



April 19, 2023

Peter Fay, City Clerk
City Clerk's Office, Legislative Services Department
The Corporation of the City of Brampton
2 Wellington St. West
Brampton, ON
L6Y 4R2

Dear Mr. Fay,

Re: Delegation to Planning & Development Committee
Request to Reduce the Zoning By-law Amendment Application Fee
241 Queen Street East, Brampton

Hampton Development Corp. ('Hampton') respectfully requests the opportunity to delegate to Council, Planning & Development Committee, for their consideration of a request to reduce the Application Fee for a Zoning By-law Amendment application submitted by Hampton for lands at 241 Queen Street.

Request

Hampton requests that Council, in accordance with Section 69 (2) of the *Planning Act* (Reduction or Waiver of Fees), reduce the planning application fee for a Zoning By-law ('ZBL') Amendment application for the lands municipally known as 241 Queen Street East. The ZBL Amendment fee is established by City of Brampton Tariff of Fees for Planning Applications (By-law 85-96 as amended most recently by By-law 28-2023). Hampton was advised by staff that the fee for the ZBL Amendment application was approximately \$644,000.

Application

Hampton on April 13, 2023, filed a ZBL Amendment application for lands located at 241 Queen Street East ('the site') to facilitate a proposed development consisting of four mixed-use apartment buildings with 1,586 units, ground floor retail & a daycare, and a 4-storey office building and an approximate density/Floor Space Index of 4.9. The development also includes land to be dedicated to the City for two public roads.

Basis For Request

Hampton is of the opinion that in the \$644,000 fee for this application is unreasonable for the following reasons:

Planning Act

The *Planning Act* provides that:

"The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by



the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff. R.S.O. 1990, c. P.13, s. 69 (1); 1996, c. 4, s. 35 (1).

The *Planning Act* also provides for a Reduction or Waiver of Fees as follows:

Despite a tariff of fees established under subsection (1), the council of a municipality, a planning board, a committee of adjustment or a land division committee in processing an application may reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff. R.S.O. 1990, c. P.13, s. 69 (2); 1996, c. 4, s. 35 (2).

The legislation indicates that the fees may be designed to recover the “anticipated cost” of processing each type of application.

Existing Planning Context

The principle of land use (i.e., mixed use, with apartments) and density for 241 Queen Street East is already established as the site is:

- designated in the City’s Official Plan (Queen Street Secondary Plan) for intensification, which permits apartments, mixed-use development with a maximum FSI of 3.5
- identified as a “Urban Growth Centre” on a BRT corridor in the City’s new Official Plan (OP) where minimum densities of 200 persons and jobs combined per hectare are expected and where the current and future Brampton Official Plan policies expect the greatest heights and densities to occur.
- in an area where the current Brampton Official Plan, as well as Brampton Plan, is intentional about trying to direct significant intensification to the Urban Growth Centre.
- designated as a Primary Major Transit Station Area (PMTSA) by the recently approved Peel Region OP. The Province’s Notice of Decision (November 4, 2022) approving the Peel Region Official Plan specifically deleted the reference to maximum densities being established by the local municipality in an MTSA, and only permits minimum densities to be prescribed.
- is located within the boundary of the proposed “Unlimited Height and Density Special Policy Area” report considered by Council on September 26, 2022.

In addition:

- the City’s Official Plan is required to conform to the Region’s within one year of its approval by the Province. The City has commenced the process to bring its’ Official Plan into conformity with the approved Peel Region OP and a Zoning by-law will follow within one year. The Zoning By-law must implement “as-of-right” zoning for transit supportive densities in MTSA’s. If the application submission were delayed approximately one-year, it may not even be required.



- the fee is only for Zoning By-law Amendment application (i.e., no related Official Plan Amendment is required). Additional Site Plan Application fees will be required for each Phase of the development.
- By contrast, the same ZBL Amendment application filed at the City of Vaughan using the current Tariff of Fees By-law would result in a ZBL in a fee of approximately \$231,000 (36% of the \$644,000 fee). In addition, the City of Vaughan Committee of the Whole on April 18, 2023, considered and approved a staff report respecting Development Services Fee Structure, including Development Planning Fees. The report is supported by a current study undertaken by Watson & Associates Economists Ltd., wherein the study and staff recommend that a "maximum fee" be implemented for each application type. The recommended maximum fee for a ZBL Amendment application is \$85,000 representing 13% of the \$644,000 fee. The Committee's recommendation will be considered by Vaughan Council on April 25, 2023.

Anticipated Cost to the Municipality

In consideration of the specific planning context outlined above for this site which has already established land use and density permissions, approved Regional policy regarding MTSA's, the lands being located in an area potentially being considered for unlimited height and density, and existing OP policy that identifies this site is in an area where "development of greatest mass and highest density" is already intended, the ZBL Amendment application fee of \$644,000 is considered unreasonable to process the ZBL Amendment application which is essentially required to implement an existing and emerging planning policy.

On this basis, Hampton requests that Council, in accordance with Section 69 (2) of the *Planning Act* (Reduction or Waiver of Fees), reduce the ZBL Amendment application fee for the lands municipally known as 241 Queen Street East to reflect processing costs.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mauro Peverini", with a stylized flourish at the end.

Mauro Peverini, MCIP, RPP
Vice President, Planning and Land Development
Solmar Development Corp.

copy: Marlon Kallideen, Chief Administrative Officer
Steve Ganesh, Commissioner of Planning Building & Growth Management

