



Principals

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The Corporation of the City of Brampton
2 Wellington Street West
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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
2 County Court Boulevard – Soneil Markham Inc.
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 Soneil Markham Inc. (“Soneil”); the registered owner of the property municipally known as 2 County Court Boulevard in the City of Brampton (“subject site”). The subject site is located at the northeast corner of Hurontario Street and County Court Boulevard and is within the HLRT-20 Ray Lawson County Court ‘Primary’ Major Transit Station Area (“MTSA”).

Soneil 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 ‘new’ City of Brampton Official Plan on June 3, 2023; Soneil’s participation in the Ray Lawson MTSA Focus Group Session hosted by City Staff on February 8, 2023; and through written correspondence provided to the City on the Draft Ray Lawson MTSA Land Use Plan and Draft MTSA policies dated April 24, 2023, May 15, 2023, July 18, 2023 and August 28, 2023. Soneil has also appealed the City’s decision to adopt Official Plan Amendment OP2006-247 to the Ontario Land Tribunal (OLT-23-00609, Appeal 008631).

We write to express Soneil’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

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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 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: SONEIL ZBA APPLICATION

Soneil submitted an application to amend the City of Brampton Zoning By-law in November 2022 – City File No. OZS-2023-0003 (“ZBA Application”). The ZBA Application was deemed complete by the City of Brampton on January 16, 2023. The Statutory Public Meeting for the ZBA Application was held on March 20, 2023.

The Soneil ZBA Application proposes the phased redevelopment of the subject site for a mixed use, transit-oriented development that is comprised of a combination of tall buildings along Hurontario Street and mid-rise buildings to the rear. Approximately 1,610 residential dwelling units are proposed at full build out along with a total of approximately 8,545 m² (92,000 ft²) of new office and retail commercial. The ZBA Application, as submitted, has been advanced in the context of the current, in-force 2006 City of Brampton Official Plan and Hurontario-Main Corridor Secondary Plan policies as they pertain to the subject site.

OVERVIEW of the ‘NEW’ PROPOSED 2023 CITY of BRAMPTON OFFICIAL PLAN LAND USE DESIGNATIONS & OVERLAYS

The following are the key designations and overlays that are proposed to apply to the subject site pursuant to the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan:

- Schedule 1 - City Structure:
 - ‘Urban Centres’;
 - ‘Employment Areas’;
 - ‘Primary Major Transit Station Areas’;
 - ‘Primary Urban Boulevards’ (Hurontario Street);
- Schedule 2 - Designations:
 - ‘Mixed-Use Employment’;
- Schedule 13I – HLRT-20 Ray Lawson County Court MTSA Land Use Plan:
 - ‘Mixed-Use Employment (Office Mixed-Use)’;

SONEIL’S CONCERNS with the FINAL DRAFT of the ‘NEW’ PROPOSED 2023 CITY of BRAMPTON OFFICIAL PLAN

GWD has reviewed the aforementioned Recommendation Report, including the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan, on behalf of Soneil. Soneil has significant concerns with the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan as highlighted below:



1. Opposition to Proposed Employment Land Use Designations

The Soneil ZBA Application has been prepared, submitted and reviewed in the context of the existing 2006 City of Brampton Official Plan policy framework; including those policies applicable to the City’s Mobility Hub Gateways and MTSAs. Pursuant to the Hurontario-Main Corridor Secondary Plan the subject site is designated ‘Mixed Use Two (MU2)’, which permits office/major office, commercial and medium and high density residential. It is acknowledged that development along Hurontario Street between Steeles Avenue and Ray Lawson Boulevard shall have a prevalent office component when considered comprehensively, but also considers high density residential and other mixed use development.

The final draft of the ‘new’ proposed 2023 City of Brampton Official Plan now proposes the subject site as being located within ‘Employment Areas’ and designated ‘Mixed-Use Employment’ on Schedules 1 and 2, respectively. According to ‘new’ proposed 2023 City of Brampton Official Plan, lands designated Mixed-Use Employment shall be characterized by a mix of employment uses that support predominantly major office employment, along with population-serving uses. The Mixed-Use Employment designation, where also located within MTSAs and/or along Primary Urban Boulevards, may also integrate sensitive uses, including residential uses, subject to additional study and requirements.

Soneil has significant concerns with the potential impact that the ‘new’ proposed 2023 City of Brampton Official Plan may have on the City of Brampton’s previous and on-going review of the ZBA Application. On this basis, Soneil objects to the approval of any new proposed Official Plan policies that are contrary to the current in-force policies of the 2006 City of Brampton Official Pla, the Hurontario-Main Corridor Secondary Plan (which already permit residential uses), as well as the Soneil ZBA Application.

We believe that a ‘Mixed Use’ land use designation is more appropriate for the subject site as it will more clearly permit mixed use, transit-oriented development as contemplated in the Soneil ZBA Application.

Our opinion is consistent with proposed Policy 2.1.2.28 of the ‘new’ proposed 2023 Official Plan, which states that “Centres will be designated as Mixed-Use on Schedule 2...” The subject is located within a Urban Centre and should be designated ‘Mixed Use’ and not ‘Employment’.

- **Requested Modification: Remove the subject site from ‘Employment Areas’ and identify as ‘Community Areas’ on Schedule 1.**
- **Requested Modification: Remove the subject site from the ‘Mixed-Use Employment’ land use designation and identify as ‘Mixed Use’ land use designation on Schedule 2.**



- **Requested Modification:** Remove the subject site from the ‘Mixed-Use Employment (Office Mixed Use)’ land use designation and identify as ‘Mixed-Use (High-Rise Mixed-Use)’ land use designation on Schedule 13I (HLRT-20 Ray Lawson County Court MTSA Land Use Plan).

2. Proposed Employment Policies

Notwithstanding Soneil’s request that the subject site be designated ‘Mixed Use’/‘Mixed-Use (High-Rise Mixed-Use)’, the following summarizes Soneil’s concerns with the Employment related policies of the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan:

- Policy 2.1.2.5, Policy 2.1.2.31b), and Policy 2.2.4.3a) acknowledge that MTSA’s within ‘Employment Areas’ may permit other non-employment uses, such as residential, subject to further planning studies. Pursuant to the Hurontario-Main Corridor Secondary Plan the subject site is currently designated ‘Mixed Use Two (MU2)’, which permits office/major office, commercial and medium and high density residential. Therefore residential uses are already permitted on the subject site. Proposed Policy 2.1.2.5 would remove residential permissions from the subject site and/or request additional study in support of residential land uses, which are already permitted. The removal of residential land use permissions or additional unnecessary planning studies to permit an already permitted residential land use is not supported by Soneil.
 - **Requested Modification:** Modify Policy 2.1.2.5 by deleting reference to “subject to further planning studies”.
 - **Requested Modification:** Modify Policy 2.1.2.31b) by deleting reference to “the City will initiate a study”.
- Policy 2.2.19f) which proposes to require that employment growth in Strategic Growth Areas “generally” occur through only Major Office development is too prescriptive and is inconsistent with other policies of the ‘new’ proposed 2023 City of Brampton Official Plan which promote mixed use development in various land use designations; including the City’s proposed employment designations.
 - **Requested Modification:** Modify Policy 2.2.19f) by deleting “generally through Major Office development.”
- Policy 2.2.1.1 provides a summary of each land use designation on Schedule 2 of the ‘new’ proposed 2023 City of Brampton Official Plan. However, there is no summary provided for the ‘Mixed-Use Employment’ designation. It is unclear whether the ‘Mixed-Use Employment’ designation summary is included within the summary of the Mixed-Use designations identified in Policy 2.2.1.1a) or if there is an omission from the ‘new’



proposed 2023 City of Brampton Official Plan pertaining specifically to the ‘Mixed-Use Employment’ designation. It is our understanding that the ‘Mixed-Use Employment’ designation is not to be considered in the context of the summary provided in Policy 2.2.1.1c-d). Similar uncertainty is identified throughout the Draft Brampton Plan.

- Policy 2.2.8.2 directs that Employment Areas be protected from sensitive land uses. This is contrary to other policies of the ‘new’ proposed 2023 City of Brampton Official Plan that permit residential uses on limited sites within Employment Areas, namely ‘Mixed-Use Employment’ designations within MTSAs.

- **Requested Modification: Modify Policy 2.2.8.2 to include sensitive land uses as a permitted in limited circumstance pursue to other policies of the Draft Brampton Plan.**

- Policy 2.2.8.4 and Policy 2.2.8.14 state that the predominant use in the ‘Mixed-Use Employment’ designation will be employment, and of which shall be predominantly major office.

This proposed policy is more restrictive than the current, in-force 2006 Brampton Official Plan and Hurontario-Main Corridor Secondary Plan, which identifies that the district generally south of Steeles Avenue be predominantly office based. The 2006 City of Brampton Official Plan does not specify that each site designated Mixed Use within the district each individually be predominantly office, nor does it specifically require that office be predominantly Major Office.

Further, the requirement that the development of employment uses consist predominantly of Major Office is too prescriptive and is inconsistent with other policies of the ‘new’ proposed 2023 City of Brampton Official Plan that promote mixed use development within 15-minute communities.

- **Requested Modification: Modify Policy 2.2.8.4 and Policy 2.2.8.14 by removing reference to “major office” as the predominant employment use.**

- **Requested Modification: Modify Policy 2.2.8.4 and Policy 2.2.8.14 to reflect the existing Hurontario-Main Corridor Secondary Plan which contemplates the implementation of employment uses on a broader district wide basis, rather than on a site by site ‘Mixed-Use Employment’ designation basis.**

- Policy 2.2.8.12 indicates that existing clusters of office have been designated as ‘Mixed-Use Employment’ in the ‘new’ proposed 2023 City of Brampton Official Plan. This statement is misleading as there are many other adjoined office developments within the limits of the City of Brampton



planning area that have not been identified as ‘Mixed-Use Employment’; including many existing office sites which are proposed to be designated ‘Mixed Use’.

- Policy 2.2.8.18 and Policy 2.2.8.19 identify that only when a MTSA Study has been approved that new residential uses may be permitted, subject to the Region of Peel Official Plan. Pursuant to the Hurontario-Main Corridor Secondary Plan the subject site is designated ‘Mixed Use Two (MU2)’, which currently permits office/major office, commercial and medium and high density residential. Therefore residential uses are already permitted. The proposed policies would remove residential permissions from the subject site and/or request additional study in support of residential land uses, which are already permitted on the subject site. The removal of residential land uses permissions or additional unnecessary planning studies to permit an already permitted residential land use is not supported by Soneil.

Further, Policy 2.2.8.19 identifies that the City protect for major office uses within the Mixes-Use Employment designation and that development within this designation strive to achieve a more intensive ratio of employment than residential. This proposed policy is more restrictive than the current, in-force 2006 Brampton Official Plan and Hurontario-Main Corridor Secondary Plan, which is not supported by Soneil.

- **Requested Modification: Revise Policy 2.2.8.18 and Policy 2.2.8.19 to permit residential uses, subject to the provision of providing appropriate employment uses within stand-alone or mixed use buildings.**
- **Requested Modification: Revise Policy 2.2.8.19 by deleting Policy 2.2.8.19b)-d).**
- Policy 2.2.8.25 and Policy 2.2.8.26 dictate that the introduction of residential and other sensitive land uses within the ‘Mixed-Use Employment’ designation may constitute a conversion of lands and shall only be considered through Municipal Comprehensive Review. Residential uses are currently permitted in the Hurontario-Main Corridor Secondary Plan and the implementation, as contemplated through the Soneil ZBA Application, should not be considered an employment conversion (residential is already permitted) nor require a Municipal Comprehensive Review.
 - **Requested Modification: Revise Policy 2.2.8.25 and Policy 2.2.8.26 to exempt lands designated ‘Mixed-Use Employment’.**
- Subsection c) of the MTSA Mixed-Use Employment (Office Mixed-Use) section of Chapter 4 confirms the residential and other sensitive land uses without an amendment to the ‘new’ proposed 2023 City of Brampton Official Plan subject to satisfaction of certain criteria including that the primary



employment function of the lands designated ‘Mixed-Use Employment (Office Mixed-Use)’ is maintained.

Pursuant to the Hurontario-Main Corridor Secondary Plan the subject site is designated ‘Mixed Use Two (MU2)’, which currently permits office/major office, commercial and medium and high density residential. Therefore residential uses are already permitted and the Soneil ZBA Application should be exempt from the policies of this subsection.

Notwithstanding, it is our opinion that additional flexibility be inserted into this subsection to require that an employment function be maintained on lands designated ‘Mixed-Use Employment (Office Mixed-Use)’, rather than require that employment uses be required to be the primary function at the expense of the underutilization of a site which could otherwise accommodate significant residential intensification in addition to employment.

- **Requested Modification: Revise Chapter 4 (‘Mixed-Use Employment (Office Mixed-Use)’ Subsection to provide flexibility to permit residential uses as the primary use in conjunction with significant employment uses.**

3. Building Typologies

- Table 5 provides an summary of the range of built forms permitted within each designation or overlay within the ‘new’ proposed 2023 City of Brampton Official Plan. For lands such as the subject site, which are located within an ‘Urban Centre’ overly, High-Rise buildings are permitted. However, pursuant to Table 5 the determination of the appropriate height of High-Rise buildings will be confirmed through additional study, Secondary Plans and the ‘new’ proposed 2023 Official Plan policies. Consideration of the detailed analysis completed as part of site specific development applications must also be acknowledged in Table 5 as part of the determination of High-Rise building heights.
 - **Requested Modification: Modify Table 5 by including the following at the end of the 3rd column pertaining the Additional Permissions for Urban Centres “... as well as through the consideration of site specific development applications”.**

4. Urban Design

- Policy 3.1.1.7 outlines the intent that new development shall consider the existing context, however it should be appropriately between specified that the planned context also requires consideration.
 - **Requested Modification: Revise Policy 3.1.1.7b) to also consider planned context for new developments.**



- Policy 3.1.1.9 should more specifically require that new development not “adversely” impact adjacent properties from a wind, noise, vibration, traffic perspective. Further, reference to the polices and/or schedules of ‘new’ proposed 2023 City of Brampton Official Plan should be included to clarify the location of noted “view corridors” that are intended to be protected through this policy. In addition, the intent to protect daylight and privacy between buildings should be quantified.
 - **Requested Modification: Revise Policy 3.1.1.9 to include the word “adversely” preceding the words “adjacent properties”.**
 - **Requested Modification: Revise Policy 3.1.1.9 to include reference or definition of “view corridors”.**
 - **Requested Modification: Revise Policy 3.1.1.9a) to include the word “adequate” preceding the word “daylight” and delete the word “protect” preceding the word “privacy”.**
- Policy 3.1.1.15 outlines consideration for development and place making for all new developments, however the considerations outlined in this policy may not apply to all new development.
 - **Requested Modification: Revise the last sentence of the first paragraph to Policy 3.1.1.15 to include the words “Where applicable,” preceding the words “all new development”.**
- Policy 3.1.1.54 outlines design considerations between the transition for High-Rise buildings to abutting low-rise areas in order to permit High-Rise built forms. This policy is vague may discourage the development of High-Rise buildings at appropriate locations within Strategic Growth Areas such as MTSAs. Further, it is not clear what is meant by “very tall towers” nor what is considered “greater minimum tower separation”. This should be clarified or the policy removed from draft Official Plan policy.
 - **Requested Modification: Revise Policy 3.1.1.54 by deleting the first sentence, and clarifying what is considered “very tall tower”.**

5. Sustainable Development Polices

- 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.



- **Requested Modification: Replace the word “will” following the word “buildings” with the words “are encouraged to”.**
- Policy 3.2.4.3 and Policy 3.2.6.2 direct that development applications must include a climate change vulnerability and risk assessment and adaptation checklist to assess potential impact as a result of climate change. Soneil is concerned with its ability to submit the requested assessment and checklist as part of any future development application(s), as this contentious global issue may be out of the scope of a single, site specific development application. Notwithstanding, the Soneil ZBA Application and any implementing Site Plan Approval Application should be 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.
 - **Requested Modification: Delete Policy 3.2.4.3**
 - **Requested Modification: Delete Policy 3.2.6.2**
- Policy 3.3.1.2, Policy 3.3.1.60, Table 8 and Table 9 outline the City of Brampton’s affordable housing targets. Soneil has concerns with the overly ambitious affordable housing targets and associated policies of the of the ‘new’ proposed 2023 City of Brampton Official Plan concerning affordable housing. These new policies are not contained within the subject of the 2006 City of Brampton Official Plan, which was the in-force City Official Plan at the time of the filing of the Soneil ZBA Application.
 - **Requested Modification: Section 3.3.1 of the Draft Brampton Plan include transitional policies to exempt development applications originally submitted under current 2006 City of Brampton Official Plan.**

6. 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.

A Precinct Plan, Block Plan nor Tertiary Plan was not required at the time of the City deeming the Soneil ZBA Application “complete”. It is Soneil’s position that a Precinct Plan is not required to advance the Soneil ZBA Application. The Soneil ZBA Application and any future implementing Site Plan Approval Application, 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.

Closing Remarks

As summarized above, Soneil has significant concerns with respect to the final draft of the ‘new’ proposed 2023 City of Brampton Official Plan. On behalf of Soneil, GWD **requests that Planning and Development Committee refer the Recommendation Report back to Planning Staff to provide the opportunity for Soneil and Planning Staff to participate in additional consultation in effort to address Soneil’s 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 Soneil in connection with this matter prior to final approval.

Yours truly,

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

cc: Soneil Markham Inc.
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