

**Date:** 2021-08-26

**File:** OZS-2021-0008

**Title:** **RECOMMENDATION REPORT**  
Application to Amend the Zoning By-law  
(To permit a residential development consisting of 30 and 33 storey towers located on a 5 storey shared podium)  
**Martinway Bramalea Project Inc.**  
1685-1701 Queen Street East  
Ward: 7

**Contact:** Nicholas Deibler, Development Planner, Development Services,  
[Nicholas.deibler@brampton.ca](mailto:Nicholas.deibler@brampton.ca) 905-874-3556  
David VanderBerg, Manager, Development Services,  
[David.vanderbrg@brampton.ca](mailto:David.vanderbrg@brampton.ca) 905-874-2325

**Report Number:** Planning, Bld & Ec Dev-2021-860

**Recommendations:**

1. **THAT** the report titled: **Recommendation Report**, Application to Amend the Zoning By-law – **Martinway Bramalea Project Inc.** - 1685-1701 Queen Street East – Ward 7 (City File: OZS-2021-0008), to the Planning and Development Committee Meeting of September 13, 2021, be received; and
2. **THAT** the Zoning By-law Amendment application submitted by Martinway Bramalea Project Inc. be approved, on the basis that it represents good planning, including that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan, and for the reasons set out in this Recommendation Report; and,
3. **THAT** the amendment to the Zoning By-law generally in accordance with the attached Appendix 11 to this report be adopted.
4. **THAT** no further notice or public meeting be required for the attached Zoning By-law Amendment pursuant to Section 34(17) of the Planning Act, R.S.O. c.P. 13, as amended.

**Overview:**

- **This report recommends that this application to amend the Zoning By-law be approved and that the amending by-law be enacted.**
- **The application proposes to develop the lands to permit 30 and 33-storey apartment towers located on a 5 storey podium on the site.**
- **The property is designated “Central Area” in the Official Plan and “Central Area Mixed-Use” in the Queen Street Corridor Secondary Plan. The Central Area permits a wide range of uses and activities and is intended to be a vibrant, mixed-use centre that is the focus of intensification. The Central Area Mixed-use designation accommodates mixed-use buildings or stand-alone residential buildings with convertible frontages.**
- **The subject lands are zoned “Downtown Commercial – Section 2382 (DC-2382)” by By-law 270-2004, as amended. This zone permits a wide range of uses that generally align with the Central Area policies in the Official and Secondary Plan. The draft Zoning By-law attached as Appendix 11 will implement the proposed site-specific standards to permit an increased density on the lands following enactment.**
- **The lands are recommended to be zoned with a “Holding (H)” symbol due to outstanding approval of a Functional Servicing Report, as well as noise mitigation and sanitary servicing concerns. The H symbol is not to be removed until such time as noise mitigation requirements and a Functional Servicing Report are approved to the satisfaction of the City of Brampton Public Works and Engineering, and until the Region of Peel has confirmed availability of sanitary sewage capacity.**
- **The proposed Zoning by-law amendment represents good planning, is consistent with the Provincial Policy Statement and is in conformity with the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City of Brampton Official Plan.**
- **A statutory Public Meeting for this application was held on May 10, 2021. No members of the public spoke at the meeting and eight written submissions were received. Details of the results of the Public Meeting are included in Appendix 9 of this report and the correspondence received is included in Appendix 9.**

- **The proposed development is consistent with the “A City of Opportunities” theme. The proposal is consistent with the direction of building complete and sustainable communities to accommodate growth, as well as revitalizing neighbourhoods.**

### **Background:**

This application was received on March 5, 2021. A formal Notice of Complete Application was provided to the applicant on April 14, 2021. The Statutory Public Meeting for the application was held at the May 10, 2021 Planning and Development Committee meeting.

A previous application (City file: C04E05.030) for a high-rise development on this site was approved in 2012. That application contemplated a similar residential development with two towers on a shared podium, maximum building heights of 80 metres for one tower and 89 metres for the second, 462 residential units, and a Floor Space Index of 6.15 (Floor Space Index meaning the ratio of building area to site area. A floor space index of 6.15 would mean the gross floor area of the building is permitted to be 6.15 times greater than the site area).

The applicant has submitted a new proposal for the development of the site with key differences that have led to the need for this zoning by-law amendment. Namely, this includes the following:

- A height of 92.3 metres for one tower, and 101.5 metres for the second
- 704 residential units
- Floor Space Index of 6.86

### **Current Situation:**

#### Proposal (refer to Appendix 1 and 1A):

The application is proposing to amend the Zoning By-law. Details of the proposal are as follows:

- Two residential towers on a shared 5-storey podium. The residential towers are 30 storeys (92.3 metres) and 33 storeys (101.5 metres) in height.
- 704 residential units, with 1028 square metres of indoor amenity space and 2254 square metres of outdoor amenity space.
- 663 total parking spaces, with 141 of those being visitor parking spaces. There are 19 spaces located on the surface, with the rest located in an underground parking garage.

- An access lane at the rear of the property which could connect to the properties to the east should they seek redevelopment.
- Full-moves access from Kings Cross Road and right-in, right-out access from Queen Street East.

#### Application to Amend the Zoning By-law:

The property is zoned Downtown Commercial – Section 2382 (DC-2382) by By-law 270-2004, as amended. This zone permits a wide range of uses that generally align with the Central Area policies of the Official Plan and Secondary Plan. The zone limits the number of residential units to 462, sets a maximum height of 89 metres and 80 metres for two towers, and a Floor Space Index of 6.15. The zoning by-law amendment proposes to amend the zone to permit the proposed high-rise apartment buildings, which contain 704 residential units, are 101.5 metres and 92.3 metres tall (excluding mechanical penthouses) and have a total Gross Floor Area of 52,045 square metres.

The change between the current and proposed zone is primarily related to the permitted height and density. The increase in permitted building heights represent relatively minor increases of approximately 13 and 15%, as does the change in Floor Space Index (approximately 13%). While the permitted number of units represents a more substantial increase of 52% the detailed planning analysis (Appendix 8) includes policy justification for the intensification of this site. Several other amendments are proposed to site-specific development standards and are included in the proposed by-law, as shown in Appendix 11.

A Holding Provision is proposed to be included with the Zoning By-law to ensure outstanding matters are addressed prior to development proceeding on the subject site. Firstly, the Region of Peel has indicated that there is insufficient capacity within the existing sewer network to convey flows from the subject lands at full buildout. System upgrades will be required. Secondly, the findings of the Environmental Noise Feasibility study prepared in support of the application by Valcoustics Canada Ltd. found that stationary noise sources with the potential for impact on the subject site are located at the Bramalea Medial Centre (18 Kensington Rd), and the Midas Bramalea auto repair shop and car wash facility to the east (1707 Queen Street East). Mitigation measures for these noise sources would be required to meet the applicable provincial guidelines. Thirdly, a Functional Servicing Report must still be approved to the satisfaction of City of Brampton Public Works and Engineering. It is recommended that the Holding (H) symbol not be removed until such time as the Region of Peel has confirmed availability of sanitary sewage capacity, and until appropriate noise mitigation measures and a Functional Servicing Report are approved to the satisfaction of City of Brampton Public Works and Engineering.

#### Property Description and Surrounding Land use (refer to Appendix 6)

The subject site has the following characteristics:

- Total site area of 0.7 hectares;
- Rectangular-shaped lot with a frontage along Kings Cross Road and Queen St E;
- Is currently vacant.

The surrounding land uses are described as follows:

- North: Queen Street, beyond which is Chinguacousy Park;
- East: Low-rise highway commercial;
- South: Surface parking, a 5-storey office building, and high-rise residential;
- West: Kings Cross Road beyond which is high-rise residential.

#### Summary of Recommendations:

This report recommends that Council approve the proposed amendment to the Zoning by-law attached to this report as Appendix 11. The proposal and implementing documents represent good planning, are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan.

#### Planning Analysis Summary

This proposal has regard for matters of provincial interest that are set out in the Planning Act. The proposed development adequately provides and efficiently uses existing infrastructure and is consistent with the planned land use function of the site. The proposed development will be transit-supportive, offer a pedestrian-friendly design with high quality architectural treatment.

The various studies submitted in support of the application have been reviewed by the City as well as the circulated public agencies, and demonstrate that the proposed development, with the exception of sanitary servicing, stationary noise and Functional Servicing is appropriate from a technical perspective. The Region of Peel has identified that sanitary servicing upgrades are required in order to support the proposed development, and the applicant's Environmental Noise Feasibility study has identified stationary noise sources in excess of Provincial guidelines. Additionally, a Functional Servicing Report has not been approved yet for the site. The outstanding sanitary servicing, noise mitigation, and Functional Servicing Report issues will be included in a holding provision applied to the zone, to ensure that they are addressed to the

satisfaction of the Region of Peel and City of Brampton Public Works and Engineering staff, respectively, prior to development proceeding on the site.

The proposed Zoning By-law Amendment, with the inclusion of a Holding Provision, is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and City of Brampton Official Plan.

For more information with respect to the planning analysis for this proposal, please refer to Appendix 8 – Detailed Planning Analysis.

Matters of Provincial Interest:

*Planning Act:*

This development proposal has regard for matters of Provincial interest as set out in Section 2 of the Planning Act. The proposed development adequately provides and efficiently uses existing infrastructure for communication, transportation, sewage and water services (subject to the Holding Provision being addressed), as well as waste management. It also ensures the orderly development of safe and healthy communities by providing high density residential development in an area planned for intensification and diverse land uses. It will provide for adequate amenity area and recreational facilities to serve the needs of future residents.

The development offers a range of one-bedroom and two-bedroom units that will serve a diverse range of income and age groups. Further, the proposed development will provide direct access to transit and a pedestrian-friendly site design that will encourage active transportation. This site provides an ideal location for the proposed development as it is well-served by transit and services that will support this high-density development. The architectural and landscape design will offer a built-form that is well-designed and encourages a sense of place.

*Provincial Policy Statement (2020):*

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The PPS includes a number of policies encouraging intensification within appropriate areas (e.g. Sections 1.1.3.2., 1.1.3.3. and 1.1.3.4.). The application proposes the redevelopment of a vacant site that will take advantage of existing transit and servicing infrastructure within the settlement area. Staff is satisfied that the proposed development is consistent with the applicable sections of the Provincial Policy Statement (PPS).

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020):*

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) supports the achievement of complete communities through providing a mix of housing, a mix of uses, and prioritizing intensification. The site is located within a planned Major Transit Station Area centered around a potential future Queen Street BRT station at Bramalea Rd and Queen Street East, and is also close to the existing Bramalea City Centre bus terminal. The proposed development will be transit-supportive and will add to the mix of residential dwelling sizes and types, will utilize existing servicing infrastructure, and offer a compact built-form. Staff is satisfied that the proposed development is consistent with the applicable sections of the Growth Plan.

#### *Region of Peel Official Plan*

The Regional Official Plan sets the Regional context for more detailed planning by protecting the environment, managing resources, directing growth and establishing a basis for providing Regional services in an efficient and effective manner. The subject lands are located within the “Urban System” and “Built-up Area”.

The proposed development conforms to the “Urban System” designation with respect to directing urban development on lands within the 2031 Regional Urban Boundary and planning for complete communities that provide access to transit. Further, the development conforms to the “Built-up Area” designation as it utilizes the existing servicing and infrastructure, provides a compact built form, offers direct access to transit, and incorporates a site design that provides a high-quality public realm and supports active transportation.

#### *City of Brampton Official Plan*

The subject lands are designated as “Central Area” on Schedule A as well as being along a “Primary Intensification Corridor” on Schedule 1 in the Official Plan. Per Policy 3.2.1.11 of the Official Plan the development of greatest mass and highest densities must be located within the Urban Growth Centre and Central Area. The Queen Street Primary Intensification Corridor is intended to be a focus of intensification and higher-density development. The application conforms to the Official Plan’s policies.

#### *Queen Street Corridor Secondary Plan (Area 36)*

The subject lands are designated “Central Area Mixed Use” in the Queen Street Corridor Secondary Plan (SPA 36). The general objectives and criteria of this plan are to promote intensification and facilitate the transformation of the corridor into a vibrant mixed-use corridor that promotes the usage of non-automotive modes of transportation. The proposed development represents a form of infill intensification that will be transit-supportive and conforms to the Queen Street Corridor Secondary Plan (Area 36). The proposed Floor Space Index (ratio of floor area to site area) of 7.0, while in excess of the maximum permitted density, aligns with the broader intent of the secondary plan in transforming Queen Street East into a higher-density corridor.

## Holding Provision

A Holding Symbol is recommended for the lands and is included in the zoning by-law amendment. The Holding Symbol is intended to protect lands until the Region of Peel has confirmed that there is adequate sanitary servicing capacity for the development, and until the City of Brampton Public Works and Engineering has approved noise mitigation works and a Functional Servicing Report. Specifically, the Holding Symbol as set out in Section F (H)-2382 of the attached Zoning By-law 270-2004 prohibits the development of the lands until the following is satisfied:

*“The Holding (H) symbol for all or any part of the lands zoned DC(H)-2382 shall not be removed until such time as the Region of Peel has confirmed the availability of sanitary sewage capacity for the proposed development.*

*AND*

*Until such time as appropriate noise mitigation to meet MECP requirements be approved to the satisfaction of City of Brampton Public Works and Engineering.*

*AND*

*Until such time as a Functional Servicing Report is approved to the satisfaction of City of Brampton Public Works and Engineering Department.”*

## Community Engagement

The application was circulated to City Departments, community agencies and property owners within 240 metres of the subject property, exceeding the Planning Act requirement of 120 metres for such applications. The correspondence received from residents and commenting agencies are included as Appendix 9 – Results of Public Meeting, and Appendix 10 – Results of Application Circulation. Notice signs were placed on the subject lands to advise members of the public that the application to amend the Official Plan and Zoning By-law was filed with the City.

A Statutory Public Meeting for this application was held on May 10, 2021. No members of the public spoke at the meeting and eight written submissions were received. Details of the results of the Public Meeting are included in Appendix 9 of this report and the correspondence received is included in Appendix 10.

## **Corporate Implications:**



### Financial Implications:

There are no financial implications associated with this application. Revenue that is collected through the development application fees are accounted for in the approved operating budget.

### Other Implications:

There are no other corporate implications associated with this application.

### **Term of Council Priorities:**

This application to amend the Zoning By-law is consistent with the “A City of Opportunities” theme. The proposal will result in the development of a vacant piece of land and will add to the diversity of housing options that are offered in Brampton. It will be consistent with the planned function as defined in the Official Plan, provide access to a transit supportive development, and is an example of efficient use of land and resources within built-up areas.

### **Conclusion:**

The Development Services Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed. Staff is satisfied that the proposed Zoning By-law amendment application represents good planning, including that it is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2020) and the Peel Region Official Plan. Further, the application is consistent with the principles and overall policy direction of the Brampton Official Plan, provided a Holding Provision is in place until the sanitary servicing issue has been addressed to the satisfaction of the Region of Peel, and until noise mitigation and a Functional Servicing Report are approved to the satisfaction of the City of Brampton Public Works and Engineering.

This report recommends that Council enact the Zoning By-law Amendment attached hereto as Appendix 11. The Zoning By-law Amendment is appropriate considering the following:

- A holding provision is being placed on the property in order to ensure that the sanitary servicing and noise mitigation issues are addressed, as well as the Functional Servicing Report. The holding provision can be lifted in the future once the Region of Peel and City of Brampton Public Works and Engineering provide clearance;
- The proposed development represents the efficient and orderly development of the lands for residential purposes;
- The proposed development will contribute towards the creation of complete communities by providing a mix of residential units in a high density residential development;

- The proposed development represents intensification of a site within the Central Area and along a Primary Intensification Corridor;
- The application is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan and the City of Brampton Official Plan; and,

In summary, the application is appropriate for the orderly development of the lands and represents good planning, subject to the inclusion of a holding provision.

Authored by:

Reviewed by:

---

Nicholas Deibler  
Development Planner 1  
Planning, Building & Economic  
Development

---

Allan Parsons, MCIP, RPP  
Director, Development Services  
Planning, Building & Economic Development

Approved by:

Submitted by:

---

Richard Forward, MBA, M.Sc., P.Eng  
Commissioner  
Planning, Building & Economic  
Development

---

David Barrick  
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:  | Aerial & Existing Land Use         |
| Appendix 7:  | Heritage Resources                 |
| Appendix 8:  | Detailed Planning Analysis         |
| Appendix 9:  | Results of Public Meeting          |
| Appendix 10: | Results of Application Circulation |
| Appendix 11: | Zoning By-law Amendment            |

