

Date: 2020-12-02

Subject: **PRE17.123 - Recommendation Report Seeking Exemption from Section 22(2.1) of the Planning Act**

Secondary Title: Request for Exemption from Section 22(2.1) of the Planning Act to facilitate making an application to amend the Official Plan, Secondary Plan Area 9 – Bramalea Mobility Hub, and Zoning By-law.
Glen Schnarr & Associates Inc - Medallion Developments Inc (Zoning By-law Amendment and Secondary Plan Amendment to facilitate a 21-storey high-rise mixed-use building containing 408 residential units, with retail uses at grade
69 Bramalea Rd
Ward: 7

Contact: Noel Cubacub, Assistant Development Planner, Planning and Development Services, 905-874-3417 (Noel.Cubacub@brampton.ca)
Steve Ganesh, Manager, Planning and Development Services, 905-874-2089 (Steve.Ganesh@brampton.ca)

Report Number: Planning, Building and Economic Development-2021-014

Recommendations:

1. **THAT** the report from Noel Cubacub, Assistant Development Planner, Planning and Development Services Division, dated December 2, 2020 to the Planning Committee meeting of January 18, 2021 re: **Recommendation Report**, request for exemption from Section 22(2.1) of the Planning Act for file PRE17.123, Ward 7, be received;
2. **THAT** Council exempt application Glen Schnarr & Associates Inc - Medallion Developments Inc, PRE17.123 from Section 22(2.1) of the Planning Act, as it does not undermine or frustrate the intent of the recently approved Official Plan OR Secondary Plan OR Comprehensive Zoning By-law.

Overview:

- **Sections 22(2.1), 22(2.1.1) and 34(10.0.0.1) of the Planning Act state that no application can be made to amend an Official Plan, Secondary Plan, or Comprehensive Zoning By-law, respectively, within 2 years of that plan or By-law coming into effect (the “Prohibition on Amendments”).**

- **This report recommends exempting an application to permit a Zoning By-law Amendment and Secondary Plan Amendment to facilitate a 21-storey high-rise mixed-use building containing 408 residential units, with retail uses at grade 69 Bramalea Rd from the Prohibition on Amendments.**
- **This recommendation report does not constitute a recommendation on the merits of the development proposal itself, it is a recommendation on whether or not to permit the processing of the full development application at this time.**

Background and Context:

This pre-consultation application was submitted by Glen Schnarr & Associates Inc. on October 11, 2017. A pre-consultation meeting associated with File Pre17.123 was held on October 24th, 2017. At that time, the application was deemed to be pre-mature as the Secondary Plan Area 9, Bramalea Mobility Hub, was not approved. Since then, Council adopted the Secondary Plan on September 25, 2019. As the Secondary Plan was adopted within the last 2 years, any application to amend the Secondary Plan is subject to the Prohibition on Amendments according to Sections 22(2.1) of the Planning Act. In this respect, a development application cannot be filed unless Council grants permission to the applicant to do so, as per Section 22(2.1) of the Planning Act, and Council resolution PDC084-2019.

Property Description:

The subject property has the following characteristics:

- Is located on 69 Bramalea Road, which is the intersection of Bramalea Rd and East Dr. This is an existing 1-storey retail plaza;
- Has a site area of approximately 0.769 hectares for the portion of the lands proposed to be redeveloped, with a frontage of 85.4m and a depth of 78.9m; and
- Is currently predominantly occupied with surface parking servicing the existing retail plaza, with a Bank of Montreal (BMO) as well as businesses and a variety shop.

The surrounding land uses are described as follows:

North: Industrial lands, currently home to one, one-storey, building that fronts directly onto Bramalea Rd and houses C & R Express Limited.

South: Industrial lands, currently home to one, one-storey, building that fronts directly onto Bramalea Rd and houses Brampton Hardwood Floors.

East: Industrial lands, currently home to one, one-storey, building that fronts directly onto East Drive and houses Smart Lazer Grafix and Insultech Insulation Products Inc.

West: High density, “Compass” residential rental apartments, approximately 19 storeys in height.

Current Situation:

The details of the proposal are as follows:

- Proposal for a Zoning By-law Amendment and Secondary Plan Amendment to facilitate a 21-storey high-rise mixed-use building containing 408 residential units, with retail uses at grade. The amendment would introduce residential as a permitted use, which is not presently contemplated in the Secondary Plan;
- Ground floor retail is expected to have a gross floor area of ~1,700 square metres (~18,300 square feet);
- Access is proposed on Bramalea Road and East Drive; and
- Surface and underground parking will be provided.

Should council grant permission to file this development application, the development review process would continue as normal. This recommendation is not an indication of support/non-support for the development application itself, as a technical review of the merits of the application still has to be completed.

Analysis

The subject lands are designated “Residential” in the Official Plan, “Mixed-Use - Office and Retail” according to Secondary Plan Area 9, Bramalea Mobility Hub, and zoned “Industrial Two – Special Section 189 (M2-189)” according to By-law 270-2004. The intent of these designations are to create and provide a diverse range of employment opportunities throughout the City offering differing scales of office provide alternative functions from small professional offices to large scale headquarters. The proposed development, while not fully complying with the Secondary Plan, does not frustrate the intent. It is not a use inherently incompatible with the permitted uses, subject to appropriate development controls being utilized.

Council exemption would allow the applicant to make an application for an amendment to the Secondary Plan and the Zoning By-law. This recommendation report does not constitute a recommendation on the merits of the development proposal itself. It is a recommendation on whether or not to permit the processing of the full development application at this time.

Corporate Implications:

Financial Implications:

There are no financial implications associated with this application.

Other Implications:

There are no other Corporate implications associated with this request for exemption from the Prohibition on Amendments.

Term of Council Priorities:

This report is consistent with the “A Well-run City” theme. This process ensures that the proper procedures required under the Planning Act are being fulfilled.

Living The Mosaic – 2040 Vision

This report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

As the proposed development application does not undermine or frustrate the intent of the recently approved instrument, it is recommended that Council grant an exemption from the Prohibition on Amendments, and permit the filing of the full development application for this project.

Authored by:

Reviewed by:

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Allan Parsons, MCIP, RPP
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Approved by:

Submitted by:

Richard Forward MBA, M.Sc., P.Eng
Commissioner
Planning, Building and
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Chief Administrative Officer

Attachments:

- Appendix 1: Concept Plan
- Appendix 2: Location Map
- Appendix 3: Official Plan Designation
- Appendix 4: Secondary Plan Designation
- Appendix 5: Zoning Designation
- Appendix 6: Existing Land Use Map
- Appendix 7: Coloured Elevations