

Planning and Development Committee
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

May 12, 2025
File 9744

Attn: Mayor and Members of Council

**RE: Comprehensive Zoning By-Law Review - Third Draft
172 Church Street East, Brampton
Related File No. OZS-2020-0026 and SPA-2021-0257 (Approved)**

Weston Consulting is the authorized planning consultant for Sunfield Investments (Church) Inc., the owner of the lands municipally known as 172 Church Street East in the City of Brampton (the “subject property”). This letter has been prepared in response to the Third Draft of the City of Brampton’s Comprehensive Zoning By-law (“CZBL”), and specifically in regard to the permitted uses currently approved for the subject property.

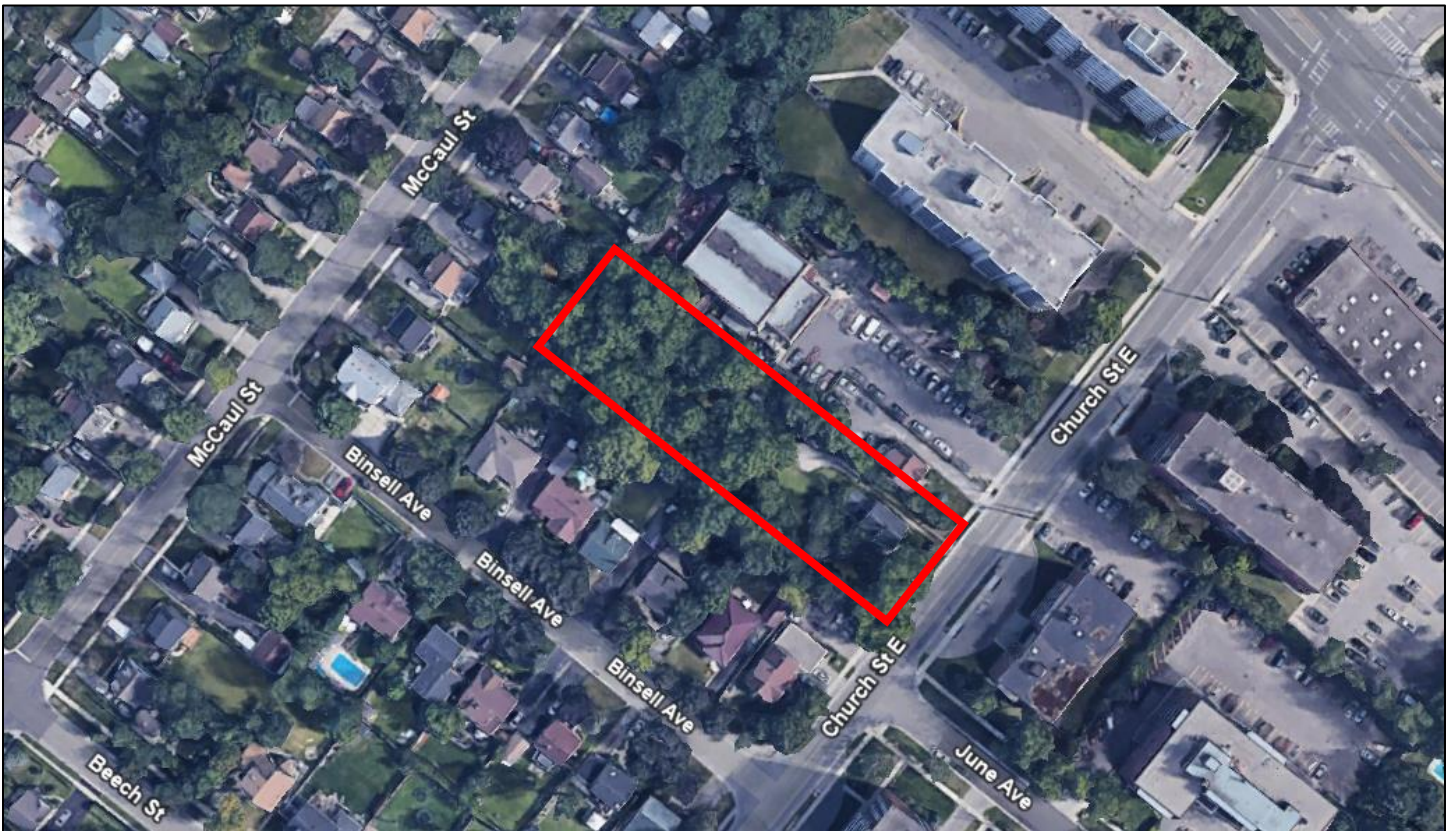


Figure 1: Aerial Photo of Subject Property

Background Information and Planning Approvals

Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications for the subject property were previously approved by City Council in 2022. The OPA (OPA 217) and ZBA (By-law 116-2022) were passed by Brampton City Council on May 18, 2022, and became final and binding on June 23, 2022. The ZBA application served to rezone the subject property to Residential Townhouse A – Section 3626 (R3A-3626) in order to permit and facilitate the development of both stacked back-to-back townhouse dwellings and semi-detached dwellings.

The current development proposal for the subject property is being advanced through a Site Plan Approval application process (File No. SPA-2021-0257), which was initially submitted on December 8, 2021, and a substantially complete memo with approved stamped plans was issued in March 2025. The owner has secured CHMC funding for a purpose-built rental community and is currently working to execute the Site Plan Agreement and securing applicable building permits, with construction anticipated to commence in the near future.

Third Draft CZBL Comments

We have reviewed the Third Draft of the CZBL and note that our comments on the Second Draft By-law in the letter submitted November 5, 2024, have not been incorporated.

In accordance with the CZBL Response to Comments on Second Public Draft Zoning By-law, the site-specific exception 3626 which currently applies to the subject property as established through By-law 116-2022 has not been carried over and the CZBL proposes to zone the subject property as Residential Third Density – Mid Rise R3M(H)12, which permits mid-rise apartment buildings but does not permit stacked townhouses or semi-detached dwellings.

We acknowledge that on Page 44 of the City WSP Executed Comments Response Table, City Staff have provided the following comment in response to our previous comment letter:

“Through the separate MTSA work, the City has requested that the zoning be updated in favour of pre-zoning for midrise residential uses, in accordance with the new MTSA plan. As such exception 3626 is proposed for deletion in Draft 3. The existing Site Plan application would be subject to transition per section 1.7.”

As outlined above, the site-specific exception has not been carried over into the Third Draft By-law in accordance with approved By-law 116-2022. The Third Draft By-law still proposes to zone the site as the Residential Third Density – Mid Rise R3M(H)12, which does not permit back-to-back townhouses, stacked back-to-back townhouses, or semi-detached dwellings. This represents a significant deviation from the current approved zoning permissions in By-law 116-2022 and the built form approved through the SPA process for the subject property.

We acknowledge that City Staff have responded to our previous comment letter by indicating that the existing Site Plan Application would be subject to the transition provisions of Section 1.7 of the draft CZBL. However, it is noted that since the release of the Second Draft of the CZBL, a substantially complete memo for the development proposal has been issued, building permits have been applied for and site works have commenced.

While we understand that the intent of the transition provisions of Section 1.7 are to allow recent and ongoing building permits and certain planning applications to proceed to a conclusion and construction, if approved, without the need to comply with the new final CZBL; however, we are concerned that reliance solely on transition provisions as outlined above introduces unnecessary risk and uncertainty. It is unclear how zoning compliance will be evaluated in the event that minor amendments or redlined revisions are required to the Site Plan Agreement or building permits in the future. Any minor variance or updates to an approved Site Plan should not inadvertently trigger zoning conformity issues due to changes in the parent zoning by-law.

Further, the subject property's approved zoning is less than five years old, reflects a recent and coordinated planning process, and was approved in full accordance with the Brampton Plan. It is unclear why this site-specific by-law has not been carried forward into the CZBL when the stated intent of the CZBL process is to maintain recent site-specific permissions where appropriate, and the proposed zoning does not permit the previously approved uses, including back-to-back townhouses, stacked back-to-back townhouses, and semi-detached dwellings. The inclusion of the approved site-specific exception would not impact the City's intent to pre-zone MTSA's given the site-specific zoning is recent and the construction of the associated development is underway.

Given the above, we respectfully reiterate our request that site-specific Zoning By-law 116-2022 (Exception 3626) be reinstated into the final CZBL for the subject property.

We thank you for the opportunity to provide these comments and request that we continue to be notified of all future updates to the CZBL process, including any further drafts, staff reports, meetings, and decisions.

Should you have any questions or require clarification, please contact the undersigned at extension 245 or Sarah Burjaw at extension 374.

Yours truly,
Weston Consulting
Per:



Sandra K. Patano, BES, MES, MCIP, RPP
Partner, Planning Lead

cc. Alex Sepe, Principal Planner – City of Brampton
Sunfield Investments (Church) Inc.
Jessica Damaren, Weston Consulting

Enclosed: Appendix A – By-law 116-2022 – 172 Church Street (ZBA Approval)
Appendix B – CZBL Second Draft Comment Letter dated November 5, 2024



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 116 - 2022

To amend Zoning By-law 270-2004, as amended

WHEREAS The Council of the Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) By changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

FROM:	TO:
Residential Single Detached B (R1B)	Residential Townhouse A - Section 3626 (R3A-3626)

(2) By adding thereto the following sections:

“3626 The lands zoned R3A - 3626 on Schedule A to this by-law:

3626.1 Shall only be used for the following purposes:

- a) A stacked back-to-back townhouse dwelling
- b) A semi-detached dwelling
- c) purposes accessory to the other permitted purposes

3626.2 Shall be subject to the following requirements and restrictions:

(a) Minimum Lot Area	No requirement
(b) Minimum Lot Width	28 metres
(c) Minimum Front Yard Depth	6.0 m to a lot line abutting a public street
(d) Minimum East Interior Side Yard Width	i) 4.5 metres for a Semi-detached Dwelling ii) 5.8 metres for a Stacked Back-to-back Townhouse Dwelling
(e) Minimum West Interior Side Yard Width	i) 6.0 metres for a Stacked back-to-back Townhouse Dwelling ii) 3.0m to a garbage enclosure
(f) Minimum Rear Yard Depth	12.0 metres
(g) Minimum setback from the front wall of a semi-detached dwelling to the curb of a private road	3.0 metres

(h) Minimum setback from a garage door to a private road for a semi detached dwelling	7.0 metres
(i) Maximum Building Height	10.8 metres
(j) Minimum Drive Aisle Widths	6.0 metres shall be provided where parking stalls located in an underground parking structure, including underground parking ramp.
(k) Minimum Landscaped Open Space	1.2m along a side lot line 9.0m along a rear lot line
(l) Minimum Parking Requirements	1.0 space per dwelling unit for resident parking 0.2 spaces per dwelling unit for visitor parking
(m) Maximum Number of Dwelling Units	26
(n) Minimum dwelling unit width	5.0 metres
(o) Garage Control	The maximum garage door width per dwelling unit shall be 2.5 metres
(p) Minimum width of a Private Road	6.6 metres
(q) Hydro Transformer	Setbacks to a hydro transformer shall not apply

3626.3 In this Section, the following shall apply:

a) a stacked back-to-back Townhouse Dwelling shall mean a building not exceeding four storeys in height, containing more than three attached dwelling units that are divided horizontally and vertically, each with an entrance that is independent or through a common vestibule, with a minimum four units per block that are attached sharing a common rear wall.

(b) Section 6.27 shall not apply.

(c) A ground terrace may encroach a maximum of 3.1 metres into a required interior side

(d) A porch or a balcony may encroach a maximum of 1.8 metres into a required interior side yard

(e) All waste and recycling containers and bulk items must be stored inside an enclosed structure.

(f) All lands zoned R3A-3626 shall be treated as one lot for zoning purposes


(g) Shall also be subject to the requirements and restrictions relating to the R3A zone and all the general provisions of this by-law which are not in conflict with the ones set out in section 3626."

ENACTED and PASSED this 18th day of May, 2022.

Approved as to
form.
2022/04/27
SDSR


Approved as to
content.
2022/04/26
AAP

(OZS-2020-0026)

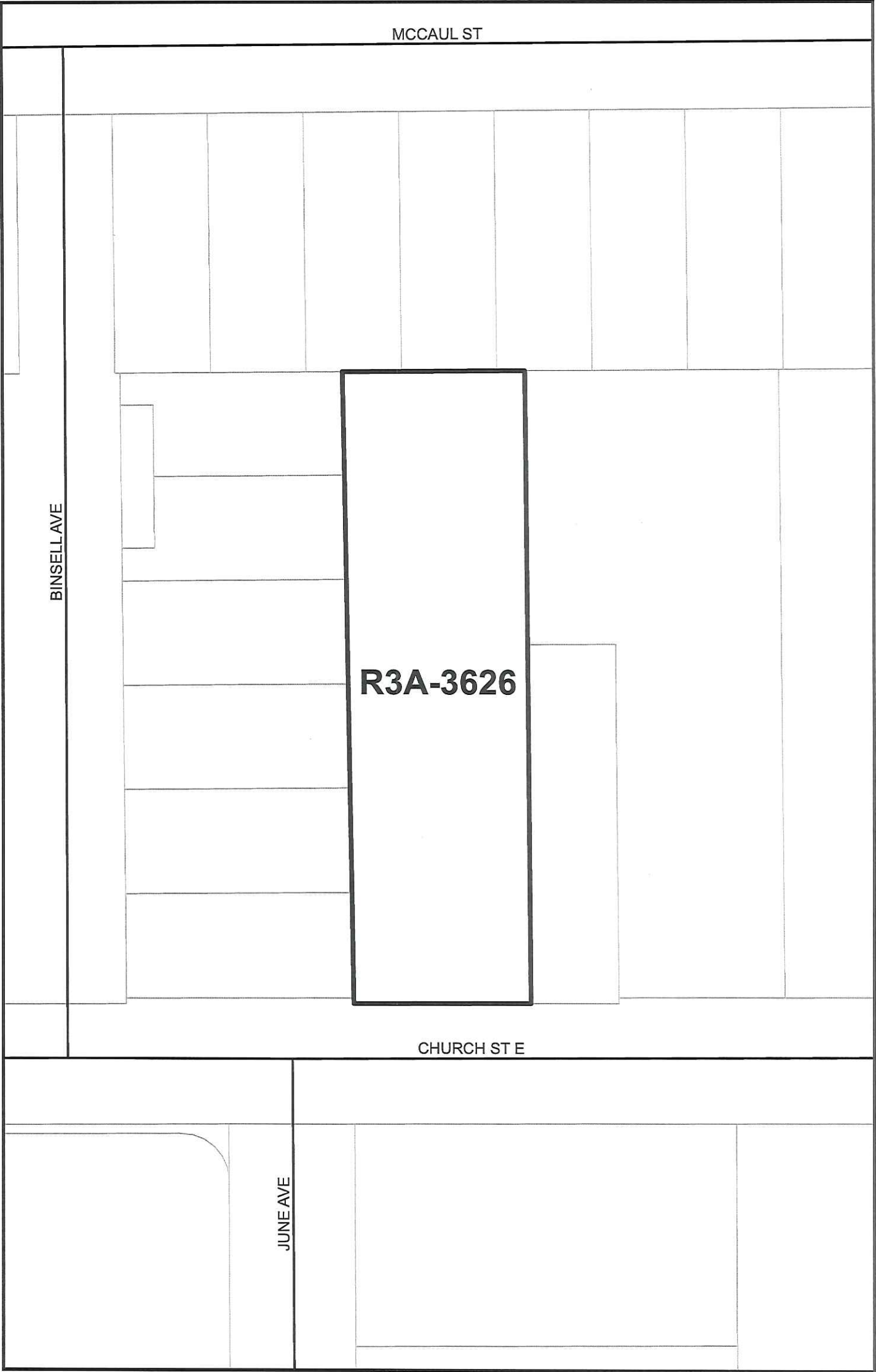


Patrick Brown, Mayor

MARTIN MEDEIROS, DEPUTY MAYOR



Peter Fay, City Clerk



SALISBURY
CIR

EDGEMONT DR

WOODWARD AVE

MCCAUL ST

BEECH ST

BINSELL AVE

KENNEDY RD N

CHURCH ST E

PRIVATE RD

JUNE AVE

CHARLES ST



SUBJECT LANDS



BRAMPTON
Flower City



KEY MAP

PLANNING, BUILDING AND ECONOMIC DEVELOPMENT

BY-LAW 116-2022

File: OZS-2020-0026_ZKM
Date: 2022/03/29 Drawn by: ckovac

Planning and Development Services
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

November 5, 2024
File 9744

Attn: Edwin Li – Planner III, Policy

RE: Comprehensive Zoning By-Law Review - Second Draft
172 Church Street East, Brampton
File No. SPA-2021-0257 (In Progress)
Related File No. OZS-2020-0026 (Approved)

Weston Consulting is the authorized planning consultant for Sunfield Investments (Church) Inc., the owner of the property municipally addressed as 172 Church Street East in the City of Brampton (herein referred to as the “subject property”). This letter has been prepared in response to the latest draft of the Comprehensive Zoning By-law (“CZBL”) and the permitted uses currently proposed for the subject property.

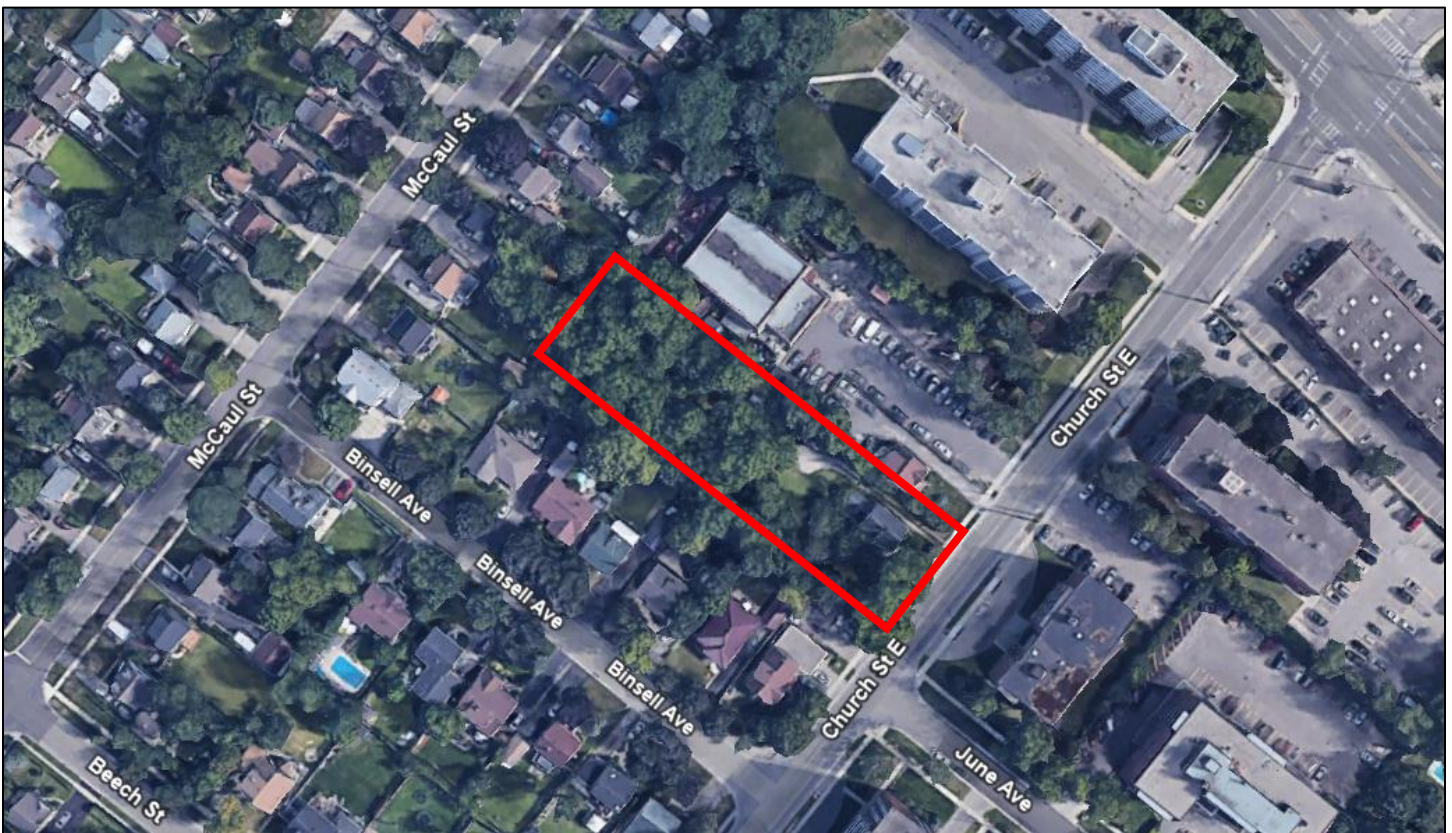


Figure 1: Aerial Photo of Subject Property

Application History and Approved OPA / ZBA

The subject property was previously the subject of both Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications, which were approved by City Council. The Official Plan Amendment (OPA 217) and Zoning By-law Amendment (By-law 116-2022) were passed by Brampton City Council on May 18, 2022 and became final and binding on June 23, 2022. The ZBA application served to rezone the subject property from

Residential Single Detached B (R1B) to Residential Townhouse A – Section 3626 (R3A-3626) in order to permit and facilitate the development of both stacked back-to-back townhouse dwellings and semi-detached dwellings.

At this time, a Site Plan Approval (“SPA”) application is currently in progress and is well advanced. The initial submission of the SPA application (SPA-2021-0257) was filed on December 8, 2021, with subsequent resubmissions addressing City department and agency comments submitted on October 31, 2022, April 25, 2023 and most recently on November 13, 2023. At this time, materials are being prepared for a fifth and final housekeeping SPA submission to resolve minor comments issued by City Heritage and Rogers staff. In addition, we will be working with City Staff to commence the drafting of the Site Plan Agreement.

Second Draft Comprehensive Zoning By-law Comments

We understand that the City of Brampton is currently undertaking the New CZBL to implement the new Brampton Official Plan (“Brampton Plan”) policies. Based on our preliminary review of the latest draft of the new CZBL, it appears that the City is proposing to zone the subject property *Residential Third Density – Mid Rise R3M(H)12*, which would permit mid-rise development up to 12 storeys. The proposed Residential Third Density Mid Rise zone permits apartment buildings, community and commercial uses. Back-to-back townhouses and stacked back-to-back townhouses and semi-detached dwellings are not permitted.

This is contrary to the current zoning of the subject property being *Residential Townhouse A - R3A-3626* through site-specific By-law 116-2022, which permits stacked townhouse and semi-detached development.

We understand that there are transition provisions proposed in the second draft CZBL (Section 1.7) and that the City is also reviewing site-specific exceptions and undertaking refinements to the draft CZBL. It appears that the transition provisions recognize building permits, planning applications and site-specific approvals prior to the passing of the new CZBL. Of particular relevance to the subject property is proposed section 1.7.B.1 which states:

1.7.B.1 Nothing in this By-law shall prevent the erection of a building or structure in accordance with any minor variance, site plan, consent, part lot control application, plan of subdivision or plan of condominium that has been submitted and deemed complete by the City or approved or conditionally approved by the relevant approval authority before the passing of this By-law, provided the application complies with all applicable zoning by-laws that affected the lot before this By-law came into effect.

These transition provisions are set to lapse 3 years after the date of the adoption of the new CZBL for any building permit application or any planning applications that has been approved or conditionally approved, and 5 years after the date of the adoption of the new CZBL for any complete planning application that is granted transition in accordance with Section 1.7.B.

Based on our review, we understand that the active SPA application for the Subject Property will be transitioned under Section 1.7.B of the CZBL given that the application was deemed complete before the passing of the new by-law and complies with site-specific zoning by-law 116-2022, and that the applicable transition provision shall lapse 5 years after the date of passing of the CZBL.

Notwithstanding the above transition provisions, it is acknowledged that site-specific zoning by-law 116-2022 was passed and came into full force and effect prior to the adoption of the new CZBL. As such, we request that the existing site-specific permissions for the Subject Property be carried forward into the CZBL in accordance with by-law 116-2022.

We intend to continue to monitor the CZBL Review process on behalf of the owners on an ongoing basis. We request to be notified of any further drafts that respond to the comments contained herein and reflect the site-specific permissions approved for the Subject Property. We further request to be notified of any future reports, meetings and decisions regarding the CZBL.

Thank you for the opportunity to provide these comments. We reserve the right to provide further comments as additional information is released. Please contact the undersigned at extension 245 or Kaveh Wahdat at extension 328 should you have any questions regarding this submission.

Yours truly,

Weston Consulting

Per:



Sandra K. Patano, BES, MES, MCIP, RPP
Vice President

cc. Jan Salaya, Planner – City of Brampton
Sunfield Investments (Church) Inc.
Jessica Damaren, Weston Consulting

Enclosed: Appendix A – By-law 116-2022 – 172 Church Street (ZBA Approval)



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(2) By adding thereto the following sections:

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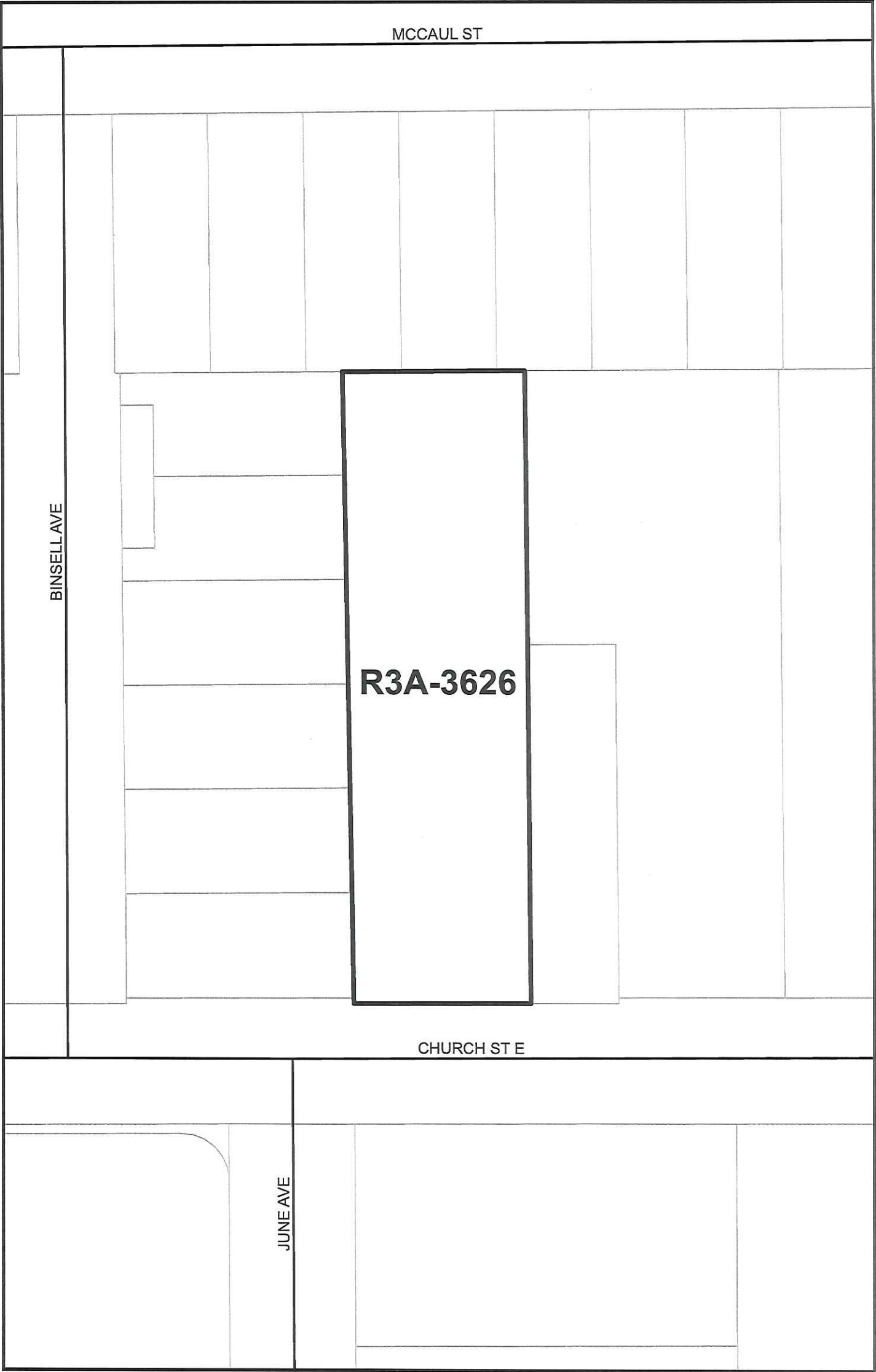


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SUBJECT LANDS



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PLANNING, BUILDING AND ECONOMIC DEVELOPMENT



KEY MAP

File: OZS-2020-0026_ZKM
Date: 2022/03/29

Drawn by: ckovac

BY-LAW 116-2022