to study the area, identify its unique characteristics and strengths and matters that would need to be addressed to build on the character and support the revitalization of the area.

J1-3

An informal public information session was held on March 20, 2006 to commence a process designed to determine how development should occur in the area.

A comprehensive study entitled "*Main Street North Urban Design Study*" was prepared by the City, which set out a background to the area, general principles and potential guidelines. This was presented at another informal meeting on July 19, 2007, held at Central Public School.

The Study Area is shown on *Appendix '1'* to this report.

Staff also retained a consultant (Meridian Planning) to assist in the development of a new policy framework for Main Street North. Meridian Planning has prepared a Discussion Paper that outlines the policy approach for Main Street North, describes a Development Permit System, provides the basic elements for the policy regime for the area and for the proposed Development Permit System by-law. This is attached as *Appendix '5'*.

Based on these documents a draft Official Plan Amendment and Development Permit By-law has been prepared. These are attached as *Appendices '3' and '4'*.

CURRENT SITUATION/ DISCUSSION:

Main Street North Urban Design Study

The Main Street North Urban Design Study is based on the information presented at the July 2007 Open House. The study looks at a number of matters including the existing built character, streetscape, lot pattern and uses and makes recommendations with respect to general principles and guidelines for redevelopment.

As the findings of the study were well received at the Open House, staff have used the principles embodied in the presentation as the basis for the development of the formal Official Plan policies and Development Permit By-law. The Main Street North Urban Design Guidelines flow from the outcome of this report as well.

Included within the Main Street North Urban Design Study was a more articulated vision for the area:

"The Main Street North redevelopment will be based on building types integrating with the character of the surrounding area with higher intensity developments at the edges complemented by strong streetscape and the restoration of the canopy of trees and landscaping."

J1-4

The Study identified the following principles:

- *Preserve and enhance the street character by burying cables, replacing streetlights, adding new urban downtown street furniture, improving landscape elements, restoring tree canopies, and coordinating utilities.*
- *Preserve and re-use existing heritage buildings by facilitating their conversion to commercial uses, and carrying out small additions and renovations in order to retain their existing character.*
- *Permit new small-scale infill development to replace buildings without heritage value while preserving the character of the streetscape. This includes a maximum height of 3 storeys, designs that are sympathetic in terms of mass and articulation, quality construction and materials, architectural detailing, landscaping and signage. Consideration should also be given to transition and impact on the surrounding stable residential heritage character areas.*
- *Improve pedestrian amenities of the street by enhancing the pedestrian circulation, access to Etobicoke Creek and Central Public School, permitting on-street parking, and also including better sidewalks, pedestrian crossings, bus stops and public art in the design of the redevelopment.*
- *Permit more intensive development at the northern and southern nodes of the Main Street North Study Area (Church and Vodden Street intersections)."*

Staff recommend that this study be formally endorsed and that the principles within the document be used as the basis for the development of the formal policy framework.

Based on the above, five broad guidelines to achieving the vision for Main Street North was prepared.

1. Retain the area's heritage character and image.
2. Support a range of mixed land uses.
3. Green the street and improve the quality of streetscape.
4. Support pedestrian and transit initiatives.
5. Establish the northern gateway to downtown Brampton.

1. Retain its Heritage Character and Image

The study contains a number of directions that deal with heritage character. These include implementing a heritage designation program for high and medium heritage value resources and ensuring that a compatible range of building heights and architectural styles are promoted through the development and redevelopment process. In addition, a number of guidelines were established to provide the basis for considering building additions and the redevelopment. Lastly, guidelines for infill developments were established and deal with a range

of circumstances including single lot redevelopment, double-lot redevelopment and other land assembly.

2. Support a Range of Mixed Land Uses

The study suggests that two main zoning classifications be established. The first applies to the majority of the study area and a second to lands at the northern and southern extents of Main Street North. The intent of the first category would be to provide for development and redevelopment based on the adaptive reuse of existing residential dwellings, compatible in terms of character and architectural style with existing buildings in the area. The intent of the second category would be to promote the redevelopment and intensification of lands at the two gateways into the Main Street North area.

Within the first zone category for the lands, the following uses were suggested as being generally appropriate for the area, being generally of lower impact in terms of traffic generation and parking and that could be suitably accommodated in converted residential dwellings:

- Professional offices (excluding specific types of high traffic volume generating uses);
- Specialty retail stores;
- Bed and breakfast establishments;
- Hotels;
- Personal service shops;
- Creative art establishments;
- Small scale restaurants (without drive-throughs); and,
- Residential (which could be stand-alone or on the second floor of a commercial building).

It was also recommended that the following uses be prohibited within the study area:

- Massage parlours;
- Tattoo parlours;
- Drive-through service facilities;
- Adult entertainment uses;
- Auto related uses (such as gas stations and automobile repair and sales); and,
- Convenience stores (this would be permitted in the gateway areas)

The study suggested that the parking requirements for the uses to be permitted be reviewed to determine whether they were appropriate for the area, given the urban design objectives of the City.

3. Green the Street and Improve the Quality of Streetscape

A number of directions intended to support pedestrian and transit initiatives are included in the study. It recommends establishing a multi-modal street with a six metre wide pedestrian zone on either side, four travel lanes for motor vehicles,

transit stops, crosswalks in appropriate locations, provision for bicycle routes and improving the quality of the existing transit stops in the area. In addition, it recommends that an Access Management Plan be established to reduce the number of driveways intersecting with Main Street North. This could be accomplished through the redevelopment process, particularly when multiple properties are involved. It was also recommended that on-street parking be permitted.

4. Support Pedestrian and Transit Initiatives

The study recommends that special pavement treatments, street furniture and signage be established along the corridor. Improving the quality of transit stops as identified in the previous section would also support transit initiatives. It also recommends that a tree canopy plan along the corridor be re-established and that a landscape planting guideline be prepared to provide the basis for the upgrading of private properties.

5. Establish the Northern Gateway to Downtown Brampton

The study saw opportunity to establish a northern gateway to downtown Brampton. In this regard, development intensification is promoted at the northerly and southerly extents of the study area. Two higher intensity development nodes at Vodden Street and Church Street area identified. The Vodden Street gateway acts as an entry point into the downtown as a whole. The Church Street node would act as an extension of the existing downtown and mark the southerly gateway to Main Street North. A key component of the establishment of these gateways is the maintenance of the views towards Grace United Church and the downtown core (Four Corners). Recommendations regarding the integration of future Acceleride transit stops within the study area were also made as were a number of suggestions regarding the landscape treatment of gateway areas. Lastly, pedestrian-friendly crosswalk paving was suggested to clearly delineate those areas that are designed for the use of pedestrians.

Development Permit System

The Development Permit System (DPS) is a new tool under the Planning Act that combines rezoning, minor variance and site plan approvals into one process. It is intended to allow for a more streamlined and flexible approach to dealing with development and also gives municipalities the ability to incorporate urban design and sustainable design elements into an application review process.

A general background of the Development Permit system is provided in the Discussion Paper attached as *Appendix '5'*. Under Planning Act regulations, the DPS has to be enabled in the Official Plan and relevant Secondary Plan, and needs to contain a number of provisions, including a list of the proposed uses. A Development Permit By-law replaces the Zoning By-law in the area, although

general zoning by-law provisions can still apply. There is considerable flexibility in terms of the extent of planning policies and regulations that can be administered within such a system. In the case of Main Street North, it is a matter of balance between streamlining processes and creating an environment to allow revitalization (such as increased uses, ability to appropriately intensify properties) to occur while still ensuring that development is of high quality and planning and urban design objectives are achieved.

General Process

It is noted that this is a new process that to staff's knowledge has not been implemented to the extent proposed here elsewhere in Ontario. The amendment document is fairly extensive as a number of general provisions have to be established in the Official Plan and Secondary Plan apart from any site-specific policies for Main Street North.

Under the Planning Act the process to implement a development permit process generally follows the Official Plan and Zoning By-law Amendment procedures. One notable difference is the requirement for an Open House in addition to a Public Meeting. This is discussed in the following section.

Staff will circulate the draft documents to affected agencies and departments for input and will consider these comments and matters raised at the open house and public meetings when a recommendation report is presented to Planning, Design and Development Committee.

Public Notice and Participation

An important component in the development of a DPS is to obtain up-front community involvement and agreement in establishing the long-term vision and policies for a DPS area. Having this initial input provides the basis for not requiring further public notice for approval of a Development Permit that conforms to the DPS Official Plan policies and By-law. As a result, there is an additional requirement to hold an Open House for the DPS in addition to a formal Public Meeting as part of the process to implement a DPS area.

It should be noted that there have been two informal public open houses with respect to Main Street North to present the general vision for change. Public response at these sessions was generally positive and provided the basis for staff to move forward in further developing the policy framework around the principles identified at the meetings.

J1-8

Appeal Rights

The decision to approve a Development Permit System (Official Plan Amendment and Development Permit By-law) can be appealed. However, once a Development Permit System is in place, only the applicant can appeal a decision on the application.

When a Development Permit Application is made, the applicant may appeal if no decision is made within 45 days of making a complete application. They may also appeal a decision with respect to Development Permit application.

Development Permit Application Processing and Approvals

In general, the policy framework has to set out what generally can be requested in terms of plans, studies and other submission for a Development Permit application. The By-law sets out what forms of development require a permit and what is exempt. To allow for flexible and streamlined processes, DPS application procedures can be tailored so that less complex applications have lesser submission and review requirements as well as reduced fees.

It is expected that a permit application would follow a similar review process to that of a site plan application, although in the case of Main Street North, it is intended that the application review be undertaken by a dedicated team of staff in order to further expedite the process.

Variances to standards are considered in the context of the application. Under the proposed approach, these would no longer be subject to a Committee of Adjustment Hearing. They still would have to be assessed against selected criteria and should be identified in a formal manner within an approval document.

The Planning Act allows the approval authority for Development Permit applications to be delegated. As part of the Main Street North Permit system, staff feel the approval authority should be delegated to the Commissioner or his delegate (for instance Director level as is the case with site plan control). Unlike the site plan process a formal notice of decision needs to be issued. However, there is no appeal period to that decision. It is not anticipated that issuing formal notice will extend any significant amount of time to the process in comparison to a site plan approval. Administratively it would likely follow similar steps, but with more formal wording in the approval document over the current site plan approvals.

Proposed Main Street North Development Permit System Why Main Street North?

Main Street North is an area that has unique attributes within the Central Area and the historic Downtown. It has also experienced some conversions from

residential to commercial in the form of the adaptive reuse of existing dwellings. In general, this is seen as an appropriate and suitable trend for the area. Most development and redevelopment along Main Street North is expected continue in this pattern. However, the general impression in discussion with landowners is that the process required to obtain development permissions is onerous, time-consuming and expensive (in particular to rezone the lands for new uses).

On the basis of the above, there is a need to consider different approval models to encourage the further development and redevelopment of this corridor. The overall intent of this new approach is to shorten review times, simplify the regulatory environment where possible and establish an appropriate basis for the future development and redevelopment of properties along Main Street North.

The Main Street North DPS area is limited in size, with a manageable range of potential development types and issues. In view of this, it is seen as a good location to implement a new process such as a DPS, and to start to refine a new process type. Lessons learned here can be applied to other potential DPS areas, where it is appropriate to utilize the advantages that this model provides.

The majority of the properties will be permitted a greater range of uses than are currently provided, which saves landowners time and money by making individual rezoning applications unnecessary. The permit process will set up classes of development such that less complex proposals will have simpler submission and process requirements and reduced fees. Where variances are needed, these are handled directly through the Development Permit process and are considered (and if acceptable, approved) as part of a Development Permit Approval. This eliminates the need for Committee of Adjustment applications, providing savings in time and additional application fees.

However it is proposed to subject a number of development types that currently would not necessarily require land use planning approvals to a Development Permit. These include:

- façade revisions and improvements
- changes to roof pitches, architectural or style for the portion of the roof visible to the street
- porches or patios between the building and a street
- tree removal
- changes from certain types of uses to another (for example: office to residential, change to a restaurant, day care, religious institution or other institutional use)

Given the overall planning objectives for the area it is important to have some level of control over such scenarios. The process would be tailored to ensure that they are not onerous in terms of cost, time and submission requirements.

Implementing Documents

Implementing a Development Permit System requires revisions to the Official Plan and Secondary Plan as well as to the Zoning By-law to institute a Development Permit Area.

The changes to the Official Plan and Secondary Plan (in this case, the Downtown Brampton Secondary Plan) are fairly extensive as there are a number of parent provisions that need to be added to provide for an overall description of the Development Permit System and its governance. Thus, the amending documents are fairly lengthy. If other Development Permit System areas are implemented in the future, it is expected that the amendments would be smaller as the primary provisions would be in place.

The draft OPA and Development Permit By-law documents are attached to this report for information. The following is a brief discussion of their contents.

Official Plan/Secondary Plan Amendments

- The Official Plan is amended where needed to recognize this new process type. The application type and purpose is explained. General provisions are established with respect to creating new Development Permit System areas.
- Amendments are added to sections under Transportation, Stormwater Management, Urban Forestry, among others to set in place Central Area-specific considerations for such matters as on-street parking on minor arterials and low-impact stormwater standards. These would lend policy support to provisions in the DPS By-law and related Guidelines.
- The Downtown Brampton Secondary Plan is amended by adding further general provisions for Development Permit System Areas, including when a permit is required, changes to development standards and range of uses, conditions, application processing and delegation of authority.
- The Special Policy Area 2 is deleted and replaced with new policies to reflect the intended vision for the area. Essentially three land use typologies are proposed. The first is a "Gateway" designation at the north and south ends of the area. These will allow for more intensive mixed-use type developments. The second is the general Mixed Use designation for the balance of the lots facing Main Street North between the two "Gateway" areas. The policies in this area allow for a broader range of commercial and residential use that would be accommodated within the existing built form, building pattern and character that currently exists. Urban design principles are established to guide the sympathetic reuse of properties and ensure any additions or new development is compatible with the existing historic character of the

area. Guidance is also provided in the form of desired streetscape improvements along Main Street North frontage of properties. A third, "Historic Residential", designation applies to some properties facing Isabella Street, Alexander Street and Ellen Street. This designation protects the important residential character but allows some minor additional uses in the form of bed and breakfast and similar small-scale accommodation establishments.

Development Permit By-law

- By-law 270-2004 is amended to include provisions for the Development Permit System area for Main Street North.
- Five zones are proposed in the Development Permit By-law. These are:
 - CMU2: Central Area Mixed Use Two. This is for the two gateway areas, permitting a wide range of uses and high intensity form of mixed-use development.
 - CMU3: Central Area Mixed Use Three: This zone applies to the properties generally fronting onto Main Street North and where the adaptive reuse of the existing buildings and small-scale additions and redevelopment is encouraged. A range of uses suitable for the form of development and that will not have significant traffic and parking impacts are permitted.
 - R1B: Residential Single Detached B-Zone: This zone applies to selected lots within the Main Street North Area on Ellen Street, Alexander Street and those facing Isabella Street. The intent of this zone is to maintain the residential use, but allow some small-scale accommodation uses such as bed and breakfast establishments. An additional change involves the inclusion of private garage controls to ensure that the distinctive character of the area and lots is not undermined through the inappropriate construction of private garages.
 - I1: Institutional One: This zone simply reflects the use for the Grace United Church property.
 - OS: Open Space: The lands at the north-west corner of Church Street West and Main Street North (existing Shell gas station site), may be suitable for an urban park in the future. The lands lie within the Special Policy Area 3 floodplain area of the TRCA, which may make redevelopment difficult. The parcel is somewhat of an awkward configuration as well. As an urban park this would open views into the "Castle" site as well as provide a focal point in the southerly gateway area.
- Site development standards based on the urban form principles set out in the Main Street Urban Design Study Are included in the By-law. These principles cover such aspects as street and yard setbacks, building heights, parking, aisle widths, patio and porch encroachments.
- Parking rates are reduced over standard City by-law requirements. Within the CMU2 zone (Gateway areas), a cap on the amount of parking is proposed to encourage other forms of travel. Elimination of on-site parking requirements for the CMU3 zone (small-scale intensification area) is being considered to allow for greater flexibility in site layout and

usage. Owners would provide parking as they feel is necessary for their operations. On-street parking is permitted on Main Street North.

- More subjective elements related to urban design, streetscape and landscape design, stormwater management will be set out in the Main Street North Urban Design Guidelines. The Guidelines will be linked to the By-law. For certain elements the by-law indicates a general requirement and the Guidelines set out the related details. For instance with respect to Building Design, Massing, Materials, the by-law requirement will be for a building addition to match the existing building. The provision then refers to the Guidelines to deal with the details on style, materials and other related aspects.

This type of integration of design principles into the regulatory framework reflects the importance of design to the quality of the development of the area and its ultimate success in establishing itself as a unique high-quality urban district. Such a linkage functions in an essentially similar manner to "Form-based Codes" found in design-focused, progressive regulatory frameworks for a number of new developments and areas in the United States and Canada.

- The By-law also sets out requirements related to Landscaping and Streetscape, Sustainable Development and Access Management. Elements of note include: protection of mature trees in site design, requirement in the CMU2 zone to set aside the equivalent of 2 motor vehicle spaces for bicycle and two-wheeled motorized vehicle parking, encouragement of use of permeable paving in parking area design. There is also a requirement to provide a landscape treatment in the front yards along Main Street in accordance with the design guidelines. This includes provision of trees to assist in the re-establishment of the street tree canopy.
- The by-law sets out which provisions may be varied, any limits to the extent of variances and the criteria against which a variance is weighed.
- It is intended to format the by-law in primarily a matrix format with the eventual inclusion of descriptive graphics to improve readability and assist in interpretation.
- As mentioned previously, in an effort to streamline processes, the documents allow for the delegation of approval authority to staff. The process could allow for the Commissioner/Director to refer an application back to Council for its approval.
- To meet the Planning Act regulations, the by-law sets out general requirements for review procedures and notice of approval.

There is some overlap in provisions through the various documents (such as identification of permitted uses, certain process requirements). This is a result of the requirements under the Planning Act regulations for Development Permit System areas, which dictate that certain matters have to be identified in both the Official Plan and Development Permit By-law.

J1-13

CONCLUSION:

A Development Permit System is seen as suitable tool to support the ongoing revitalization of the Main Street North Area. It also allows greater flexibility in aligning process requirements with the scale and nature of development. The overall intent of this new approach is to shorten review times, simplify the regulatory environment where possible and establish an appropriate basis for the future development and redevelopment of properties along Main Street North.

While implementing such a process requires fairly substantial upfront work, a large portion relates to setting in place "parent" provisions in the City's planning documents. Once established, implementing the system elsewhere will be simpler.

Staff recommend that the Urban Design Study be endorsed, accept receipt of the Discussion Paper and give direction to staff to proceed with the Open House and Public Meeting on the basis of the draft documents attached to this report. If such direction is provided, staff will move forward with the Open House and Public Meetings for Main Street North as the next steps to implement the new regulatory framework.

In the interim until the DPS is in place, City staff will work with landowners that wish to introduce suitable new uses, to obtain the appropriate approvals by way of alternate processes in an expeditious and cost-effective manner.

Respectfully submitted:

Original Signed By

Original Signed By

*Karl Walsh, OALA, MCIP, RPP
Director, Community Design,
Parks Planning and Development*

*John B. Corbett, MCIP, RPP
Commissioner, Planning, Design
and Development*

Authored by: Bernie Steiger

APPENDICES:

- Appendix 1: Main Street North Study Area*
- Appendix 2: Main Street North Urban Design Study, dated July 19, 2007*
- Appendix 3: Draft Main Street North Development Permit System OPA*
- Appendix 4: Draft Main Street North Development Permit System By-law*
- Appendix 5: Discussion Paper: Breaking New Ground and Simplifying the Process-Establishing a Development Permit System on Main Street North, by Meridian Planning Consultants dated July 2008, Revised.*

LOCATION MAP



51-14

AERIAL SCALE 1: 10,000
AERIAL DATE: SPRING 2008

**APPENDIX 1 - MAIN STREET NORTH
STUDY AREA**

CITY FILE: P09 MA1



Date: 2009/02/25
Map No. :-

Drawn By: CJK

