



Principals

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September 9, 2024

GWD File: PN.18.2532.00

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

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

- and -

Genevieve Scharback, City Clerk

**Subject: PUBLIC INPUT – LETTER of CONCERN
2 County Court Boulevard – Soneil Markham Inc.
Item 5.1: September 9, 2024 Planning and Development Committee Meeting; Information Report: Primary Major Transit Station Areas – City-Initiated Official Plan Amendments**

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 the intersection of Hurontario Street and County Court Boulevard, and is located within the Ray Lawson 'Primary' Major Transit Station Area ("MTSA"), immediately abutting the future Sir Lou Light Rail Transit ("LRT") Station on Hurontario Street.

We write to provide comments and identify Soneil's preliminary concerns regarding the July 31, 2024 Information Report entitled "Information Report: Primary Major Transit Station Areas – City-initiated Official Plan Amendments; Queen Street Corridor Secondary Plan Area 36, Bram West Secondary Plan Area 40, The Gore Secondary Plan Area 41, Mount Pleasant Secondary Plan Area 51, and" [sic], and its various attachments; including the Draft Official Plan Amendment ("OPA") within Attachment 8 of the Information Report which includes the Draft Hurontario LRT Secondary Plan Area 11 ("Hurontario Secondary Plan" or the "Secondary Plan"). The Information Report is scheduled to be considered at the September 9, 2024 City of Brampton Planning and Development Committee Meeting.

We request that City Staff meet with Soneil and its core consulting team at its earliest opportunity to discuss Soneil's concerns pertaining to the proposed OPA and associated Draft Hurontario Secondary Plan.

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BACKGROUND

Soneil's Engagement in the City of Brampton Official Plan Review Process

Soneil has been actively engaged in the City of Brampton's Official Plan Review process and associated MTSA Planning Study. This participation has included written correspondence provided to the City of Brampton and/or Region of Peel; including letters dated June 3, 2022, July 18, 2023, August 28, 2023, October 22, 2023, November 16, 2023, April 7, 2024, and May 8, 2024.

Soneil also participated in the Ray Lawson MTSA Focus Group Session hosted by City Staff on February 8, 2023 and most recently the Public Open House for the Ray Lawson MTSA held by City Staff on May 23, 2024 in connection with Phase 2b of the City of Brampton MTSA Planning Study. At the May 23, 2024 Public Open House meeting, GWD expressed a series of questions and concerns to City Staff on behalf of Soneil in relation to the City's ongoing Precinct Plan, Secondary Plan, and Zoning review.

Soneil's OLT Appeal of Site Specific Zoning By-law Amendment Application

In November 2022, Soneil submitted a site specific Zoning By-law Amendment ("ZBA") Application in connection with the redevelopment of the subject site. The submission of the ZBA Application followed extensive Pre-Application Consultation with City of Brampton Staff, which also included attendance at the City of Brampton Design Review Panel.

The Soneil ZBA Application proposes the phased redevelopment of the subject site for a mixed use, transit-oriented development that is comprised of four (4) high-rise towers ranging from 23 to 45 storeys over a mixed use podium along Hurontario Street and two (2) 5-storey mid-rise buildings to the rear along Turtlecreek Boulevard. The ZBA Application proposes a range of residential, office and commercial uses, reflecting the subject site's proximity to planned, higher-order transit. The City deemed the ZBA Application complete on January 16, 2023. The Statutory Public Meeting for the ZBA Application was held on March 20, 2023.

On June 4, 2024, Soneil appealed the ZBA Application to the Ontario Land Tribunal ("OLT") due to City Council's failure to make a decision on the ZBA Application (OLT-24-000635).

Soneil's OLT Appeal of Brampton Plan

On June 5, 2024, Soneil appealed Regional Council's approval of the new "Brampton Plan" to the Ontario Land Tribunal ("OLT") in light of the fact that Soneil's concerns with the Brampton Plan had not been sufficiently addressed prior to the Region of Peel's approval (OLT-24-000688). Soneil's concerns with the Brampton Plan include, but are not limited to, land use designation, urban design policies, maximum building height and density policies within MTSAs, residential permissions, employment policies, precinct planning, and lack of transition policies.



Soneil's OLT Appeal of City of Brampton Official Plan Amendment OP2006-247

Soneil has also appealed Official Plan Amendment OP2006-247, being the City of Brampton's interim MTSA policies to the 2006 Brampton Official Plan, to the OLT (OLT-23-00609).

CITY of BRAMPTON INFORMATION REPORT and STATUTORY PUBLIC MEETING

The City of Brampton is holding a Statutory Public Meeting and is tabling the Information Report to the September 9, 2024 Planning and Development Committee Meeting. The purpose of the Statutory Public Meeting is for City Staff to present proposed City-initiated OPAs to the Queen Street Corridor Secondary Plan, Hurontario-Main Corridor Secondary Plan and other Secondary Plans to include a new proposed policy framework for twelve (12) of the City's MTSA's.

The City is seeking public input on the proposed OPAs at the Statutory Public Meeting in advance of final adoption by City Council, which is currently targeted for November 2024.

SONEIL'S COMMENTS and CONCERNS

The following provides an overview of Soneil's preliminary concerns with the Information Report; including the proposed OPA pertaining to the Draft Hurontario Secondary Plan.

The "Strategic Transportation and Master Stormwater Study for City of Brampton Major Transit Station Area (MTSA) Policy Framework" completed by Arup Canada Inc. is contained in Attachment 2 of the Information Report ("Transportation/SWM Study"). Given the technical nature of the Transportation/SWM Study, Soneil reserves the right to make additional submissions to the City on this document at a later date.

General Comments and Concerns

- **OPA is Premature** – As a result of the various OLT Appeals to the Brampton Plan, including that filed by Soneil, the Brampton Plan is not in full force and effect. We understand that the City's Planning Department anticipates tabling a final Recommendation Report to seek City Council endorsement of the proposed OPA, including Draft Hurontario Secondary Plan, in November 2024.

Soneil has a fundamental concern about the prematurity of any City Council endorsement or adoption of the OPA and the related planning documents in the absence of Soneil's resolution of its OLT Appeals to the Soneil ZBA, Brampton Plan and Official Plan Amendment OP2006-247.

- **Disregard for Soneil ZBA Application and Master Plan** – The Draft OPA, Secondary Plan policies and Appendices disregard and are inconsistent with the Soneil Master Plan and ZBA Application. Accordingly, the Secondary Plan and associated Appendices should be revised to reflect Soneil's ZBA Application.



- *Fails to Recognize Previous Soneil Concerns* – The Draft OPA and Secondary Plan fail to adequately address Soneil’s previous concerns, as identified through the Brampton Plan and MTSA/Precinct Planning Study.

Comments and Concerns with Information Report

- *Inaccurate Summary of the Extent of the OPAs* – We note that the title of the Information Report, Staff Recommendation 1 and Pages 2 and 6 are inaccurate, as they fail to properly make reference to the full range of existing Secondary Plans that are impacted by City Staff Recommendations and the associated OPAs.
- *Status of Brampton Plan MTSA Land Use Plan/OLT Appeal* – Bullet 1 of the Overview Section on Page 1 and the Background Section of the Information Report notes that sixteen (16) OLT Appeals were filed in connection with Regional approval of the Brampton Plan. However, the Information Report suggests that only the Bramalea GO MTSA and Gateway Terminal MTSA land use schedules of the Brampton Plan are subject to these OLT Appeals. This statement is incorrect, as the scope of Soneil’s OLT Appeal of the Brampton Plan includes the Ray Lawson MTSA Land Use Plan (Schedule 13I).
- *Maximum Height and Density Permissions/Restrictions* – We acknowledge the statements on Pages 2 and 6 of the City’s Information Report, which clarifies that maximum building height and density policies and schedules will not be included in the Draft Secondary Plans/OPAs, and are only intended to contain general guiding policies on built form and density. The Information Report further clarifies that the conceptual diagrams/figures and appendices are provided for illustrative purposes only, and are not to be considered determinative or policy during the review of formal development proposals. Pursuant to the Information Report, specific maximum building height and density is intended to be determined through the future Zoning By-law/Zoning By-law Amendments only.

Notwithstanding, based on our review of the Draft Secondary Plan, it is our position that the OPA and Draft Secondary Plan do not effectively make the distinction between what is considered policy and what is to be considered the non-policy intent of the Height Distribution Map, Density Distribution Map and Potential Demonstration Plan in Appendices B1, B2 and B3 to the Secondary Plan. It is our opinion that if Appendices B1, B2 and B3 to the Secondary Plan are intended to be treated as illustrative only they should not form any part of formal Secondary Plan policy. Policy language in Secondary Plan and Appendices must be strengthened to more clearly and distinctively clarify this.

Comments and Concerns with the Draft Hurontario LRT Secondary Plan Area 11

Section 2.0 – Vision and Guiding Principles

- Policy 2.2 f) states that development within the Secondary Plan will be planned to “enable the protection of the Ray Lawson/County Court MTSA as a prominent location for employment growth”. This Policy is vague and unclear. Clarification is



required as to the overall intent of this policy as it pertains to the review of development applications that propose employment uses, as well as retail and residential uses.

➤ **Requested Modification: Delete Policy 2.2 f).**

- Policy 2.2 i) states that development within the Secondary Plan will be planned to “achieve a sensitive transition to established low-rise residential areas”. This policy fails to adequately recognize the planned function of sites in proximity to Hurontario Street and LRT Stations, which have the responsibility to accommodate greater building height and density. The planned function of development sites should also be considered.

➤ **Requested Modification: Revise Policy 2.2 i) to include the following words at the end of the Policy: “while balancing the planned function of development sites for higher density transit oriented development.”**

Section 3.0 – Population and Jobs

- Policy 3.0 b) states that “monitoring is intended to assess progress toward achieving the general target proportion of residents to jobs”; however, the Secondary Plan does not include a stipulated resident to jobs target ratio.

➤ **Requested Modification: Delete the word “target” from Policy 3.0 b).**

Section 4.0 – Land Use

- Section 4.0 of the Secondary Plan outlines policies pertaining to land use designations, as identified on Schedule SP11(a) of the Secondary Plan and the MTSA Land Use Plans of the Brampton Plan. The Ray Lawson MTSA Land Use Plan (Schedule 13I of the Brampton Plan) designates the subject site ‘Mixed-Use Employment (Office Mixed-Use)’. While Secondary Plan Policy 4.0 confirms that residential and ancillary uses are permitted on lands designated ‘Mixed-Use Employment (Office Mixed-Use)’, Soneil does not support the proposed land use designation. Accordingly, the scope of Soneil’s OLT Appeal of the Brampton Plan includes the Ray Lawson MTSA Land Use for the purposes of a ‘Mixed-Use (High-Rise Mixed-Use)’ land use designation. The Secondary Plan disregards Soneil’s concerns related to the proposed land use designation.

➤ **Requested Modification: Revise Schedule 13I of the Brampton Plan to designated the subject site ‘Mixed-Use (High-Rise Mixed-Use)’.**

- Policy 4.2 b) states that “The Zoning By-law, in conjunction with Brampton’s Development Design Guidelines will establish the minimum criteria for assessing the suitability of an individual site for each land use designation.” The proposed policy language indicates that the suitability of a land use designations will be determined by the Zoning By-law and Development Design Guidelines. However,



a Zoning By-law is required to conform to and implement the land use designations already identified within the applicable Official Plan/Secondary Plan.

➤ **Requested Modification: Delete the last sentence of Policy 4.2 b).**

- Policy 4.2 c) states that in order “to maintain the intent of the primary employment function of the ‘Mixed-use Employment (Office Mixed-Use) designation...employment uses shall be provide as a stand-alone building or within a mixed-use building located in the same lot, and shall be developed in advance of, or concurrently with non-employment uses.” Soneil is concerned that this Policy will hinder the delivery of much needed housing that will assist in addressing the current housing crisis and assist the City in meeting its Housing Pledge.

➤ **Requested Modification: Delete the word “primary” and the words “and shall be developed in advance of, or concurrently with non-employment uses” from Policy 4.2 c).**

Section 5.0 – Built Form, Height and Density

- Policy 5.2 states that “the range of building heights and density distribution illustrated in Appendices B and C for each MTSA...demonstrate the intended heights and floor spaces indexes that will be implemented in the zoning by-law”. Policy 5.2 b) also goes onto state that “a potential range and distribution of building heights and densities are illustrated in Appendices B and C to this Plan. The specific minimum/maximum building height and density, applying the range illustrated in Appendices B and C, will be implemented in the Zoning By-law. These Policies should be deleted as they are inconsistent with City Staff’s previously stated intention that maximum building heights and densities will not be established within the Secondary Plan. As worded, Policy 5.2 and Policy 5.2 b) provides very rigid policy restrictions on potential building heights and density distribution that are inconsistent with Soneil’s Master Plan and ZBA Application.

➤ **Requested Modification: Delete the last sentence in Policy 5.0 and delete Policy 5.2 b).**

- Policy 5.2 c) identifies criteria that must be met in order to consider building heights and densities beyond those prescribed by the Zoning By-law for only those lands designed ‘Mixed-Use (High-Rise Mixed-Use)’ or ‘Mixed-Use Employment (Office Mixed Use)’. This Policy could be interpreted to mean that any Zoning By-law Amendment Application that proposes an increase in height or density on lands that are not designated either ‘Mixed-Use (High-Rise Mixed-Use)’ or ‘Mixed-Use Employment (Office Mixed Use)’ may not be considered. This is inconsistent with the *Planning Act*, which provides proponents with the legal right to make applications for Council’s consideration pertaining to a proposed change in land use and/or an increase in height or density for lands within all designations. Additionally, the criterion identified in this draft Policy is overly prescriptive as it requires proposals to meet all stipulated policies rigidly. Flexibility should also be included within the policy language to allow for the general and overall intent of the



criterion to be achieved rather than the strict adherence to each and every listed development criteria.

Further, the City-initiated Zoning By-law that is intended to implement the Brampton Plan and Secondary Plans is not scheduled to be released by City Staff for initial public review and comment until 2025. Therefore it is not possible for Soneil to assess the appropriateness of this Policy and provide meaningful comment in the absence of understanding what Zoning prescriptions are proposed from a height and density perspective.

➤ **Requested Modification: Delete Policy 5.2 c).**

Section 7.0 – Mobility and Transportation

- Policy 7.1 d) stipulates that private streets shall provide a minimum pavement width of 7.0 metres plus sidewalks on both sides of the private street, plus active transportation elements, plus landscaped boulevards. This requirement for private streets is excessive and goes well beyond the functional requirements of a private street/laneway, which typically range between 6.0 to 7.0 metres in width. Private streets and laneways, and their functional requirements, should be determined at the detailed design stage.

➤ **Requested Modification: Delete Policy 7.1 d).**

Section 10.0 – Sustainability

- Policy 10.0 a) requires Draft Plan of Subdivision and Site Plan Applications to achieve a minimum Sustainability Score Threshold of 'Silver'. Insufficient justification has been provided to require that sites within MTSA's need to meet a higher Sustainability Score Threshold than all other areas of the City. Additionally, transition policies should be incorporated into the policy language to exempt active applications and allow upcoming planning applications to be reviewed and processed based on the current 'Bronze' Sustainability Score Threshold requirement.

➤ **Requested Modification: Delete Policy 10.0 a) and replace with the following: "New Draft Plan of Subdivision and Site Plan Applications submitted after January 2027 must achieve a minimum Sustainability Score that falls within the Silver Sustainability Score Threshold".**

- Policy 10.0 b) requires that development advance the implementation and achievement of low/zero carbon energy, district energy systems, renewable and alternative, and other sustainable development measures. This requirement should be aspirational and the policy language should be revised to reflect this.

➤ **Requested Modification: Revise Policy 10.0 b) to replace the words "Development will" with "Development is encouraged to".**



- Policy 10.0 c) requires that new development facilitate transit electrification in the design of buildings. This Policy is inappropriate as it is not the responsibility of private development proposals or development proponents to facilitate transit electrification through building development.
- **Requested Modification: Delete Policy 10.0 c) and replace with the following: “Development is encouraged to facilitate the provision of vehicle charging infrastructure”.**

Section 11.0 – Implementation and Monitoring

- Policy 11.0 c) i) is vague and unclear. Please confirm the intent of the Policy relative to the review of development applications.

Appendices (Proposed Height Distribution, Density Distribution and Demonstration Plan)

Soneil has serious concerns with the Appendices B1, B2 and B3 of the Secondary Plan being the Proposed Height Distribution, Proposed Density Distribution and Demonstration Plan within the Ray Lawson MTSA, as it relates to the subject site. The Appendices disregard, and are inconsistent with, the Soneil Master Plan upon which the ZBA Application has been prepared. The Appendices, if ultimately included within the Secondary Plan, should be revised to reflect the Soneil Master Plan and ZBA Application.

- *Proposed Height Distribution* – Appendix B1 to the Secondary Plan identifies two (2) towers on the subject site oriented along Hurontario Street. Soneil is very concerned with the fact that the Height Distribution Plan disregards the Soneil ZBA Application as it does not identify all four (4) high-rise towers along Hurontario Street and omits the two (2) 5-storey mid-rise buildings along Turtlecreek Boulevard as identified in the Soneil Master Plan. Further, the northerly tower in the Height Distribution Plan is prescribed a height range of '21-30 st', which is inconsistent with the Soneil Master Plan.

Soneil is also concerned that Appendix B1 establishes a very prescriptive height distribution model that is not appropriate for a Secondary Plan.

- **Requested Modification: Revise Appendix B1 to be consistent with the number of towers (4), mid-rise buildings (2) and their corresponding heights as identified in the Soneil Master Plan.**
- *Proposed Density Distribution* – Appendix B2 to the Secondary Plan identifies the proposed density distribution on the subject site; including a density of '8+ FSI unlimited density' for the quadrant of the subject site located at the intersection of County Court Boulevard and Hurontario Street, and a density allocation of '4 FSI' for the remainder of the lands. The proposed density distribution may be inconsistent with the Soneil ZBA and Master Plan.



- **Requested Modification: Revise Appendix B2 by replacing that portion of the subject site identified with a '4 FSI' overlay with the '8 FSI' overlay.**
- Demonstration Plan – Appendix B2 is a "Demonstration Plan". The Demonstration Plan does not appropriately reflect the Soneil Master Plan and ZBA Application. The Demonstration Plan omits proposed towers/buildings and expands the extent of proposed podium related office uses beyond what Soneil considers is currently market appropriate and beyond that proposed in the Soneil Master Plan and ZBA Application.
 - **Requested Modification: Revise the Demonstration Plan to be consistent with the Soneil Master Plan and ZBA Application including:**
 - **Revise the 'Potential Development' to include the four (4) towers and two (2) mid-rise buildings proposed by Soneil; and**
 - **Reduce the extent of the 'Potential Employment Development' within the base building along Hurontario Street.**
- Street Cross Sections – Appendix D of the Secondary Plan identifies a series of illustrative cross-sections of potential streets. It is understood that these cross-sections are conceptual and that the final cross-section applicable to development applications will be confirmed at the detailed design stage.

CLOSING REMARKS

As summarized above, Soneil has concerns with the proposed OPA and associated Hurontario LRT Secondary Plan. We request that City Staff meet with Soneil and its core consulting team to discuss the concerns as outlined herein prior to City Staff bringing forward a final Recommendation Report for City Council approval.

We reserve right to provide additional comments to the City of Brampton in connection with this matter prior City Council's consideration of the final Recommendation Report. We also respectfully request to be notified in writing of all future public meetings and open houses, as well as the tabling of any future Information and/or Recommendation Report(s) to Planning and Development Committee and/or City Council in connection with this matter; including all Notices of Decision.

Yours truly,

A blue ink signature of Richard Domes, consisting of a large, stylized 'R' followed by a horizontal line and a small vertical stroke.

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

A blue ink signature of Nikhail Dawan, written in a cursive style that reads 'Nikhail' followed by a large, looping 'D'.

Nikhail Dawan, B.E.S.
Planning Associate

cc: Soneil Markham Inc.
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