

April 19, 2023

By E-Mail  
City Clerk ([cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca))

Planning and Development Committee  
City of Brampton  
City Hall, 3<sup>rd</sup> Floor  
2 Wellington Street West  
Brampton, ON L6Y 4R2

Dear Mayor Brown and Members of Council:

**Re: Item 7.2 – Planning and Development Committee Meeting (April 24, 2023)  
Recommendation Report – City-Initiated Official Plan Amendment – Major Transit  
Station Areas – City-wide (“Recommendation Report”)  
Report Number: 2023-239**

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We represent Mac Mor of Canada Ltd., the owner of the lands municipally known as 75 Bramalea Road, Brampton (the “Property”).

The Property is located on the east side of Bramalea Road between East Drive and Dearbourne Boulevard and within the Bramalea GO Primary Major Transit Station Area (the “Primary MTSA”). Through the Region of Peel’s new Official Plan, as approved by the Province in November 2022, the Property was converted from employment uses to allow for residential and other non-employment uses. The Property is also located within the Secondary Plan Area 9 Bramalea Mobility Hub, which is still under appeal by our client on site-specific basis.

Our client has been closely monitoring and participating in the City’s Official Plan and MTSA Study processes. On March 1, 2023, on behalf of our client, SGL Planning & Design Inc. filed written comments to City staff in response to the version of the proposed Official Plan Amendment to adopt interim MTSA policies presented at the Planning and Development Committee meeting on February 13, 2023. A copy of those comments are attached as Appendix A.

We have reviewed the revised version of the draft Official Plan Amendment, attached as Appendix 1 to the Recommendation Report dated March 8, 2023 (“Draft OPA”) and we write to provide our further submissions:

1. 1.0 Purpose:
  - Given that one of the stated purposes of the Draft OPA is to delete the “Mobility Hub” policies in the Official Plan, it remains unclear as to how the proposed OPA policies would be interpreted together with the policies in the existing Secondary Plan Area 9 Bramalea Mobility Hub which still includes the “Mobility Hub” concept.

2. Policy 3.2.6 and Policy 3.2.6.1

- Although staff have replaced the requirement for a Block Concept Plan with a Tertiary Plan, we remain concerned with the requirement for a Tertiary Plan.
- The preamble in policy 3.2.6 states that a Tertiary Plan may only be required in limited instances, where a new higher order transit station is proposed or the site is adjacent to an existing higher order transit station. However, Policy 3.2.6.1 broadens this requirement and suggests that a Tertiary Plan may be required for any development application with the boundaries of a Primary MTSA.

3. Policy 3.2.6.3

- This policy requires all development applications within the same Tertiary Plan area to submit one joint Tertiary Plan, but fails to recognize that landowners may be on different development timelines. For example, in an instance where one landowner is ready to submit a development application, that landowner should not be delayed in its submission on the basis that another landowner has expressed an interest to develop its own lands, so that a joint tertiary plan can be prepared. We are concerned that this will result in significant delays in the preparation and submission of a development application for individual property and further delay the development approval process.

4. Policy 3.2.6.4

- The term “approved” should be replaced with “endorsed” in order to be consistent with the language used in Section 35.5 of the Official and to fairly acknowledge that a tertiary plan is not a statutory instrument under the Planning Act.

5. Policy 3.2.7.1

- We remain concerned that the requirement for a Growth Management Strategy imposes the responsibility on an applicant to assess the timing and delivery of infrastructure on lands it does not own and/or for which redevelopment may not occur for many years.
- It is not appropriate to require that a Growth Management Strategy be substantively reviewed to the satisfaction of the City and the Region prior to the deeming of a development application to be complete. The substantive review of a Growth Management Strategy should be done as part of the standard processing of a development application following the issuance of a notice of complete application. The policy, as drafted, would allow the City and the Region to go through an iterative commenting and revision process with an applicant on the Growth Management Strategy, all before the application is even deemed complete, which is contrary to the statutory protections given to applicants to ensure that development applications are processed in a timely manner and their recourse, if necessary, to the Tribunal on appeal.

- In Appendix 5, City staff notes that the Planning Justification Report Terms of Reference will be amended to include the requirements for the Growth Management Strategy. Given that there is no ability to challenge the Terms of Reference before the Tribunal, stakeholders should be given the opportunity to review the proposed amendments to the Terms of Reference prior to the adoption of the Draft OPA. At this time, there is no clarity as to the required scope of a Growth Management Strategy.

Although we support the general objective of establishing a policy framework to guide development within Primary MTSAs, we are concerned that the proposed policies, as currently drafted, will hinder development in the interim rather than encourage it and delay the delivery of much needed housing within Primary MTSAs. We ask that the Committee defer consideration of the Draft OPA to allow staff the opportunity to address our noted concerns.

Please be advised that we reserve the right to raise additional issues beyond those identified above. We ask to be provided with notice of any decision of City Council or Committee in connection with this matter.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani

MB

cc: Client  
Paul Lowes, SGL Planning & Design Inc.  
Raymond Ziemba, SGL Planning & Design Inc.  
Michelle Gervais, City of Brampton

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**Appendix A**

March 1, 2023

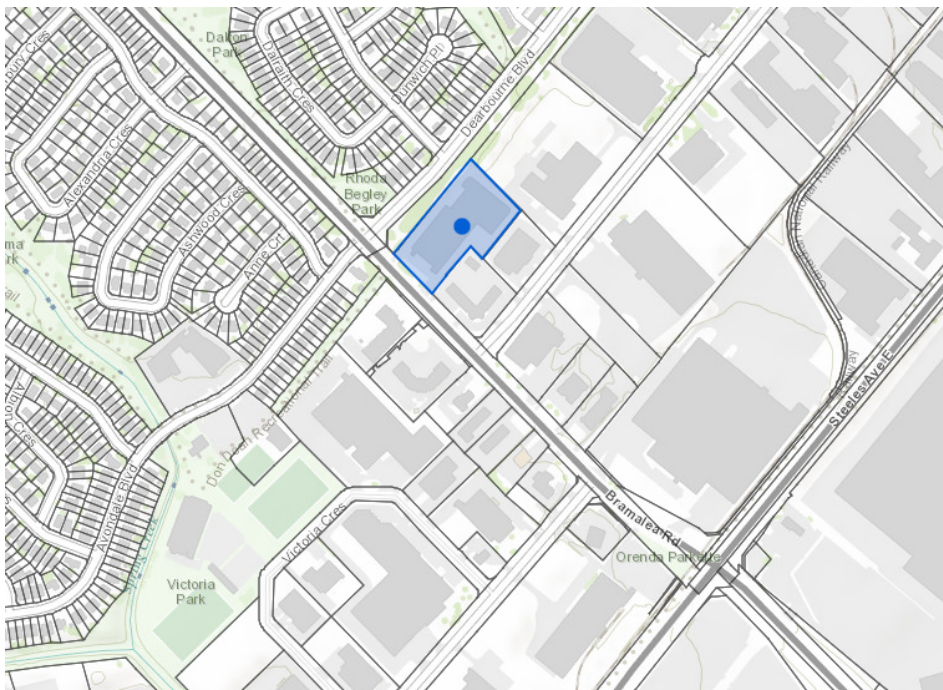
Project: CB2.BR

**VIA EMAIL**

Michelle Gervais  
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2 Wellington Street West  
Brampton, ON  
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**Re: City-Initiated Official Plan Amendment – Major Transit Station Areas - Draft Policies**

Thank you for the opportunity to provide comments on the Draft Official Plan Amendment (OPA) to add interim Major Transit Station Area (MTSA) policies to the City's 2006 Official Plan. We represent Mac Mor of Canada Ltd., the owner of 75 Bramalea Road (the "subject site"). The subject site is located generally north of Steeles Avenue, on the east side of Bramalea Road, between East Drive and Dearbourne Boulevard, as shown on **Figure 1**. The subject site is within the Bramalea GO Station Primary Major Transit Station Area (MTSA).



**Figure 1: Subject Site**

Source: MyBrampton Map

We actively participated through the Region's Municipal Comprehensive Review process, and have been participating in both the City's Official Plan Review and MTSA Study. Through the Region's MCR process, the subject site was converted from employment as part of the Region's new Official Plan which was approved by the Province November 4, 2022.

We have reviewed the Draft MTSA Interim Policies, and provide the following comments below. For simplicity, we have broken our comments into the policy sections of the Draft OPA.

### **Draft Interim MTSA Policies**

#### **3.0 Amendments and Policies Relevant Thereto:**

We support the replacement of the “Mobility Hub” concept with MTSA’s and the delineation of the Primary MTSA’s shown on Schedule 1B -Major Transit Station Areas. The inclusion of the MTSA’s and minimum densities set out in Table 1 of the interim policies are consistent with the new Region of Peel Official Plan. However, it is unclear how these interim policies will work together with the Secondary Plan Area 9 Bramalea Mobility Hub, which we note is still under appeal by our client on a site-specific basis. The Secondary Plan Area 9 Bramalea Mobility Hub still uses the “Mobility Hub” term and concept, which is not consistent with the Draft MTSA Interim Policies.

Will this Secondary Plan Area 9 Bramalea Mobility Hub be updated as part of the Amendment later this year? If the latter, how will the Secondary Plan be read in conjunction with the Official Plan?

#### **Objectives**

##### **Policy 3.2.5.1**

The Objectives are generally appropriate to guide how development should occur to support the growth of vibrant transit-oriented MTSA’s. In recognizing that each property and MTSA is unique and will have different opportunities and constraints, we recommended the removal of the word “All” and revise the policy to read as “All development within a MTSA shall generally meet the following objectives:...”. This change provides the flexibility needed to support development while recognizing the differing context of each MTSA and property.

##### **Policy 3.2.5.2**

The overall direction in guiding what the future amendments will provide for each MTSA is appropriate. With respect to draft policy 3.2.5.2 subpoint (f), there are two different objectives relating to heritage and the street network contained in this policy. We recommend separating this policy into two separate policies, one for the enhancement of the street network and the second for the protection and preservation of cultural heritage features. This would strengthen each sub-policy and make the objectives clearer.

#### **MTSA Block Concept Plan**

##### **Policy 3.2.6**

We have significant concerns with the requirement of a Block Concept Plan. Block Concept Plans are appropriate for Greenfield areas, but not for redevelopment of existing developed lands within the built boundary. Block plans are useful for coordinating infrastructure and community facilities in new communities where adjacent lands will generally be developed in a similar time period.

But within intensification, most infrastructure is existing and adjacent properties could redevelop decades apart, if at all resulting in difficulties planning on adjacent properties that are not being proposed for redevelopment. Additional concerns include:

#### Policy 3.2.6.3

With respect to the requirement for the City to “approve” a Block Concept Plan prepared by a landowner, it is unclear what legal status is intended to be given to such Plans through such “approval”. Given the scope of a Block Concept Plan could include multiple properties, including those not owned by the applicant, it is concerning that there could be any kind of approval of a Plan that could be used to guide the development of other lands without the consultation of those landowners. We recommend providing greater clarity regarding the scope of this requirement and clarification that a Block Concept Plan is not a binding statutory instrument.

#### Policy 3.2.6.2 & 3.2.6.4

It is unclear what criteria will be applied during the Pre-Consultation to determine if a Block Concept Plan is required. Further, draft policy 3.2.6.4 suggests that an individual landowner may be required to prepare a Block Concept Plan that includes lands not within its ownership, which is unduly onerous.

#### Policy 3.2.6.5 & 3.2.6.6

These two policies suggest that two Planning Justification Reports would be required for as one would be required to support a Block Concept Plan and a second would be required to support the development application. Preparing two (2) Planning Justification Reports is onerous for a single landowner.

With respect to the sub-points of draft policy 3.2.6.6, we provide the following:

- C) States application should conform to policy document and guidelines/strategies, however there is no statutory requirement for applications to conform to guidelines/strategies.
- D) Includes a breakdown of unit mixes and tenure. That will be nearly impossible to determine on other properties in the Block Plan that are not at the application stage.
- E) It is unclear what is required in the preparation of an Affordable Housing Strategy.

### 3.2.7 Implementation

#### Policy 3.2.7.1

The draft policy suggests that the Growth Management Strategy is only required in conjunction with a Block Concept Plan and that the Growth Management Strategy has to be approved by the City and Region before the approval of the Block Concept Plan. For interim policies that are intended to guide development within Primary MTSA until Secondary Plan Amendments are brought forward at the end of the year, the requirement of multiple “approvals” would hinder development and slow the approval process. Although a Growth Management Strategy may be appropriate in a Greenfield context, it doesn’t not work well in a built-up environment where intensification is very site specific and adjoining properties may redevelop decades apart. It is not appropriate for the policy to impose the responsibility on an applicant to assess the timing and

delivery of the list of infrastructure across lands that it does not own and for which redevelopment on some properties may take decades to realize if at all.

Policy 3.2.7.2

This policy should clarify that if an applicant provides space for a public facility, it will be accepted as an in-kind contribution towards their Community Benefit Charge payment, if applicable.

Policy 3.2.7.5

With respect to aligning phasing plans with properties fronting higher order transit corridors, it overlooks that a number of the Primary MTSA's are served by GO stations, not rapid surface transit corridors. Further, in Primary MTSA's with multiple landownerships, phasing and development could be slowed by non-participating landowners or those not wishing to redevelop. We recommend the removal of prioritizing land fronting onto higher order transit with respect to the phasing of development across landownerships.


**Conclusion**

We understand the importance of introducing a policy framework within the in-effect Official Plan as the City works towards developing Secondary Plans for each of the Primary MTSA's. However, we have concerns that a number of the draft policies will hinder development rather than encourage it in the interim.

Thank you for the opportunity to comment, we look forward to providing additional comments through the revised draft OPA Text. Should you have any additional questions or clarification, we would be happy to discuss them.

Thank you for your consideration.

Yours very truly,  
**SGL PLANNING & DESIGN INC.**



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