



Principals

Michael Gagnon
Lena Gagnon
Andrew Walker
Richard Domes

April 8, 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

249 Queen Street East – Manga (Queen) 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 Manga (Queen) Inc. ("Manga"); the Registered Owner of the property known municipally as 249 Queen Street East in the City of Brampton (hereinafter referred to as the "subject site"). The subject site is located at the southeast corner of Queen Street East and Hansen Road, and is located within the QUE-3 Rutherford 'Primary' Major Transit Station Area ("MTSA"). An Aerial Photo illustrating the location of the subject site is in **Appendix 1**.

Manga 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, Manga's participation in the Rutherford MTSA Focus Group Session that was hosted by City Staff on March 23, 2023, and through formal written correspondence prepared by GWD on behalf of Manga to the City's Planning and Development Committee dated June 3, 2022, April 24, 2023, July 18, 2023, August 28, 2023 and October 23, 2023.

We write to express Manga's concerns regarding the recommendations contained within the City of Brampton Planning Department's Recommendation Report (dated March 21,

GAGNON WALKER DOMES LTD.

7685 Hurontario Street, Suite 501 • Brampton ON Canada L6W 0B4 • P: 905-796-5790
www.gwdplanners.com • Toll Free: 1-855-771-7266

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2024) entitled “Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies”.

Manga submitted an application to amend the City of Brampton Zoning By-law on November 14, 2023 – City File No. OZS-2023-0040 (“ZBA Application”). The ZBA Application was deemed complete by the City of Brampton on November 30, 2023. The Statutory Public Meeting for the ZBA Application was held on January 15, 2024. A copy of the Concept Plan as part of the ZBA Application is included in **Appendix 2**.

The Manga ZBA Application proposes the re-redevelopment of the subject site for a mixed use, transit-oriented development that is comprised of one (1) 38-storey tall building located at the southeast corner of the intersection of Queen Street East and Hansen Road. The ZBA Application, as submitted, has been advanced in the context of the current, in-force 2006 City of Brampton Official Plan and Queen Street Corridor Secondary Plan policies as they pertain to the subject site.

STAFF PROPOSED MODIFICATIONS to MTSA POLICIES of BRAMPTON PLAN

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

More specifically the recommended modifications will allow City Staff to impose maximum building height and density policies for Primary MTSA's through future MTSA Precinct Plan and/or Secondary Plan amendments. Permissions for unlimited height and density for development properties that are 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's 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 Brampton Plan for Primary MTSA's with respect to height and density:

1. Delete the following Policy a) to 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 body of the Recommendation Report, while City Staff are not including prescribed maximum building heights for lands located within a Primary MTSA at this time, we understand that City Staff are considering the following building height ranges for lands designated ‘Mixed-Use (High-Rise and Office)’ and located within a Primary MTSA’s in the Brampton Plan:

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

MANGA’S CONCERNS with PROPOSED MODIFICATIONS to MTSA POLICIES of BRAMPTON PLAN

In addition to those significant outstanding concerns in connection with Brampton Plan outlined in Manga’s written correspondence provided to the City dated October 23, 2023 (**Appendix 3**), Manga has concerns with the proposed modifications outlined in the Recommendation Report, as highlighted below:

- Presently there are no maximum building height policies prescribed in Brampton Plan for the City’s MTSA’s. It is our opinion that the proposed modifications have the potential to substantially impact the planned development context in the City. Particularly within MTSA’s. We believe that it is unnecessary for City Staff to impose maximum building heights and densities in Primary MTSA’s, and that housing diversity can be achieved in the MTSA’s without the need for these undue height and density maximums. MTSA’s 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.

- The introduction of maximum density and height maximums within MTSA's could unduly impact Manga'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 Manga redevelopment to-date, which seeks to transform this underutilized area of the City's Urban Growth Centre/Queen Street Corridor into a modern, transit-oriented mixed-use development.
- Insufficient consideration has been provided to transition provisions. More specifically, it is unclear whether a planning/development application that has been prepared under the premise of no maximum building height and density within a Primary MTSA, and which has been submitted prior to any future City-initiated Amendment through the MTSA Planning Study, would be subject to compliance with future City-initiated Amendments, which impose maximum building height and density restrictions within an MTSA. It is our opinion that any site or area specific planning/development application that is submitted prior to any future City-initiated Amendment being approved and in force through the MTSA Planning Study that seeks to impose maximum building heights and densities, should not be required to comply with the policies of such Amendment (including the Manga in-process ZBA Application, which has been advanced in the context of the current, in-force 2006 City of Brampton Official Plan and Queen Street Corridor Secondary Plan). Transition provisions must be included in 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 the MTSA Planning Study.
- In its reasons for recommending to modify Building Height Policy a), City Staff note that maximum heights are identified in Table 4 – Building Typologies of 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 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 Brampton Plan for the City's MTSA's.
- The term "(as) appropriate" is used in the policy modifications for Building Height Policy a) and Density Policy f) as it pertains to the opportunity for unlimited height and density for lands within and 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 adjacent to an MTSA transit station/stop or at the Highway 410/Queen Street intersection 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 noted that the subject site consists of two (2) separate properties, with a portion of one (1) property directly adjacent the Queen Street East and Highway 410 Intersection, and the remainder being adjacent to, but not directly abutting the transit station/stop.

Closing Remarks

As summarized above, Manga has concerns with respect to the proposed modifications to the City Council Adopted Brampton Plan, and their potential impact on Manga’s in-process ZBA Application.

On behalf of Manga, GWD requests:

1. **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; and,**
1. **That Planning and Development Committee refer the Recommendation Report back to Planning Staff, as it relates to the Subject Site, to provide the opportunity for Manga and Planning Staff to participate in additional consultation in effort to address Manga’s concerns.**

We reserve right to provide additional comments to the City of Brampton and/or the Region of Peel on behalf of Manga 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,

Andrew Walker, B.E.S., M.C.I.P., R.P.P.
Partner, Principal Planner

cc: Manga (Queen) Inc.
A. Sirianni, Gagnon Walker Domes Ltd.
H. Singh, Gagnon Walker Domes Ltd.
M. Gagnon, Gagnon Walker Domes Ltd