



Principals

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The Corporation of the City of Brampton
2 Wellington Street West
Brampton, Ontario
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Attention: Mayor and Members of City of Brampton Planning and Development Committee/City Council

Peter Fay, City Clerk

Steve Ganesh, Commissioner, Planning, Building and Growth Management

Henrik Zbogar, Director, Integrated City Planning

**Subject: LETTER OF CONCERN
227 Vodden Street East – Centennial Mall Brampton Ltd.
Item 7.1: October 23, 2023 Planning and Development Committee Meeting; Recommendation Report – Proposed Adoption of the City of Brampton 2023 Official Plan (Brampton Plan); Proposed Adoption of Major Transit Station Areas Policies**

Gagnon Walker Domes Ltd. (“GWD”) acts as Planning Consultant to Centennial Mall Brampton Ltd. (“Davpart”); the registered owner of the property municipally known as 227 Vodden Street East in the City of Brampton (“subject site”). The subject site is located within the Kennedy ‘Primary’ Major Transit Station Area (“MTSA”).

Davpart has been actively engaged in the City of Brampton’s Official Plan Review process and associated MTSA Planning Study. This has included, but is not limited to: written correspondence provided to the City on the initial draft of the City of Brampton Plan on June 3, 2023; Davpart’s participation in the Kennedy MTSA Focus Group Session that was hosted by City Planning Staff on March 23, 2023 and through written correspondence provided to the City on the Draft Kennedy MTSA Land Use Plan and Draft MTSA policies dated April 24, 2023, July 17, 2023 and August 28, 2023. Davpart has also appealed the City’s decision to adopt Official Plan Amendment OP2006-247 to the Ontario Land Tribunal (OLT-23-00609).

We write to express Davpart’s concerns regarding the recommendations contained within the City of Brampton Planning Department’s Recommendation Report (dated October 23, 2023) entitled “Proposed Adoption of the City of Brampton 2023 Official Plan (Brampton Plan)”/ “Proposed Adoption of Major Transit Station Areas Policies”, which recommends that City Council authorize the passing of a by-law (draft by-law attached as Attachment

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1 to the Recommendation Report) to repeal the 2006 City of Brampton Official Plan (except for Part II and Part II) and to adopt the ‘new’ proposed 2023 City of Brampton Official Plan.

Background: Davpart Applications/ City Council Approval

Davpart submitted Applications to Amend the City of Brampton Official Plan and Zoning By-law in December 2021 (City File No. OZS-2022-0001) and also submitted a corresponding Draft Plan of Subdivision Application in December 2022 (City File No. OZS-2022-0046) - (collectively the “Davpart Applications”).

The Davpart Applications propose the phased redevelopment of the subject site for a mixed use, transit oriented Master Plan generally comprised of townhouse, mid-rise and tall buildings. Approximately 2,724 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 high-rise 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.

The Davpart Applications, as submitted, have been advanced in the context of the current, in-force 2006 City of Brampton Official Plan and Brampton Flowertown Secondary Plan policies.

On October 18, 2023 City of Brampton Council adopted By-law 172-2023 and By-law 173-2023 approving the Davpart Official Plan Amendment to implement site specific Official Plan policies that shall direct the future redevelopment of the subject site, as well as the Davpart Zoning By-law Amendment to facilitate lot and development standards for the implementation of the first phase of the Davpart Master Plan.

Davpart’s Concerns With the ‘New’ Proposed 2023 City of Brampton Official Plan

On behalf of Davpart, GWD has reviewed the aforementioned Recommendation Report, including the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan. While the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan does address some of the issues previously raised by Davpart, a number of concerns remain.

In summary, it is our opinion that the ‘new’ proposed 2023 City of Brampton Official Plan:

- Does not appropriately reflect City Council’s recent approval of Davpart’s Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications as they pertain to the redevelopment of the subject site; and
- Does not fully address Davpart’s previous comments and concerns provided to the City as part of the Official Plan Review and MTSA Planning Study.

Based on our review, GWD provides the following additional comments, observations and recommendations on behalf of Davpart:



1. Previous Land Use Designation Approvals

Davpart acknowledges Policy 1.1.8b) which confirms that land uses and designations that were approved prior to the implementation of the 'new' proposed 2023 City of Brampton Official Plan will be permitted to be established and continue without the need for an amendment to the 'new' proposed 2023 City of Brampton Official Plan. Further, proposed Policy 1.1.8d) acknowledges that where there is a conflict between the Secondary Plan and the 'new' proposed 2023 City of Brampton Official Plan, that the Secondary Plan policies will prevail unless otherwise specified.

Notwithstanding the above, for greater certainty, it is Davpart's opinion that Davpart's City Council approved amendment to the 2006 City of Brampton Official Plan/ Secondary Plan should be included as a site specific "Special Land Use Policy" in Section 4 of the 'new' proposed 2023 City of Brampton Official Plan, and identified accordingly on Schedule 12.

2. Schedule 13e: QUE-2 Kennedy Land Use Plan - 'Height Transition Area' & Compatible Development Policies

A 'Height Transition Area' overlay continues to be applied along the south limits of the subject site. According to the proposed MTSA polices contained within Section 4 of the 'new' proposed 2023 City of Brampton Official Plan, an appropriate transition in scale to stable residential neighbourhoods shall be provided on all properties subject to a 'Height Transition Area' overlay with the appropriate height transition measures being determined through the planning application process. Similar built form transition policies are included throughout the 'new' proposed 2023 City of Brampton Official Plan where High-Rise development is planned adjacent to existing Low-Rise residential uses.

Davpart seeks the City of Brampton's written confirmation that City Council's recent approval of the Davpart Applications, which considered the phased and ultimate redevelopment of the subject site, constitutes the City's position that appropriate built form transitions have been considered for all future phases of the Davpart Master Plan. Davpart would not support the reduction of built forms, which in its sole opinion, are not consistent with previous opinions of Planning Staff provided during the processing of the Davpart Applications and/or City Council approvals previously granted in connection with the redevelopment of the subject site.

3. Major Transit Station Area Studies

Policy 5.7.1 of the 'new' proposed 2023 City of Brampton Official Plan identifies that the City will undertake a detailed comprehensive planning study for each designated Primary MTSA, the recommendations of such study being implemented through amendments to the applicable Secondary Plan.



It is Davpart’s position that the subject site has undergone detailed planning study as part of the Davpart Applications and that any future planning study within the QUE-2 Kennedy MTSA must fully recognize the previously granted Council approval for the redevelopment of the subject site.

For certainty, it is Davpart’s opinion that Davpart’s City Council approved amendment to the 2006 City of Brampton Official Plan/ Secondary Plan should be included as a site specific “Special Land Use Policy” in Section 4 of the ‘new’ proposed 2023 City of Brampton Official Plan, and identified accordingly on Schedule 12.

4. *Precinct Planning*

Policy 2.1.2.46, and Policies 5.5.18 through 5.5.26 include new proposed Official Plan policies regarding Precinct Planning that do not currently apply to the subject site under the 2006 City of Brampton Official Plan. Specifically, proposed Policy 5.5.19 stipulates that Precinct Plans will be approved through an Official Plan Amendment, prior to the approval of any Draft Plan of Subdivision or “significant” Zoning By-law Amendment within that Precinct.

Again, it is Davpart’s position that the subject site has previously undergone detailed planning study as part of the Davpart Applications. Accordingly, future Zoning By-law Amendments and/or Draft Plan of Subdivision Applications submitted to implement the full build out of the subject site, as contemplated in the Council approved Official Plan Amendment for the Davpart Master Plan, should be exempt from any policies of the ‘new’ proposed 2023 City of Brampton Official Plan related to the requirement of Precinct Planning or Area Plans.

5. *Minimum Automobile Parking*

Pursuant to proposed Policy 2.2.4.17, no minimum automobile parking may be required for development along any “Boulevard” overlay identified in the ‘new’ proposed 2023 City of Brampton Official Plan (with the exception of accessible and visitor parking spaces).

It is Davpart’s opinion that proposed Official Plan policy should be expanded to also contemplate no required minimum automobile parking (with the exception of accessible and visitor parking spaces) on all lands located along “Corridors” within Primary MTSA’s.

6. *Sustainable Development Policies*

Policy 3.2.3.3 of the ‘new’ proposed 2023 City of Brampton Official Plan is intended to promote energy and emission reductions towards near net-zero greenhouse gas emissions, however the use of the word “will” in this policy makes the implementation of near net-zero buildings and communities a requirement. This policy is intended to be aspirational and accordingly Policy 3.2.3.3 should be



modified to replace the word “will” following the word “buildings” with the words “are encouraged to”.

Proposed Policy 3.2.4.3 and Policy 3.2.6.2 direct that new development applications must include a climate change vulnerability and risk assessment and adaptation checklist to assess potential impact as a result of climate change. It is Davpart’s opinion that future Zoning By-law Amendments and/or Draft Plan of Subdivision Applications submitted to implement future phases of the redevelopment of the subject site, as contemplated in the Council approved Official Plan Amendment for the Davpart Master Plan, should be exempt from any policies of the ‘new’ proposed 2023 City of Brampton Official Plan related to any requirement for a climate change vulnerability and risk assessment and adaptation checklist.

7. Brampton Affordable Housing Targets

Part 3.3 including Policy 3.3.1.2, Policy 3.3.1.60, Table 8 & Table 9 outlines the City of Brampton’s affordable housing targets. Davpart has concerns with the affordable housing targets and associated policies of the ‘new’ proposed 2023 City of Brampton Official Plan. These new policies are not contained within the 2006 City of Brampton Official Plan, which was the in-force City Official Plan at the time of Council’s approval of the Davpart Applications. We recommend that Section 3.3.1 of the Draft Brampton Plan include transitional policies to exempt development applications submitted and/or approved while the 2006 City of Brampton Official Plan is (or was) in force.

Closing Remarks

As summarized above, it is Davpart’s opinion that the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan does not appropriately reflect City Council’s recent approval of Davpart’s Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications as they pertain to the redevelopment of the subject site and it also does not fully address Davpart’s previous comments and concerns provided as part of the Official Plan Review and MTSA Planning Study.

On behalf of Davpart, GWD **requests that Planning and Development Committee refer the Recommendation Report back to Planning Staff to provide the opportunity for Davpart and Planning Staff to participate in additional consultation in effort to address Davpart’s remaining concerns.**



It is GWD's understanding that the Region of Peel remains the approval authority as it pertains to the final approval of the 'new' proposed 2023 City of Brampton Official Plan at this time. We reserve right to provide additional comment to the City of Brampton and/or the Region of Peel on behalf of Davpart in connection with this matter prior to final approval.

Yours truly,

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

cc: Centennial Mall Brampton Ltd./Davpart
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