



Principals

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**April 7, 2024**

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**The Corporation of the City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2**

**Attention: Mayor and Members of City of Brampton Planning and Development Committee/City Council**

**Peter Fay, City Clerk**

**Steve Ganesh, Commissioner, Planning, Building and Growth Management**

**Marlon Kallideen, Chief Administrative Officer**

**Henrik Zbogor, Director, Integrated City Planning**

**Michelle Gervais, Policy Planner, Integrated City Planning**

**Subject: LETTER OF CONCERN  
2 County Court Boulevard – Soneil Markham Inc.  
Item 7.2: April 8, 2024 Planning and Development Committee Meeting;  
Recommendation Report: Proposed Modifications to Brampton Plan  
Major Transit Station Area Policies**

Gagnon Walker Domes Ltd. ("GWD") acts as Planning Consultant to Soneil Markham Inc. ("Soneil"); the registered owner of the property municipally known as 2 County Court Boulevard in the City of Brampton ("subject site"). The subject site is located at the northeast corner of Hurontario Street and County Court Boulevard and is within the HLRT-20 Ray Lawson County Court 'Primary' Major Transit Station Area ("MTSA").

Soneil has been actively engaged in the City of Brampton's Official Plan Review process and associated MTSA Planning Study. This has included, but is not limited to: written correspondence provided to the City on the initial draft of the Brampton Plan on June 3, 2023; Soneil's participation in the Ray Lawson MTSA Focus Group Session hosted by City Staff on February 8, 2023; written correspondence provided to the City on the Draft Ray Lawson MTSA Land Use Plan and Draft MTSA policies dated April 24, 2023, May 15, 2023, July 18, 2023 and August 28, 2023; and written correspondence provided to the City on the final draft of the Brampton Plan dated October 22, 2023. Soneil has also appealed the City's decision to adopt Official Plan Amendment OP2006-247 to the Ontario Land Tribunal (OLT-23-00609, Appeal 008631).

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Soneil submitted an application to amend the City of Brampton Zoning By-law in November 2022 – City File No. OZS-2023-0003 (“ZBA Application”). The ZBA Application was deemed complete by the City of Brampton on January 16, 2023. The Statutory Public Meeting for the ZBA Application was held on March 20, 2023. The Soneil ZBA Application proposes the phased redevelopment of the subject site for a mixed use, transit-oriented development that is comprised of a combination of four (4) High-Rise buildings along Hurontario Street and two (2) mid-rise buildings to the rear along Turtlecreek Boulevard.

We write to express Soneil’s concerns regarding the recommendations contained within the City of Brampton Planning Department’s Recommendation Report (dated March 21, 2024) entitled “Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies”.

### **STAFF PROPOSED MODIFICATIONS to MTSA POLICIES of BRAMPTON PLAN**

The Recommendation Report recommends that modifications to the (yet to be approved) City Council adopted Brampton Plan (“Brampton Plan”) be endorsed by City Council and that these modifications be included in the version of the Brampton Plan that is currently being considered for approval by Regional Council. City Staff anticipate that the Brampton Plan will be approved by Regional Council on April 25, 2024.

More specifically, the Staff recommended modifications will allow the City to impose maximum building height and density policies for MTSA through future City-initiated Amendments (i.e., MTSA Precinct Plans and/or Secondary Plan Amendments). Permissions for unlimited height and density for development properties that are located “adjacent to” an MTSA transit station or stop, and within the Queen Street/Highway 410 intersection are also being proposed.

The City Planning Staff’s rationale behind the recommended policy modifications restricting height and density stems from their observation that recent development applications within MTSA across the City have placed a predominant emphasis on developing properties for High-Rise buildings (in some cases exceeding 60 storeys). City Staff contend that while High-Rise buildings contribute to the City’s housing supply, they do not provide an appropriate range of housing types that meet the needs of the City’s diverse population.

City Staff propose the following modifications to Chapter 4: Site and Area Specific Policies of the Brampton Plan for Primary MTSA with respect to height and density:

1. Delete the following Policy a) in Chapter 4 - MTSA Heights:

*~~“a) The maximum building heights identified in Table 4 – Building Typologies of this Plan do not apply to any lands within a Primary Major Transit Station Area.~~*

2. Add the following new Policy a) to Chapter 4 – MTSA Heights:

*a) Maximum heights as identified in Table 4 – Building Typologies do not apply to any lands within a Primary Major Transit Station Area until such time as City-*



*initiated amendments are adopted through the Major Transit Station Area Study, prescribing suitable maximum building heights, including opportunities for unlimited height for lands adjacent to the transit station or stop, and within the Queen Street and Highway 410 intersections, as appropriate.”*

3. Delete the word “*Minimum*” from the Chapter 4 – MTSA Minimum Densities subsection heading.
4. Add the following Policy f) in Chapter 4 - MTSA Heights:

*“f) Appropriate maximum FSI densities (including opportunities for unlimited density) for lands located within a Primary Major Transit Station Area may be determined through City-initiated amendments to be undertaken as part of the Major Transit Station Area Study.”*

Based on our review of the Recommendation Report, while City Staff are not including prescribed maximum building heights for lands located within a Primary MTSA within the modifications to the Brampton Plan at this time, we understand that City Staff are considering the building height ranges listed below for lands designated in the Brampton Plan as ‘Mixed-Use (High-Rise)’ and ‘Mixed-Use (Office)’ and located within a MTSA.

Location	Building Height (Storeys)
Properties Adjacent to Transit Station/Stop and at the Highway 410/Queen Street Intersection	No maximum
Mid-Block with frontage along a Primary Transit Corridor (located between two stations/stops)	25 – 40
All other High-Rise areas	14 – 25 (existing zoning provisions beyond these ranges will be maintained).

### **SONEIL’S CONCERNS with PROPOSED MODIFICATIONS to MTSA POLICIES of BRAMPTON PLAN**

In addition to those outstanding concerns in connection with the Brampton Plan outlined in Soneil’s written correspondence provided to the City dated October 22, 2023, Soneil has concerns with the proposed modifications to the MTSA policies of the Brampton Plan as advanced in the City Recommendation Report, as summarized below:

- Presently there are no maximum building height policies prescribed in the Brampton Plan for the City’s MTSAs. It is our opinion that the proposed modifications have the potential to substantially impact the planned development context in the City, particularly within Primary MTSAs. MTSAs have been specifically planned to accommodate high concentrations of population and employment growth to optimize the use of land, support existing/planned infrastructure investments, and achieve minimum growth/intensification targets. The proposed modifications could compromise these objectives.



- We believe that it is unnecessary for City Staff to impose maximum building heights and densities in MTSA's in order to facilitate a range of housing types in the City and MTSA's, and that housing diversity can be achieved in the MTSA's without the need for these undue height and density maximums. This is proven directly through Soneil's site specific Amendment Application, which advances both High-Rise and Mid-Rise buildings within a range of building heights.
- The introduction of maximum density and height maximums within MTSA's could unduly impact Soneil's ability to realize its development vision for the subject site. The imposition of maximum building heights could compromise the significant efforts that have been expended in the planning of the Soneil Master Plan redevelopment to date, which seeks to transform this homogeneous and car oriented commercial site, into a modern, transit-oriented mixed use development.
- Insufficient consideration has been provided to transition provisions. More specifically, it is unclear as to whether a planning/development application that has been prepared under the premise of no maximum building height and density within a MTSA, and which has been submitted prior to any future City-initiated amendment through the MTSA Planning Study, would be subject to compliance with any future City-initiated Amendments that impose maximum building height and density restrictions within an MTSA. It is our opinion that the Soneil ZBA Application should not be required to comply with the policies of any future MTSA amendment that would have the effect of limiting height and density on the subject site contrary to that which is proposed by Soneil. Transition provisions must be included in the Brampton Plan and in any future City-initiated Amendment through the MTSA Planning Study, which clearly provide that planning/development applications that are either already approved or which are currently in the planning review process will not be subject to any future height and density maximums, as may be proposed through future MTSA Study.
- In its reasons for recommending to modify MTSA Building Height Policy a), City Staff note that that maximum heights are identified in Table 4 – Building Typologies of the Brampton Plan, however this is not correct as it pertains to 'High-Rise' buildings. In fact, no maximum building height has been prescribed for the 'High-Rise' building typology in Table 4 of the Brampton Plan, which instead provides for a height range of *"13 full storeys or greater."* As noted above, there are no maximum building height policies currently prescribed in the Brampton Plan for the City's MTSA's.
- The term "(as) appropriate" is used in the proposed policy modifications for Building Height Policy a) and Density Policy f), as it pertains to the opportunity for unlimited height and maximum density for lands within an MTSA and adjacent to an MTSA transit station or stop. The inclusion of the term "(as) appropriate" in these policy modifications renders the intent of these policies inadequately vague, specifically as it pertains to whether a development property that is located within an MTSA and adjacent to an MTSA transit station/stop would actually qualify for unlimited height and density.



- There is insufficient clarity in the Recommendation Report and proposed policy modifications as to what the City considers being “adjacent” to the MTSA transit station/stop, and at what distance and/or physical separation threshold would the unlimited height and density permissions no longer apply.

As it pertains to the subject site, it is located immediately at the intersection of Hurontario Street and Ray Lawson Boulevard and directly abutting the future Rutherford MTSA transit station/stop. Soneil’s Master Plan proposes the redevelopment of the subject site for multiple High-Rise buildings along Hurontario Street, which following their redevelopment will be adjacent to the future Rutherford MTSA transit station/stop, but may not be directly abutting the transit station/stop.

### **Closing Remarks**

As summarized above, Soneil has concerns with the proposed modifications to the City Council adopted Brampton Plan regarding maximum heights and density within MTSA’s. Soneil requests that Planning and Development Committee not support the recommended modifications to Building Policy a) and that no maximum building height or density be applied to the subject site.

On behalf of Soneil, GWD **requests that Planning and Development Committee refer the Recommendation Report back to Planning Staff to provide the opportunity for Soneil and Planning Staff to participate in proper and meaningful consultation in effort to address Soneil’s concerns.**

We reserve right to provide additional comments to the City of Brampton and/or the Region of Peel on behalf of Soneil in connection with this matter prior City Council’s consideration of the Recommendation Report and prior to final approval of the Brampton Plan by Regional Council.

**Yours truly,**

**Richard Domes, B.A., C.P.T**  
**Partner, Principal Planner**

**Nikhail Dawan, B.E.S.**  
**Planning Associate**

cc: Soneil Mississauga Inc. and Soneil Oakville Inc..  
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I. Tang/L. English, BLG