



Principals

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April 24, 2023

GWD File: PN 2728

**The Corporation of the City of Brampton
2 Wellington Street West
Brampton, Ontario
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**Attention: Mayor and Members of Council
Peter Fay, City Clerk
Steve Ganesh, Commissioner, Planning, Building and Growth
Management
Michelle Gervais, Policy Planner, City Planning and Design
Claudia LaRota, Supervisor/Principal Planner, City Planning and
Design**

**Subject: Public Input – April 24, 2023 Planning & Development Committee
Item 7.2 - City-Initiated Official Plan Amendment
Major Transit Station Areas (City-Wide)
227 Vodden Street East - Centennial Mall Brampton Ltd.**

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Centennial Mall Brampton Ltd. (Davpart Inc.); the registered owner of the property municipally known as 227 Vodden Street East (located at the southeast corner of Kennedy Road North and Vodden Street East) in the City of Brampton (hereinafter referred to as the "subject site"). The subject site is located within the Kennedy 'Primary' Major Transit Station Area (MTSA).

Davpart Inc. submitted Applications to Amend the City of Brampton Official Plan and Zoning By-law in December 2021 – City File No. OZS-2022-0001 (Amendment Applications). The Amendment Applications were deemed complete by the City of Brampton on January 28, 2022. The Statutory Public Meeting for the Amendment Applications was held on June 6, 2022.

The Davpart Inc. Amendment Applications propose the phased redevelopment of subject site for a mixed use, transit oriented Master Plan generally comprised of townhouse, mid-rise and tall buildings. Approximately 2,723 residential dwelling units are proposed at full build out of the phased Master Plan that will be facilitated within a range of housing typologies, including townhouse and mid-rise development along Hansen Road North and tall buildings up to a maximum height of 39 storeys along Kennedy Road North. Approximately 5,400 m² (58,500 ft²) of new commercial is proposed within the Master Plan, including a new grocery store, which will be oriented along Kennedy Road North.

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Davpart Inc. also submitted a corresponding Draft Plan of Subdivision Application in December 2022 (City File No. OZS-2022-0046) to create a phased public road connection through the proposed Master Plan development.

The Amendment Applications, as submitted, have been advanced in the context of the current, in-force City of Brampton Official Plan/Secondary Plan policies pertaining to the subject site and MTSA's.

Since the submission of Amendment Applications and subsequent Draft Plan of Subdivision Application, Davpart Inc. has worked cooperatively with City of Brampton Staff and external agencies to address municipal comments. The development application review process with City of Brampton representatives has been very productive and it is anticipated by GWD and Davpart Inc. that the Amendment Applications and Draft Plan of Subdivision will be advanced to a positive Recommendation Report that recommends approval by City Council before the end of July 2023.

We have monitored the City's MTSA Planning Study process during the course of the City's processing of the Davpart Inc. Amendment Applications and Draft Plan of Subdivision Application.

City-Initiated Official Plan Amendment - MTSA

On behalf of Davpart Inc., we have reviewed the City of Brampton Staff Recommendation Report dated March 8, 2023, along with the accompanying revised draft Official Plan Amendment (MTSA OPA). Based on our detailed review of the draft MTSA OPA, we offer the following comments, observations and recommendations.

- 1. *Current Davpart Inc. Amendment Applications and Draft Plan of Subdivision Application*** – The Davpart Inc. Amendment Applications have been prepared, submitted and reviewed in the context of the existing City of Brampton Official Plan policy framework; including those policies applicable to the City's MTSA's.

It is our opinion that Davpart Inc.'s Amendment Applications' approval process with the City of Brampton is reaching an imminent and positive conclusion. On this basis, Davpart Inc. objects to the approval of any proposed policy amendments advanced through the draft MTSA OPA that are deemed contrary to the Davpart Inc. Master Plan and Amendment Applications. Davpart Inc. has significant concerns with the potential impact that the draft MTSA OPA may have on the City of Brampton's previous and on-going review of the Amendment Applications and Draft Plan of Subdivision Application; as advanced to date.

Considering the above, it is our opinion that the draft MTSA OPA should not apply to the subject site and/or the Davpart Inc. Amendment Applications/Draft Plan of Subdivision Application.

- 2. *Policy 3.2.4.1*** - Policy 3.2.4.1 of the draft MTSA OPA directs that "...a minimum number of residents and jobs will be applied." However, the following sentence of



this policy then references that “*The minimum number of residents and jobs combined per hectare...outlined in Table 1...*”. In the first sentence of this Policy, this would represent a total number of residents and jobs, while the second sentence of this Policy and Table 1 are density targets that are calculated across the whole of the MTSA.

We recommend that the first sentence of Policy 3.2.4.1 be amended, for clarity to read: “... a minimum density target of residents and jobs per hectare will be applied.”

3. **Policy 3.2.5.1** – It is unclear if the objectives of this Policy are meant to be met across the whole of the MTSA, or within each development application that is made within the MTSA. We recommend that language be added to this Policy that clarifies that these objectives are to be achieved across the whole of the MTSA, rather than for each site specific development application.
4. **Policy 3.2.5.1 b)** – It is GWD’s opinion that the Davpart Inc. Master Plan, as advanced through the Davpart Inc. Amendment Applications, provides a significant range of development forms, appropriate development massing, and sufficient consideration of contextual built form transitions given the subject site’s geographic location with the Kennedy MTSA. Generally speaking, tall buildings are proposed within the Davpart Inc. Master Plan along Kennedy Road North that range between 18 to 39 storeys in height. Shorter 16-storey tall buildings are proposed internal to the Master Plan, which further transition to mid-rise and townhouse development to the east/southeast along Hansen Road North.

As currently drafted, Policy 3.2.5.1 b) could be interpreted to restrict and/or reduce the planned intensification and built forms that are currently advanced as part of the Davpart Inc. Amendment Applications. Davpart Inc. does not support any proposed amendment to the City’s Official Plan that is contrary to the Davpart Inc. Amendment Applications and Master Plan.

5. **Policies 3.2.5.2 b) and c)** – While the revised draft MTSA OPA replaced the words “if required” to “if appropriate” in regards to maximum building heights and maximum FSI within draft Policies 3.2.5.2 b) and c) respectively, we are of the understanding that the Minister of Municipal Affairs and Housing (through his letter to the Region of Peel, dated February 9, 2023) affirmed that it is deemed contrary to Region of Peel Official Plan policy (particularly Policy 5.6.19.10e, which was specifically modified by the Minister prior to his final approval) for any lower-tier municipality within the Region of Peel to impose maximum building heights within MTSAs. In this regard, we recommend that Policies 3.2.5.2 b) and c) be amended to only direct that MTSA-specific land use policy identify minimum building heights and densities.
6. **Section 3.2.6** – The Davpart Inc. Amendment Applications were submitted in December 2021. It has been determined through the City’s formal review and circulation process that a Tertiary Plan is not required in the instance of the Davpart Inc. Amendment Applications. Section 3.2.6 in its entirety, is contrary to the



comments provided by the City's Planning Staff during the processing of the Amendment Applications and Draft Plan of Subdivision Application, which confirm that a Tertiary Plan is not required.

Davpart Inc. does not support any policy of the draft MTSA OPA which proposes to require a Tertiary Plan to be approved prior to the approval of the site specific Davpart Inc. Amendment Applications and/or Draft Plan of Subdivision Application. Davpart Inc. should be exempt from any Tertiary Plan exercise considering its site specific circumstance.

As a general comment, we also recommend that Section 3.2.6 introduce appropriate transitional clauses for those development proposals which, like the Davpart Inc. Master Plan, are the subject of existing or previously approved Official Plan and Zoning By-law Amendment Applications to clarify that the requirements of Section 3.2.6 do not apply in those circumstances.

7. **Policy 3.2.6.3** – As a general comment, the requirement for the submission of one (1) joint Tertiary Plan to be approved prior to allowing development applications to proceed within a MTSA does not recognize that different landowners may be at different stages of the development application approvals process. This policy language, as currently drafted, has the potential to unreasonably “hold up” development applications that might otherwise be able to proceed to fulfill overall growth objectives. We recommend that the last sentence of draft Policy 3.2.6.3 be deleted in its entirety.
8. **Section 3.2.7** – Similar to Davpart Inc.'s comments above, the policies of Section 3.2.7 should not apply to the consideration of the Davpart Inc. Amendment Applications given that these Applications were submitted in 2021 and have been significantly advanced through the development approvals process.

As a general comment, the introductory language of this Section should more clearly identify that these objectives are to be achieved across the whole of the MTSA, rather than for each site specific development application.

Closing Remarks

The subject site is located within the Regional of Peel approved Kennedy Primary MTSA. Davpart Inc. submitted Applications to Amend the City of Brampton Official Plan and Zoning By-law in December 2021.

The Amendment Applications, as submitted, have been advanced in the context of the current, in-force City of Brampton Official Plan/Secondary Plan policies. Davpart Inc. has worked cooperatively with City of Brampton Staff and external agencies to address municipal circulation comments provided on the site specific Amendment Applications and Draft Plan of Subdivision Application. It is anticipated by GWD and Davpart Inc. that the Amendment Applications and corresponding Draft Plan of Subdivision Application will be advanced to a positive Recommendation Report for approval by City Council shortly.



The draft MTSA OPA proposes new policies for consideration in the review of development applications that are advanced within primary, planned and future MTSAs. It is our opinion that it is inappropriate to apply new Official Plan policies and development requirements, as are proposed in the draft MTSA OPA, in the review of the Davpart Inc. Amendment Applications.

In this regard, Davpart Inc. does not support any proposed amendment to applicable Official Plan policy which would, in Davpart Inc.'s opinion, serve to negatively impact its proposed Master Plan as advanced through its Amendment Applications and Draft Plan of Subdivision Application, or serve to alter the current development approvals process.

Thank you for the opportunity to provide comments on the draft City-Initiated Official Plan Amendment – Major Transit Station Areas. Davpart Inc. reserves the right to provide further comments as necessary prior to Regional Council approval of the MTSA OPA.

Kindly accept this letter as our formal request to be notified of all future Open Houses, Public Meetings, Planning Committee and Council meetings to be held in connection with the City-Initiated Official Plan Amendment – Major Transit Station Areas. Lastly, we request notification of the passage of any and all By-laws and/or Notices on this matter.

Should you have any questions, please contact the undersigned.

Yours truly,

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Managing Principal Planner

Richard Domes, B.A., C.P.T
Principal Planner

cc: Davpart Inc./Centennial Mall Brampton Ltd.
N. Dawan, Gagnon Walker Domes Ltd.