



June 3, 2022

Sent via email cityclerksoffice@brampton.ca

The Corporation of the City of Brampton
c/o City Clerk's Department
2 Wellington Street West
Brampton, ON
L6Y 4R2

Attention: Mayor and Members of Council

**Re: Lark Investments Inc.
Review and Comment on the draft "Brampton Plan, the new Official Plan"
City of Brampton (the "City"), Region of Peel (the "Region")**

Dear Mayor Patrick Brown and Members of Council,

We are writing to you on behalf of our Client Lark Investments Inc. (the "Client") with respect to lands located at the northwest corner of Bramalea Road and Steeles Avenue (the "Subject Lands"), as identified in the attached Ownership Plan (Schedule A). The Subject Lands are approximately 15 hectares in size and are known municipally as 10 and 26 Victoria Crescent; 376, 387 and 391 Orenda Road; and 24 Bramalea Road in the City of Brampton. The Subject Lands are located within the Bramalea GO Major Transit Station Area ("MTSA") boundary, and within the Bramalea Mobility Hub Secondary Plan Area. The objective of this letter is to provide our comments regarding the Draft Brampton Plan, the new City of Brampton Official Plan, which was released on April 26th, 2022, and is envisioned to be recommended for adoption at the July 6th, 2022 Council Meeting.

As Council is aware, our client put forward a vision (the "vision") to transform the Subject Lands from existing low-order industrial uses towards a dynamic mixed-use complete community, with an emphasis on higher density and a broader range of residential and employment uses which are transit-oriented/supportive and pedestrian friendly. To advance the implementation of our client's vision, council passed a resolution in support of a Minister's Zoning Order (MZO) on October 20th, 2021 and again on December 8th, 2021. The MZO was submitted to the Ministry of Municipal Affairs and Housing (MMAH) to support the proposed intensification and higher-order development of the Client's lands being located within the Bramalea GO MTSA. The MZO is currently at the province for review and we look forward to its implementation in the near future.

Council endorsed the transformation of these lands from an existing low-density industrial space which is significantly under serving the community, into a vibrant high-density mixed-use complete community which is supported by transit. The Peel Regional Official Plan, as approved by Regional Council on April 28th, 2022, acknowledges the vision of Council and provides a policy framework to implement *flexible policies* for the Bramalea GO MTSA, to support residential and non-residential uses.



City of Brampton Draft Official Plan (the “Brampton OP”)

Firstly, we would like to acknowledge the extensive work put in by staff to deliver the draft Brampton OP and commend staff in preparing such an extensive document promptly after the Regional Official Plan was approved by Regional Council. We are particularly gratified to see the draft Brampton OP reflect the residential mixed-use land use designations our client had envisioned for the Bramalea GO MTSA. However, we do have several concerns regarding the built form policies within the plan. We offer the following letter and supporting memo which underline our major concerns regarding the restrictiveness of the policy. This Brampton OP should reflect the vision which Council has already endorsed, which is one of a vibrant, transit-oriented, high-density mixed-use complete community.

Transforming the lands in the currently under-utilized Bramalea GO MTSA would assist in creating additional housing to assist in the growing housing crisis. While the current draft Brampton OP supports greater mixed-use/residential densities, it heavily restricts the level of density that can be accommodated within the Bramalea GO MTSA and it is currently not in-keeping with the Regional Official Plan and the vision that Council has endorsed. For instance, the Regional Official Plan does not restrict heights or densities but adds that Municipalities may include maximum building heights within a Secondary Plan. In our opinion, the current Draft Brampton Plan is far too restrictive and provides too much authority to guidelines, which are meant to establish design intent vs. prescriptive development criteria. We strongly believe that by restricting heights and densities in an area well-supported by Municipal, Regional, and provincial transit, the current draft Brampton OP will disservice and limit growth in the City of Brampton, as this site has significant potential for substantial residential and employment growth. Attached herein is a memo prepared by Bousfields Inc. which highlights key concerns regarding the urban design and built form policies.

We would like to again acknowledge the work the City of Brampton staff have done to develop the Draft Brampton Official Plan. We would welcome the opportunity to meet and discuss our concerns. Thank you for your time and consideration of our comments and proposed changes. Should you have any questions, please do not hesitate to contact the undersigned.

Yours Very Truly,

Mustafa Ghassan, BES, M.Eng
Delta Urban Inc.

cc. Andrew McNeill, Strategic Leader, Planning And Development Services Department, City of Brampton
Sajjad Ebrahim, Lark Investments Inc.
Michael Gagnon, Gagnon Walker Domes Ltd.
Liam England, Delta Urban Inc.
David Falletta, Bousfields Inc.

Enclosed.

Schedule A - Ownership Map

Bousfields Inc. Memo – Urban Design and Built Form Review of the Draft Brampton Plan

Appendix 1: Ownership Map



Bramalea and Steeles Ownership Map

#	Ownership Legal Name	Area (ha)	Municipal Address
1	EBRAHIM INVESTMENTS INC.	1.076	10 Victoria Cres
2	LARK HOLDINGS #2 INC.	1.741	376 Orenda Rd
3	CP REIT ONTARIO PROPERTIES LIMITED	2.244	379 Orenda Rd
4	REICHOLD INDUSTRIES LIMITED	2.200	383 Orenda Rd
5	2708110 ONTARIO INC.	0.811	380 Orenda Rd
6	2650549 ONTARIO INC.	0.484	15 Victoria Cres
7	1997243 ONTARIO INC.	0.589	19 Victoria Cres
8	EP 390 ORENDA INC.	3.156	390 Orenda Rd
9	EBRAHIM PROPERTIES INCORPORATED	6.069	387 & 391 Orenda Rd
10	2695214 ONTARIO INC	0.406	24 Bramalea Rd
11	THE REGIONAL MUNICIPALITY OF PEEL	0.210	40 Victoria Cres
12	2221472 ONTARIO INC.	1.007	394 Orenda Rd
13	1271929 ONTARIO INC.	0.500	30 Victoria Cres
14	AARK NOMINEE INC.	2.582	26 Victoria Cres
15	ONTARIO AND CENTRAL PROPERTIES INC.	0.405	60 Bramalea Rd
16	MITHU & SONS LTD.	0.318	58 Bramalea Rd
17	T-K PILON HOLDINGS CORPORATION	0.401	56 Bramalea Rd
18	THE CORPORATION OF THE TOWNSHIP OF CHINGUACOUSY	0.312	N/A
19	ALECTRA REAL ESTATE HOLDINGS INC.	0.145	398 Orenda Rd
20	GLOBE REALTY HOLDINGS LTD.	0.386	50 Bramalea Rd
21	ADMNS BRAMPTON INVESTMENT CORPORATION	7.999	15 Bramalea Rd,
22	B. KHAN INVESTMENTS INC.	0.534	41 Bramalea Rd
23	HENTOB INVESTMENTS LIMITED	0.564	45 Bramalea Rd,
24	BRAMPTON HARDWOOD FLOORS LTD.	1.014	59 Bramalea Rd,
25	ALPHA GROUP OF COMPANIES LTD	0.913	109 East Dr
26	69 BRAMALEA HOLDINGS LIMITED	0.771	69 Bramalea Rd
27	MAC MOR OF CANADA LTD.	1.499	75 Bramalea Rd
28	SANTOS HOLDCO INC.	0.570	106 East Dr
29	DEBROB INVESTMENTS LIMITED;	3.043	110 East Dr
30	2707193 ONTARIO INC.	3.549	109 East Dr
31	N/A	2.419	114 East Dr
32	TARO PHARMACEUTICALS INC.	1.622	126 East Dr
33	2538821 ONTARIO INC.	2.029	115 East Dr
34	PACCAR LEASING COMPANY, LTD.	0.943	119 East Dr
35	B. & C. PACKAGINGS LIMITED	1.291	125 East Dr
36	1534738 ONTARIO INC.	1.268	129 East Dr
37	7602928 CANADA INC.	1.238	131 East Dr
38	QBD INTERNATIONAL INC.	1.840	1810 Steeles Ave E
39	2153461 ONTARIO INC.	2.028	1940 Steeles Ave E,
40	TWO O SEVEN O LTD.	2.025	2070 Steeles Ave E
41	STEELTON BUSINESS CENTRE INC.	4.124	2084 Steeles Ave E
42	CANADIAN TIRE CORPORATION	0.108	2021 Steeles Ave E
43	CANADIAN TIRE CORPORATION	33.135	2111 Steeles Ave E
Approx. Total		99.570	
Lark Investment Inc.		15.030	

- Lark Invesments Inc. Properties
- Public Lands
- Bramalea GO Preliminary MTSA Boundary
- Parcel Boundary

Appendix 2:
Memo - Urban Design and Built Form
Review of the Draft Brampton Plan



BOUSFIELDS INC.

MEMORANDUM

To: Mustafa Ghassan, Delta Urban Project No.: 20125

From: David Falletta Date: May 31, 2022

**Re: *Urban Design and Built form Review of the Draft Brampton Official Plan,
Dated April 2022***

As requested, we have completed a detailed review of the recently released Draft Brampton Official Plan (the “**Draft OP**”). The following will outline some key policies related to the Lark Investments Inc.’s land holdings, generally at 376-391 Orenda Road and 26 Victoria Crescent in Brampton (the “**subject site**”) and our recommendations. Our review is specifically related to the draft built form and urban design policies.

Key Draft Policies and our Response

Land Use

The subject site is located within a *Provincially Significant Employment Zone* (the “**PSEZ**”) as defined by the Growth Plan. However, Policy 2.2.5.9 states that the conversion of lands within *employment areas* to non-employment uses may be permitted through a municipal comprehensive review, subject to certain criteria. In this regard, the Region of Peel (the “**Region**”) has added a flexible policy (Policy 5.8.36) to the subject site (and entire Bramlea GO Major Transit Station Area) retail, residential, commercial, and non-ancillary uses within the Bramlea GO MTSA, which is designated as an *employment area*. The Draft OP designates the subject site *Employment, Town Centres, Primary MTSA, and PSEZ*.

Response: In our opinion, the Draft OP should implement the Draft Regional Official Plan (the “**Draft ROP**”) and provide a similar policy framework for the Bramlea GO MTSA that specifically recognizes its ability to accommodate non-employment uses. This will ensure conformity with the Growth Plan and ensure the policy goal of providing a mix of uses on the subject site and entire Bramlea GO MTSA. More specifically, the policies in sections 2.2.126-2.2.130 should apply to the subject site and Bramlea GO MTSA.

MTSA Policies

Policy 3.1.66 of the Draft OP states that the City will undertake a detailed comprehensive planning study for each of the designated *Primary MTSA's*, which will result in a secondary plan policy framework and address certain criteria identified in the policy.

Response: In general, we are supportive of these MTSA policies, subject to inclusion of additional policies as identified above specifically for the Bramlea GO MTSA. More specifically, we are supportive of the wording in criteria 3.1.66.d which states that the secondary plan will establish the minimum **and if required**, maximum heights and FSI for each block within the MTSA. In our opinion, given the policy framework that seeks to optimize density within strategic growth areas, including MTSA's, it is our opinion that the ultimate secondary plan should provide flexibility in maximum height and density. In our opinion, Policy 3.1.66 should create a timeline for when the secondary plan must be complete in order to avoid a delay in the development of City's MTSA or alternatively allow for owners or groups of owners to complete a secondary plan process for some or all of the MTSA, subject to an approved terms of reference by the City.

Framework for Building Typologies

Table 4 of the Draft OP summarizes the range of built form typologies permitted within each designation and overlay. In this regard, the subject site falls within a Mixed-Use District (MTSA) and Town Centre, which are identified as a "Low-Rise" typology for the Mixed-Use District and "Low-Rise Plus, Mid-Rise" for the Town Centre. Additional permissions are also identified and the Draft OP states that MTSA studies may identify appropriate locations for Low-Rise Plus, Mid-Rise and Tall Buildings. Town Centres include additional permissions for Tall Buildings subject to a precinct plan and being located within an MTSA. Furthermore, Tall Plus buildings are only permitted in Urban Centres through additional permissions.

Response: In our opinion, Table 4 is overly restrictive and does not fully implement the Growth Plan and the growth management policies of the Draft ROP and Draft OP, which seek to optimize density in *strategic growth areas* and MTSA's, which are well served by public infrastructure and especially public transit. Furthermore, the Draft ROP does not include any building height or density maximums, instead it states that municipalities **may** include maximum building heights as part of Secondary Plans. Overall, in a provincial and regional planning policy framework that requires the optimization of land and development in *strategic growth areas* and MTSA's, which is the case for the subject site, it is our opinion that prescribing maximum building heights does not conform to the PPS, Growth Plan and Draft ROP. We recommend a request to revise Table 4 to permit all forms of building

typologies subject to detailed study and compatibility with existing and planned surrounding uses. If there is a desire to direct the tallest buildings to designated “Urban Centres”, the policy framework should state this. It is our opinion that the Draft OP is overly prescriptive and should provide more flexibility. In this regard, the Draft OP should not provide a rigid maximum building height of 25 storeys in Mixed-Use Districts and Town Centres.

Primary & Secondary Boulevards

In our opinion, Policy 2.2.29 is concerning since it identifies considerations related to the evaluation to height and built form. Specifically, identifying “visual impacts on the Natural Heritage System” is concerning, since it does not identify how or what criteria would be used to address it.

In our opinion, Policy 2.2.32 is overly prescriptive and gives additional authority to the City-Wide Urban Design Guidelines. In this regard, conformity with the guidelines should not be a requirement, since it is overly restrictive and does not provide flexibility, which is what guidelines are intended to do. In our opinion, a strict interpretation of the policy would require conformity with the guidelines and any variation would require an official plan amendment. In our opinion, this is overly prescriptive and does not allow for the intent of the guidelines to be maintained, which includes, in some circumstances, variations from the guidelines.

Urban Design

In our opinion, Policy 2.3.18 provides additional authority to the City-Wide Urban Design Guidelines, which can be altered at any time and not subject to Planning Act requirements for public consultation, approval or appeal. In our opinion, if there is a desire to preserve key landmarks, views and vistas in the City, they should specifically be identified in the Official Plan, where they can be vetted by the public through a formal Planning Act process.

In our opinion, Policies 2.3.34 and 2.3.36 are overly prescriptive and should not establish rigid measures for sunlight and built form placement, since not conformity to this policy will require an amendment, even in circumstances where the intent of the policy is being maintained. In our opinion, these requirements are more appropriately provided in urban design guidelines, since these criteria cannot capture every circumstance, nor do they provide the specific detail required to be perfectly measured. For example, Policy 2.3.34 is unclear as to when the 5 hours is measured (during the equinoxes and does it include the winter). Also, Policy 2.3.36 does not indicate if balconies can project into the minimum 25 metre tower separation and office towers tend to have floor plate sizes larger than 800 square metres. In our opinion, these policies should be removed from the Draft OP and included in the

City's Urban Design Guidelines, which provide additional detail regarding the intent of each guideline and criteria.

Net-Zero Greenhouse Gas Emissions

Policies 2.3.30 (Mid-rise Buildings) and 2.3.31 (Tall and Tall Plus Buildings) include policies that require these building typologies to be designed to attain near net-zero greenhouse gas emissions. In our opinion, this policy is overly restrictive and may create challenges in implementation. In this regard, we would suggest that you contact a building sciences consultant to confirm the City's current requirements in this regard and how far these proposed policies would push the net-zero requirements. In our opinion, these policies should provide additional flexibility and specify what the minimum requirements are.