

Via Email

Council for the City of Brampton
c/o Peter Fay, City Clerk
2 Wellington Street West
Brampton, ON L6Y 4R2

May 24, 2022

Dear Council for the City of Brampton:

RE: Brampton Plan – Comments regarding the implementation of S.37/density bonusing for all new Zoning By-Law Amendment Applications, through Brampton Plan, in advance of an approved Community Benefits Charge By-Law

We represent Greenvale Developments Ltd., a landowner in the Countryside Village Community Secondary Plan, Area 48. We write today with respect to Brampton Plan which is set to be brought to Council for consideration this June 29, 2022. Our property is located in between Torbram Road and Airport Road, on the north side of Countryside Drive. It is part of the approved Secondary Plan as noted and once draft approved, will round out ongoing community building exercises that will implement this new growth area. Our Draft Plan Application is currently before planning staff with our Statutory Public Meeting having occurred on April 25, 2022.

As you are aware, the Official Plan Amendment ultimately approving Countryside Village was passed by Council in 2009 and a Council endorsed Block Plan/Community Design Guideline document has been in place since August 18, 2017. The Policy and guideline each prescribe anticipated, rationalized and consultation-based density requirements, and these targets were calculated across the entirety of the Secondary Plan Area. Existing and forthcoming Zoning By-law Amendment Applications implement these requirements; planning staff have attested through their recent report to Council that our application conforms to the approved Policy.

In saying so much, we have concern with proposed language in the Draft Official Plan, respecting the provision of density bonusing as a measure to obtain community benefits over and above those that would otherwise be required as part of the City's development review process.

As stated through the Draft Policy:

3.1.152 Until the earlier of September 18, 2022 or Council enactment of a Community Benefits Charge By-law, the City will continue to enter into Section 37 Community Benefits agreements in consideration of increased density permitted pursuant to Council-approved Section 37 Implementation Guidelines.

In accordance with said Guidelines, the City may authorize increases in the height and density of development above the levels otherwise permitted by the Zoning By-law or the Community Planning Permit By-law in return for the provision of community benefits.

Such community benefits must be over and above those facilities and services that would otherwise be required as part of the City's development review process.

The community benefits that may be authorized include, but are not limited to:

- a. Provision of new affordable housing units; land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable housing units or land***
- b. Public cultural facilities***
- c. Building design and public art*** 
- d. Conservation of heritage resources***
- e. Conservation/replacement of rental housing***
- f. Child-care facilities***
- g. Improvements to Rapid Transit stops or stations***
- h. Other local improvements identified in Secondary Plans, community improvement plans capital budgets or other implementation plans or studies***
- i. Energy conservation and environmental performance measures***
- j. Conservation of existing parks and open space or the creation of new parks and open space***

Notwithstanding that community uses for the Countryside Village Area were settled through the Secondary and Block Plan processes, the likes of which are attributable to approved population numbers/density distribution across the Secondary Plan/Block Plan, we feel it would be appropriate and necessary to specify the limitations of the application of Section 37, where applicable zoning has not been updated to implement the Plan by including further language in the Official Plan that recognizes this point. We feel this is in keeping with the spirit of the Act, regarding provisions for density bonusing.

Like Toronto's Implementation Guideline, the Policy should state that where the existing Zoning By-Law does not implement the Official Plan, the City will not apply Section 37 where new development plans and applications intend to conform to such. The rationale being that if an area containing the proposed development should be *expected* to be zoned for higher densities based on existing approvals (like approved Greenfield areas), it "*is not fair to measure the density increase for the proposal in question from the existing zoning density limits, for the purposes of Section 37 discussions*"¹.

It would be more reasonable to consider the application of Section 37 where a proposed change of *permitted use* with respect to existing but unbuilt permitted density, results in a increase to that density and translates into the need for improved services not yet captured in existing policy or anticipated zoning. Where the permission for the new use and/or increased density requires an amendment to the Official Plan and the overall project size and height/density increases the threshold of the Secondary Plan density numbers, the spirit of the Act, specifically Section 37, can be maintained.

¹ IMPLEMENTATION GUIDELINES FOR SECTION 37 OF THE PLANNING ACT, City of Toronto, City Planning Division Strategic Initiatives, Planning & Analysis. <https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>

We trust these comments and our request to have clarifying language added to this section of the Draft Official Plan, can be considered. We would be happy to engage further with staff on the matter at an appropriate time.

Sincerely,

A handwritten signature in black ink, appearing to read "Mara Samardzic". The signature is fluid and cursive, with a large initial "M" and a stylized "S".

Mara Samardzic
Vice President, Land Development
Stanford Homes

Cc: Daniel Berens MBA, Stanford Homes
Bob Bjerke, City of Brampton.
Jason Schmidt-Shoukri, City of Brampton
Alistair Shields, RPP. KLM Planning Partners Inc.