

Date: July 17, 2013

BRAMPTON CITY COUNCIL

File: P26 SP007

DATE: August 7, 2013

Subject: **INFORMATION REPORT**
Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis

Contact: Janice Given, Manager, Growth Management and Special Policy,
Planning Design and Development, (905-874-3459)

Overview:

- The City is making progress on revisions to the Special Policy Area policies affecting lands impacted by the floodplain within Brampton's historic downtown core.
- In March 2013, City staff provided the Province with an update package to the initial August 2011 submission; the Province provided a formal response in June 2013.
- This information report outlines key elements of the Province's comments.
- Staff is having ongoing discussions with the Province to address their comments. Staff believes that changes to the submission documents and the OPA and ZBA can address their comments satisfactorily.
- Staff is developing draft revisions to the submissions and the proposed Official Plan and Zoning By-law Amendments, in consultation with the TRCA and Province. Staff will bring a detailed report to Council as soon as agreement is reached, to present the proposed changes and to seek further direction on processing the changes. This is anticipated to occur early in September.

Recommendations:

- 1) **THAT** the report from Janice Given, Manager Growth Management and Special Policy, Planning Design and Development, dated July 17, 2013 to the Council Meeting of August 7, 2013, re: "**Information Report: Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis**" (File P26 SP007) be received;

Background:

The City is undertaking a process to revise the Special Policy Area policies related to the floodplain in Brampton's historic downtown core in accordance with the Ministry of Natural Resources' 2009 guidelines. In August of 2011, the City of Brampton submitted the *Downtown Brampton Special Policy Area Comprehensive Flood Risk and*

Management Analysis to the Ministry of Municipal Affairs and Housing (MMAH) to modify the existing Special Policy Area (SPA) policies within the Downtown Brampton SPA. This submission contained proposed amendments to the Downtown Brampton Secondary Plan and the City of Brampton Comprehensive Zoning By-law. A Public Meeting with respect to these amendments was held in November of 2011.

In March of this year staff submitted an addendum entitled "*Modifications to the Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis (2011)*" to the Province. This was intended to address all outstanding information required by the Province that would enable them to complete their review and provide final comments back to the City on the approval of the policy changes.

As identified in the Status Report to the April 3, 2013 Committee of Council meeting, the Province committed to a timeline to bring the process to a conclusion. This included a commitment to provide a response to the City's March submission by early June.

Current Situation:

A comprehensive detailed set of comments on the submission was provided by MMAH on behalf of their Ministry and the Ministry of Natural Resources (MNR) in a letter dated June 10, 2013. (see **Appendix 1**). The purpose of this staff report is to identify the key elements from the Province's letter.

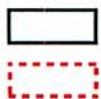
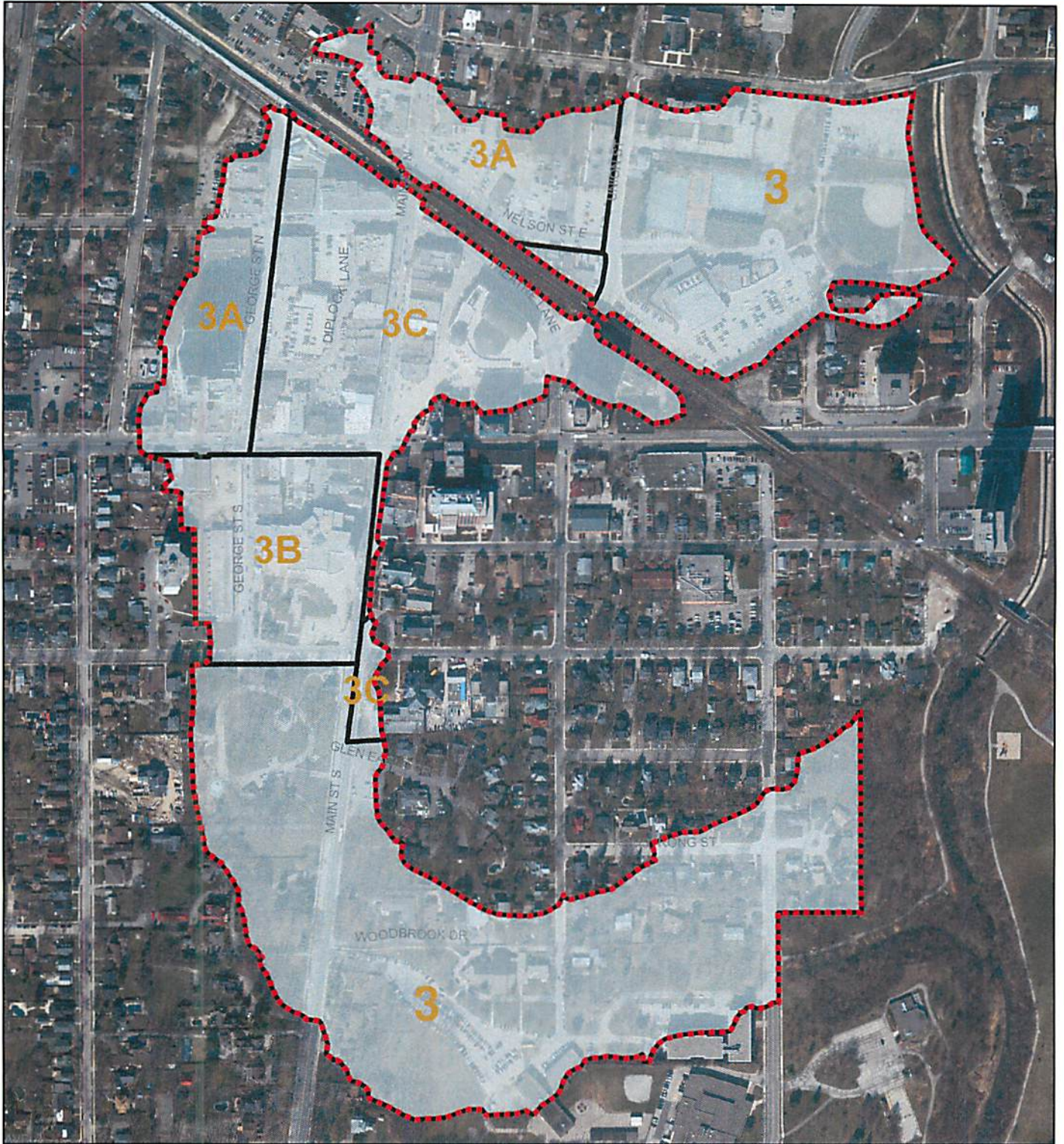
Discussion:

There are four key issues identified in the Ministry's letter, as well as a number of detailed comments. City staff has had detailed discussions in a meeting and a series of teleconferences with MMAH and MNR, together with Toronto and Region Conservation Authority (TRCA) staff. During those discussions the potential approach to resolve all matters was discussed at length.

Key Issues:

Technical Matters Related to Floodplain Modeling/Mapping

A number of technical items related to the updated floodplain modeling and mapping prepared by the TRCA were raised by MNR. They are seeking further clarification regarding the basis for the identified reduction in flows, acknowledgement that revisions have been made to address peer review comments of the hydrology report prepared in support of the mapping changes, and are requesting that a signed and stamped engineer's hydrology report as well as digital files and hard copies of mapping and reports be provided.



PROPOSED S.P.A AREA
 PROPOSED SPA AREA

3A - EDGE LANDS
3B - SOUTHWEST QUADRANT LANDS
3C - COMMERCIAL CORE/HACE LANDS



Amendments to OPA/ZBA to Ensure Reduction in Residential Development Is Achieved

The Province suggests that better alignment is required between the rationale provided in the technical component of the submission related to the reduction of risk arising from the reduction in potential residential and employment population within the SPA, and the translation of this principle into the Official Plan and Zoning By-law amendment documents. The letter suggests the inclusion of gross floor area/residential unit caps in the Secondary Plan policies and zoning for the sub-areas 3B, 3C as well as in the balance of area 3, consistent with the future growth scenario as set out in the submission. Sub-area 3A already includes a cap on units (Map 1 identifies SPA 3 and the proposed sub-areas).

The Province also requested that wording be included in the OPA to require annual monitoring of development activity to ensure that the caps are being maintained.

Amendments to the Emergency Management Plan

The Province requires more detail from the City's Emergency Measures Office (EMO) as to their ability to access the future development in a flood event. In addition, they request that an Emergency Response Plan be provided that indicates how all emergency responders and their equipment are to be coordinated to respond to the flood and any related incidents. They also require details as to how individuals with special needs (elderly, persons with disabilities) will be evacuated from buildings during a flood.

A full discussion on how Brampton would respond to these scenarios was held between Brampton's EMO coordinator and MNR emergency management staff.

Restrictions on Institutional Uses in SPA

Some of the Secondary Plan designations and zone categories permit institutional uses. The Province is recommending that within the SPA, new institutional uses set out in Section 3.4.1 (b) and (c) of the Provincial Policy Statement (PPS) be prohibited. The PPS cites hospitals, nursing homes, pre-schools, school nurseries, day cares and schools, where there is a threat to the safe evacuation of sick, elderly, young, persons with disabilities during an emergency as uses not permitted in hazard lands.

Other Comments:

Technical comments related to Costing for Flood Damage Numbers

Clarification was requested regarding some of the assumptions made in regard to the flood damage cost numbers that were provided. Staff undertook this exercise based on Provincial methodology set out in the Ministry of Natural Resources, Flood Damage Estimation Guide (2007).

Downtown Brampton Etobicoke Creek Revitalization Study

The Province asked for an update on the progress of this concurrent study which is seeking to identify potential measures that would permanently eliminate or reduce the flood risk to the downtown. They also requested that consideration be given for including wording in the OPA indicating that the City would be committed to funding a long-term solution that mitigates or removes the flood risk from the downtown.

Provincial Requirement For Rezoning

The Province is requesting modifications to wording in the draft OPA to be clear that any proposal which seeks to exceed any caps set in place in the Secondary Plan or Zoning By-law would be subject to Provincial approval. City staff has always understood that this would be the case.

Underground Garages

Inclusion of a policy which discourages underground parking garages and seeks to have entrances to such garages above the regulatory storm has been requested.

Emergency Access

The current OPA would allow for one building to connect to another to gain access to flood-free lands. This would also include the potential for "skywalks" across a street. The Province has concerns with how connections between buildings would be designed and implemented such that appropriate evacuation could occur while providing access for emergency responders.

OMB Appeal Related to Heritage Brampton Inc. (404048 Ontario Limited)

The property at the north-east corner of Main Street North and Nelson Street, which is in the SPA 3 area, submitted an application for rezoning in November of 2004, which Council supported subject to conditions' in 2006. The owners appealed their application to the Ontario Municipal Board in September of 2012 on the basis that Council had not made a decision (i.e. passed a by-law) within 120 days of the submission of the application. The Council recommendations related to the 2006 approval in principle were re-adopted in January 2013, as they had lapsed. Two OMB prehearings have been held with respect to this matter.

Provincial approval of the SPA amendment in accordance with the timeframes contemplated by the parties, would likely enable a resolution of this site-specific appeal without the need for a contested hearing. A further pre-hearing is scheduled for October and hearing dates have been set for two weeks in February and March of 2014.

Next Steps:

Staff is continuing discussions with the Province and TRCA regarding the matters raised in the Provincial letter and are hopeful that the issues can be satisfactorily resolved. A staff response to the issues including revisions to the Official Plan Amendment and Zoning By-law amendment are being prepared for further discussion. These will be brought forward to Council in a more detailed staff report as soon as possible, targeted

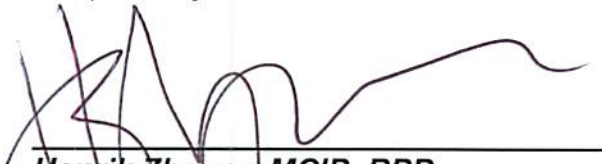
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for September. The next report will also include more detail on the approval process and time lines.

Conclusion:

Staff has worked consistently toward revisions to the Special Policy Area that will allow Brampton to achieve its vision while mitigating risk. Based on the June 2013 letter from the Province, staff believes that an amendment can be prepared that can be supported by the Province and City Council.

Respectfully Submitted,



***Henrik Zbogor, MCIP, RPP
Acting Director, Planning Policy
Growth Management
Planning, Design and Development
Department***



***Dan Kraszewski, MCIP, RPP
Acting Commissioner, Planning,
Design and Development Department***

Attachments

Appendix 1: Letter from Ministry of Municipal Affairs and Housing, dated June 10, 2013

Report authored by: Bernie Steiger, Central Area Planner

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Appendix '1'
(Letter from Ministry of Municipal Affairs and Housing, dated June 10, 2013)

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**Ministry of
Municipal Affairs
and Housing**

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June 10, 2013

Janice Given

Manager, Growth Management and Special Policy

Planning, Design and Development

City of Brampton

2 Wellington Street West

Brampton, ON L6Y 4R2

**RE: One Window Comments to City of Brampton's Downtown Brampton Special
Policy Area Comprehensive Flood Risk and Management Analysis 2011
City of Brampton
MMAH File #: 21-DP-0031-11003**

Dear Ms. Given,

Thank you for providing both the Ministry of Natural Resources (MNR) and the Ministry of Municipal Affairs and Housing (MMAH) with the City of Brampton's Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis 2011 (updated March 2013).

As you are aware, Downtown Brampton is located within the Etobicoke Creek watershed and has historically experienced flooding dating back to 1948. As a result of this, in 1986, the Province was involved in the approval of official plan amendment 58 (OPA 58) which identified the downtown as a Special Policy Area (SPA) under provincial policy. Through this approval, it was accepted that strict adherence to provincial flood policy was not possible and as such, some flexibility has been permitted.

In order to maintain our involvement in the downtown SPA, we have also taken the position that both MNR and MMAH will play a role in the approval of any future policy changes to the SPA, including boundary, land use, and zoning, which may have the effect of changing the level of potential risk within the SPA. This is in accordance with our interpretation of the policy direction in the Provincial Policy Statement 2005.

The package that has been submitted to the Province has been prepared by City staff in collaboration with the Toronto and Region Conservation Authority (TRCA) as part of the requirements to seek changes to Special Policy Area 3 of Secondary Plan 7-Downtown Brampton Secondary Plan. Included with the package are the revised floodplain mapping, background justification reports and draft official plan and zoning by-law amendments which seek the Province's preliminary approval.

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It is our understanding that the intent of the Comprehensive Flood Risk and Management Analysis is to revise the SPA boundaries to reflect recent TRCA flood modeling analyses. The City is also seeking to amend the policies relating to Special Policy Area Number 3 of Secondary Plan 7-Downtown Brampton Secondary Plan to divide the core of the SPA into 3 subareas (subarea 3A- Edge Lands, subarea 3B- Southwest Quadrant Lands, and subarea 3C- Commercial Core/HACE Lands).

Through this approach the City is seeking to reduce the existing approved development permissions within the SPA as follows: 1,803 residential units (from 2,635) resulting in a residential population of 4,221 (from 5,982) and 6,213 jobs (from 8,244). Although a net decrease in residential development is being proposed for the entire SPA, the City is seeking to add an additional 144 residential units to areas described as the "Edge Lands" (3A), where safe pedestrian access to flood-free lands during times of flooding can be provided. As part of the amendment, the City is also seeking to bolster the land use policies within the new subareas to include policies relating to land use and density, flood risk management, development approvals processes, and urban design principles. In addition to amendments to the Secondary Plan, the Comprehensive Analysis also proposes necessary revisions to the implementing Zoning By-law and Development Permit By-law.

The proposed policy revisions aim to impose appropriate development standards that will be put in place to protect public health and safety, while accounting for long-term socio-economic prosperity fits within this priority. An up-to-date policy framework can help optimize previous and future public investment in services and infrastructure while ensuring that new development addresses the flooding potential of the Etobicoke Creek, a key aspect to be considered for the future economic and social viability of downtown Brampton.

We would like to thank you for your collaboration and dedication on this important project. We recognize the importance of balancing growth management objectives, public investment in infrastructure, with the need to adequately ensure that public health and safety is maintained by both the City and the Province. This is particularly timely given the recent flood events and the damage it has caused to a number of Ontario communities.

The Ministry of Municipal Affairs and Housing and Ministry of Natural Resources have reviewed the proposal as it relates to matters of provincial interest outlined in the 2005 Provincial Policy Statement, MNR's Technical Guide: River and Stream Systems: Flooding Hazard Limit, and applicable provincial plans, and would like to provide you with the following key comments on the draft submission for your review and consideration.

Also, Appendix A to this letter contains a detailed set of comments recommending additional revisions to the submission and amendments, as well as technical comments:

Floodplain Modelling

The revisions to the SPA include the use of updated hydrology, hydraulics and floodline assessment as prepared by the TRCA. MNR staff note that the revised hydrology and hydraulics reflect a >50% reduction of the previously accepted flow rates through the downtown core. It remains unclear how this substantial reduction in flows has been determined.

In addition, the January 21, 2013 peer review of the hydrology report by Environmental Water Resources Group Ltd. indicates there may be some issues with the report. We require written confirmation that these issues have been resolved.

In addition, MNR requires copies of the full engineer's signed and stamped floodline modelling report(s) and associated final sign-off from TRCA and if applicable, the City. In addition, all hydrologic / hydraulic modelling and mapping (digital shapefiles and hard copies) must be submitted along with the engineer's report(s) prepared in support of the revised SPA limits.

Note: The above matter is required to be addressed prior to moving forward with the proposal to amend the planning documents.

Policy Revisions to Ensure a Reduction in Residential Development is Achieved

Throughout the Comprehensive Flood Risk and Management Analysis, it is indicated that the objective of the City is to reduce the overall amount of residential development permitted in subareas 3B, 3C, 3-Rosalea and 3-Main Street South, while allowing a modest increase in residential development to be permitted in subarea 3A.

Based on our review of the Summary Table document prepared by the City and dated April 24, 2013, the City is seeking to reduce the amount of permitted new residential development by 832 units across the entire SPA.

It is our understanding that in the subarea 3A, the number of total new residential units will be capped at 1,300 above the approximately 368 units that currently exist based on the 2006 Census). However, it is still unclear as to how the City intends to achieve the overall reduction in subareas 3B and 3C. At present, neither the draft OPA nor the draft Zoning By-law include any clear policy direction that demonstrates a reduction in the development potential in these subareas. No caps or limits have been put in place in the draft OP, nor has there been a reduction in the Floor Space Index, or a decrease in building heights in the draft OPA/ zoning by-law amendment.

In order to ensure that the City achieves its goal of reducing the total amount of permitted development, additional revisions to section 3.2 of draft OPA (Appendix D) are required. More specifically, revisions to establish limits on new residential development are necessary to section 5.6.3.1 of the Secondary Plan (to address a residential cap to the SPA as a whole and the areas outside of subareas 3A, 3B, and 3C) and proposed new sections 5.6.3.2(b) and 5.6.3.2(c) to introduce residential unit caps in subareas 3B and 3C.

It is noted that there is a discrepancy between the proposed total unit count for subareas 3B, 3C, and the remaining SPA area presented in the Summary Table dated April 24, 2013 (which outlines that no new residential growth is proposed in these areas beyond what currently exists) and the policy directive of the submission which contemplates new residential development in subareas 3B and 3C, and for the current existing policies to be applied to the remaining areas of the SPA. It is recommended that the City make necessary revisions to either the policy regime or the supporting information (i.e.: Summary Table) to accurately reflect the goals and intentions of the City with respect to new residential development in the SPA.

Additionally, the City may wish to consider a reduction in the allowable Floor Space Index in these areas to ensure that new residential development does not exceed the total residential unit count proposed by the City for the Special Policy Area.

Also, it is recommended that the Secondary Plan be amended to include a policy that stipulates the City will monitor the development within the Special Policy Area on an annual basis to

ensure development does not exceed the residential unit caps set in place in the Secondary Plan.

Zoning Revisions to Ensure a Reduction in Residential Development is Achieved

The policy direction noted above also needs to be carried over to the zoning by-law. The main elements of the Zoning By-law that would control the number of residential units in a subarea would be the Floor Space Index (FSI) and building heights. For example, in subarea 3C, the City envisions a substantial reduction in residential units as outlined in the Addendum to Appendix B: Downtown Development Potential within Special Policy Area No.3 (Updated April 2013) provided by the City on April 24, 2013. In order to achieve the reduction in residential units, it is recommended that the City revise the FSI and building height requirements in the Zoning By-law to reflect the proposed reduction of permissions. More specifically, to achieve a reduction in residential units, the City may utilize a combination of the following:

- Reduce the FSI and building heights uniformly,
- Apply specific FSI and building heights on a site-specific basis that would recognize development potential in the most suitable areas for new development,
- Utilize the "Holding" symbol to require that proper analysis has been undertaken to ensure that new development does not exceed the proposed amount of development in the SPA,
- Implement an Interim Control By-law to freeze development in the SPA until the City has completed the Comprehensive Analysis and had the opportunity to analyze how it can effectively achieve a reduction in development through appropriate planning tools.

Institutional Uses in the Special Policy Area

It is noted that section 5.1.2.1 of Secondary Plan 7 outlines the permitted uses within the "Central Area Mixed-Use" zone, which includes institutional uses. The "Institutional One" and "Institutional Two" zones permit uses such as day nurseries, public and private hospitals, and nursing homes. The "Central Area Mixed Use One" zone also allows for day nurseries as a permitted use.

It is recommended that within the SPA 3 that both the Secondary Plan and Zoning By-law be clear that certain new institutional uses including those listed in Section 3.1.4 a) of the PPS be prohibited from the SPA. These would include uses associated with hospitals, nursing homes, pre-schools, school nurseries, day cares and schools, and uses where there is a threat to the safe evacuation of the sick, elderly, persons with disabilities, or the young during times of emergency.

In addition, the City should also prohibit additional uses listed in policies 3.1.4(b) and 3.1.4(c) of the 2005 Provincial Policy Statement.

Proposal to Remove Requirement for Provincial Approval of Rezoning

One of the objectives of the Comprehensive Flood Risk and Management Analysis is to remove the need for Provincial approval of rezoning applications subject to meeting the requirements set out in the policies of the Secondary Plan. Any proposal to increase the amount of development beyond what is permitted in the Secondary Plan and Zoning By-law requires Provincial approval. As such, policy revisions to the amendment of the Secondary Plan and

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section 5.1.1.5 of the Secondary Plan are necessary to specify that any proposal that would increase the number of residential units beyond the established residential unit caps requires an amendment to the Secondary Plan and the approval of the Province. In addition, it is suggested that the City revise the 5th bullet point of the Goals of the Comprehensive Flood Risk and Management Analysis on Page E-3 of the Executive Summary to reflect the above.

Assurance of Access by City's Emergency Measures Office

Under the regulatory storm, the flood depths and velocities across most of the SPA pose a potential threat to public health and safety. The premise of risk associated with depth and velocity reflects an "average" person's ability to remain stable and exit the floodplain area. Many unknown factors such as weight, footwear and a person's physical capability play a role in a person's ability to safely exit the floodplain. The estimation(s) provided in MNR's "technical Guide- River & Stream Systems: Flooding Hazard Limit" would generally indicate that an "average" person could be overcome by forces exerted by flooding if the product of the depth and velocity exceeded $0.61\text{m} \times 0.61\text{m/s} = 0.371\text{m}^2\text{s}$. This depth and velocity combination reflects the flow characteristics used to assess safe access. This depth and velocity have limitations; therefore the Province has stipulated maximum independent depths and velocities which would be considered "high risk". It is requested that the City's Emergency Measures Office prepare an emergency response plan to demonstrate how all relevant resources and services (e.g. police, ambulance and fire), including equipment, are to be coordinated to respond appropriately during a flood to other concurrent emergencies such as structural fires, health emergencies, building collapse, etc. associated with all existing and proposed future development within the Downtown Brampton SPA. The emergency response plan should clearly explain how individuals with special needs (e.g. the elderly, persons with disabilities) will be evacuated from buildings during a complex emergency driven by a flood event.

In addition, the Emergency Measures Office must confirm whether it has any emergency response-related concerns with its ability to access any of the future development that is being proposed within the SPA. For reference purposes, guidance for ingress/egress are contained in MNR's "Technical Guide, River & Stream Systems: Flooding Hazard Limit" with respect to providing the ability for residents to evacuate and for emergency vehicles to access the area.

Progression of TRCA's Flood Feasibility Study and Financial Estimates to Potential Flood Damages

It is noted that the TRCA is undertaking an ongoing flood feasibility study to analyze potential flood mitigation measures, which includes improvements to the by-pass channel and other mitigation techniques. Further information is sought on when the feasibility study will be completed and what mitigation measures the City is prepared to commit to, or explore further, and if necessary include into the official plan amendment.

This is particularly important given that Section 4.2- Financial Investment of the background report, articulates the financial investment that has either been already invested (\$340,874,569), or is planned for the future in the downtown area. It is important to protect these investments long-term.

Also, further clarity is sought with respect to the financial calculations undertaken by the City with respect to the cost of damages during a flood. In section 6.5.2.1 of the background information, the City has indicated that the direct cost of flood damages is approximately \$74,000,000 and indirect costs total \$89,000,000. Further information is requested on what

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these costs include, for example, personal property, public property, infrastructure replacement, buildings. It is unclear at this time if these figures include permissions of subareas 3A, 3B, 3C, 3-Main, and 3-Rosalea.

We would be pleased to meet with you at your earliest convenience to discuss these comments in further detail.

Following these meetings and an agreement on next steps, the City may be in a position to proceed with preparing a final submission package. A total of nine (9) copies are to be prepared and sent to the Province including the following in digital format:

- final draft versions of the Secondary Plan and Zoning By-law amendment which reflect all revisions requested by the Province;
- notice of statutory public meeting for both the Secondary Plan and the Zoning by-law amendment;
- Council resolution from the City supporting the proposed changes to the SPA boundaries and polices, including the Secondary Plan and draft Zoning By-law amendment; and,
- A resolution from TRCA's Executive Committee or Full Authority Board confirming support for the City proposed changes to the SPA boundaries and policies.
- All mapping should include digital files in a GIS format and be geo-referenced (shapefiles)

A final review of this material will then take place by the Province and a final decision will be made by both Ministers.

Should you require further information or have any questions, please do not hesitate to contact David Sit, Manager, Planning Projects at (416) 585-6583 or Dan Ethier, Senior Planner at 416-585-6784.

Sincerely,


Larry Clay
Regional Director
Municipal Services Office- Central

c. Jane Ireland- (A) Regional Director, Ministry of Natural Resources

Appendix A

General Comments

1. It is anticipated that areas on Queen Street in the vicinity of the rail line overpass could be subject to flooding under the regulatory flood condition. The effects of the regulatory flood elevations and hydraulic connection(s) to this area should be reviewed and considered for addition to the updated floodplain mapping.
2. Under the regulatory storm, the flood depths and velocities across most of the SPA pose a potential threat to public health and safety. The premise of risk associated with depth and velocity reflects an "average" person's ability to remain stable and exit the floodplain area. Many unknown factors such as weight, footwear and a person's physical capability play a role in a person's ability to safely exit the floodplain. The estimation(s) provided in the MNR's "Technical Guide, River & Stream Systems: Flooding Hazard Limit" would generally indicate that an "average" person could be overcome by the forces exerted by flooding if the product of the depth and velocity exceeded $0.61\text{m} \times 0.61\text{m/s} = 0.371\text{m}^2/\text{s}$. This depth and velocity combination reflects the flow characteristics used to assess safe access. This depth and velocity combination does have limitations; therefore the Province has stipulated maximum independent depths and velocities which would be considered "high risk".

Future development in subarea 3A is proposed to have dry pedestrian access/egress directly to flood-free lands (similar to the existing development located at 11 George St.). In subareas 3B and 3C, it appears that future development is also proposed to have dry pedestrian access/egress to flood-free lands however this is proposed to be accomplished through the use of skywalks/bridges between buildings.

The City's Emergency Measures Office must prepare an emergency response plan to demonstrate how all relevant resources and services (e.g., police, ambulance and fire), including equipment, are coordinated to respond appropriately during a flood to other concurrent emergencies such as structural fires, health emergencies, building collapse, etc. associated with all existing and proposed future development within the Brampton SPA. The emergency response plan should clearly explain how individuals with special needs (e.g., the elderly, persons with disabilities) will be evacuated from buildings during a complex emergency driven by a flood event.

In addition, the Emergency Measures Office must confirm whether it has any emergency response-related concerns with its ability to access any of the future development that is being proposed within the SPA.

Guidelines for ingress/egress are contained in MNR's "Technical Guide River & Stream Systems: Flooding Hazard Limit" with respect to providing the ability for residents to evacuate and for emergency vehicles to access the area.

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3. Some existing and proposed SPA areas will not be accessible during a flood event. These areas should be clearly identified on a map. This is good information for the City to have.
4. The policy framework that is contained in the draft Secondary Plan does not accurately reflect the levels of development that are being proposed by the City. As worded, the draft Secondary Plan does not limit the amount of residential development which can occur in SubAreas 3B and 3C. Therefore, the policies that are contained in the draft Secondary Plan need to be revised. These revisions must, at a minimum, specify the maximum level of development that is permitted within each subarea of the SPA. In the absence of such thresholds, development and intensification beyond the levels being proposed by the City would be permitted.
5. The risk assessment-related information that MNR has received from the City and TRCA is dependent upon the results in the hydraulic analysis. MNR is not yet able to confirm support for the City's risk assessment until MNR's review of the hydraulic analysis has been completed.
6. The City's "Analysis" report should clearly reflect that the PPS states "SPA's are not intended for new or intensified development and site alteration if a community has feasible opportunities for development outside of the floodplain". The report should also reflect that the Growth Plan for the Greater Golden Horseshoe indicates that where there is a conflict between the Growth Plan and the PPS, the policies that provide the greater level of protection to the natural environment or human health prevail.
7. The City's 'Analysis' report indicates that the TRCA technical requirements have been applied. Where appropriate, the report should be revised to confirm that the minimum provincial requirements have also been satisfied (i.e.: that floodproofing measures are to the 1:350 flood event at a minimum, and building electrical functions are not below the Regulatory Flood Level).
8. Many of the figures within the report (e.g. Figure 7, page 5-15) are illegible. It is requested that the City ensure that all figures, maps, etc. presented within the finalized report are clear and legible.
9. The Table provided by the City on April 24, 2003 titled "Downtown Development Potential Within Special Policy Area 3 Summary Table By Special Policy Area" outlines the existing growth, existing development permissions, and proposed development permission in the 3 proposed subareas and remaining SPA area. This table indicates that 368 residential units exist in subarea 3A, and that the City is aiming at achieving a total 1,247 units in the area. However, section 5.6.3.2(a)(i) indicates that there is to be a maximum of 1,300 new residential units in subarea 3A. An addition of 1,300 new units to the existing 368 units would result in 1,668 residential units in subarea 3A. It is requested that the City remove the word "new" after the "1,300" or for the number 1,300 to be changed to 879 in the policy to reflect the proposed growth scenario figures provided by the City.

Furthermore, revisions to the "Addendum to Appendix B: Downtown Development Potential within Special Policy Area No.3 Table (Updated April 2013)" are required to ensure accuracy of existing residential development potential in the subareas. For example, it is indicated that the lands north of City Hall (south of Queen Street) have 0 residential development permissions. However, the corresponding zoning on the lands (Downtown Commercial One) permits residential development at an FSI of 4.0. In order to ensure accuracy in the amount of residential development permissions being reduced in the Special Policy Area, revisions to the supporting background information are required to reflect existing permissions. This also needs to be reflected in the Zoning By-law.

10. Further policy revisions are required to ensure that development does not occur beyond what the City is proposing through the revisions to the Special Policy Area policies. In addition to establishing a limit on the amount of new residential development that may be permitted in the areas of the Special Policy Area outside of subarea 3A, the City should investigate establishing specific FSI's to individual properties to have a better understanding of the development potential on sites within the SPA. Allowing for an FSI of 3.5 throughout the SPA (and 5.0 within subarea 3A) would allow for potential development to occur without the need for planning approvals, and may be difficult for the City to stay within the development limits sought as part of the submission.
11. In order to ensure that the City is not exceeding development approvals beyond what is being proposed as part of the submission to the Province, it is recommended that a new policy 5.6.3.1(c) which states that the City will monitor development approvals on an annual basis, and that any proposals that would result in the increase of residential units beyond what is set in the Secondary Plan for maximum residential units would require an amendment to the Secondary Plan.

Comments on Comprehensive Flood Risk Analysis

12. **Executive Summary (Page E-3)**
In the 5th bullet point under the "Goals of the Comprehensive Flood Risk and Management Analysis", it is indicated that one of the goals of the analysis is to remove the need for Provincial approval for rezoning applications. In order to ensure that rezonings do not result in an increase in density beyond what is agreed upon by the Province, it is recommended to insert the words "*provided an increase in residential development beyond what is permitted is not proposed*" at the end of the sentence.
13. **Executive Summary (Page E-6)**
The section titled "The Proposed Official Plan Policy Approach Reduces Risk" indicates that "opportunities exist for a reduction of approximately 5000 people and jobs across the SPA, from what is currently allowed under existing policies". The figure of "5000" does not appear to be accurate and should be revised. In addition, the proposed cap of 1,300 residential units for subarea 3A in the draft Secondary Plan does not match the proposed residential units shown in the Development Potential Summary Table provided by the City on April 24, 2013. It is recommended to revise the background material to ensure units, population, and employment figures are consistent throughout the document.

14. **Section 1.0- Goal and Objectives (Page 14)**
The 7th bullet point outlines that it is an objective of the submission to “remove the need for Provincial approval of rezoning applications subject to meeting the requirements set out in the Secondary Plan policies”. It should be noted that any re-zonings to increase residential development beyond what is permitted through the submission, or the addition of sensitive land uses expressed in section 3.1.4 of the PPS represent a deviation from what has been approved by the Province in terms of acceptable development in the Special Policy Area.
15. One of the identified objectives is at-grade-entrances in the Four Corners area. The City should be reminded that floodproofing is to be to the maximum extent technically or practically feasible, and to the 1:350 storm level at a minimum.
16. **Section 2.1- Special Policy Area Context (Page 16)**
The 3rd paragraph refers to “the area” as being identified as a growth area. It is unclear what “the area” refers to. The City should clarify that they are referring to the Urban Growth Centre. Provincial policy does not direct growth to SPAs.
17. **Section 3.7- Development History**
This section should be updated as it indicates that the Landmarq (Medallion) property is partially located within the SPA. This is not accurate based on the ‘proposed’ updated SPA boundary.
18. **Section 5.4.4- Flow Velocity (Page 5-13)**
This section indicates that flood velocities range in the SPA from 0 metres/seconds to 2 metres/second. However, upon review of Figure 7- “Velocity of Flood Water During the Regulatory Storm” on Page 5-15 of the submission, it is noted that there are areas within proposed subarea 3B which have flow velocities of 3-4 metres per second. The last sentence should reflect that the velocities in some areas (subareas 3B and 3C) of the SPA are in the order of 3 to 4 m/s.
19. **Section 5.5.3- Safe Ingress and Egress (Page 5-17)**
This section states “Developments along the outer boundaries of the SPA could achieve safe ingress and egress by accessing properties outside of the SPA.” It is recommended for this statement to be revised to read: “Developments along the outer boundaries of the SPA could achieve dry pedestrian ingress and egress by accessing flood-free lands which are located outside of the SPA.”
20. **Section 6.2.3- The “Heart” of the City (Page 6-10)**
This section states “there has been a significant interest in development within the SPA because of the policy regime, development incentives...” This section continues to outline that “These are detailed in Section 3.7”. This information does not appear to be included in Section 3.7 and therefore revisions may be warranted to include this information.
21. **Section 6.2.8- Reduction in Risk (Page 6-15)**
The second sentence of this section outlines that “by redistributing residential growth to the area described in this submission, and establishing a maximum number of units and non-residential floor area, the City has committed to managing future growth in the SPA.” As outlined in these comments, the maximum number of residential units has not

been incorporated for subareas 3B and 3C, as well as the remainder of the SPA, and therefore policy revisions need to be incorporated to ensure that a reduction of development, as well as redistribution of development permissions occurs.

22. **Section 6.4- Other Policy-based Risk Management Measures (Page 6-21)**

The wording in the first bullet should be changed to *"New residential development would only be permitted where dry pedestrian access/egress to flood-free lands can be demonstrated."*

23. Also, in the fourth bullet point of this section, the following sentence should be added: *"All buildings and structures shall be floodproofed to the level of the Regulatory Storm. Where this is not possible, floodproofing must be to the highest level technically feasible/practical, however the minimum floodproofing level shall be the 1:350 year storm."*

24. **Table 6-5- SPA Cost Damage Summary (Page 6-33)**

The heading for the 4th column in this table is "Damage Value Lands No Longer in Floodplain". It is requested for the City to explain the purpose of this column. Also, the City should clarify whether it has considered other damage costs such as infrastructure, utilities etc.

25. **Section 6.6- Other Flood Risk Management Approaches (Page 6-34)**

This section incorrectly implies that a two-zone approach would require the flood fringe to be filled to the Regulatory Flood elevation. This wording should be revised to indicate that a two-zone approach would require "floodproofing" (not filling) for new development, within the flood fringe. In addition, the City should provide more detailed information that explains why the two-zone approach is not feasible.

26. **Section 7.2.2- Development Area 3B (Page 71)**

Throughout the submission, it is noted that the focus of potential redevelopment in subarea 3B is based upon a proposed expansion to the City Hall. As such, there is no established density or gross floor area limits, and it is outlined that Secondary Plan FSI maximums can be exceeded. However, it is noted that the lands within subarea 3B include parcels beyond the site of City Hall (including its expansion), including lands west of George Street and those fronting on Queen Street. Without density limits and limits on the number of residential units permitted, these parcels can potentially be redeveloped and intensified, with limited access to flood free lands during times of flooding. As such, it is suggested to incorporate development limits within the policies for subarea 3B.

Comments on Secondary Plan Amendment (Appendix D)

27. For Areas 3-Main Street South and 3-Rosalea, the draft Secondary Plan should include policy direction that prohibits new development (including lot creation) beyond the level that currently exists, to reflect the City's proposed growth scenario for the SPA.

28. It is recommended to include a new policy 5.6.3.1(c) that specifies the planned residential units, population, and employment within the Special Policy Area as part of the Urban Growth Centre. This would ensure that any increases in proposed development beyond what is approved by the Province require an amendment to the Secondary Plan which will be subject to approval by the Province.
29. The policies outlined in sections 5.6.3.2(b) and 5.6.3.2(c) that apply to subareas 3B and 3C place a focus on urban design principles in these areas. Further policy revision is required to indicate that the focus and determining factor for the approval of new development in these subareas is the provision of acceptable floodproofing and pedestrian access to flood-free lands. Unless it is specified that urban design principles are secondary to proper floodproofing standards, it is recommended for the sections addressing Urban Design Principles to be removed.
30. There appear to be lands in subareas 3B and 3C that can provide safe access to flood-free lands via pedestrian access as opposed to the use of pedestrian bridges. It is recommended for revisions to be made to the policy framework of proposed policies 5.6.3.2(b) and 5.6.3.2(c) to recognize this possibility and provide priority to these sites in terms of potential redevelopment.
31. Underground parking facilities are discouraged in SPAs. The City should demonstrate why alternatives are not practical. Where alternatives do not exist, the access to the underground parking should be above the Regulatory Storm level. Also, it is recommended for the City to assess the associated potential risk to loss-of-life together with any proposed measures to reduce this risk as part of the submission. It is recommended to insert a new policy in Section 5.6.3.1 of the Secondary Plan to indicate that underground parking facilities are discouraged and that new developments will seek other feasible alternatives as a priority in design.
32. It is recommended to insert a new policy in Section 5.6.3.1 of the Secondary Plan to stipulate that new developments in the SPA will be required to submit a building-specific emergency plan (in coordination with the City's Emergency Management Plan) as supportive information for a development application.
33. It is requested for the City to provide clarity on how new development within the SPA (and the proposed policy regime of the submission) corresponds with the City's existing policy 5.6.3.1(iv), pertaining to not allowing new development that contain water flows which can pose a threat to human health and safety.
34. All references to the "Regional Storm" to be changed to the "Regulatory Storm".
35. All schedules/maps should be revised to reflect the new SPA boundary.
36. **Section 5.6.3.2 (Page 3)**
The following sentence should be inserted at the beginning of the 1st paragraph: "SPA 3 is situated within the Downtown Brampton Urban Growth Centre which has been identified in the Growth Plan for the Greater Golden Horseshoe."
37. The words "identifies lands within SPA 3 as part of the Brampton Urban Growth Centre" should be deleted from the sentence that is currently at the beginning of this section. Also, the word "limited" should be inserted before "intensification".

Section 5.6.3.2(a) (Page 4)- SUBAREA 3A

38. In the 1st sentence, it is recommended that the word "*fringe*" to be changed to "*edge*".
39. In Subsection (i), it is recommended that the words "*(from the date of approval of this amendment)*" be deleted.
40. In subsection (iii), the 3rd sentence should be replaced with "*Notwithstanding the above, emergency access/egress shall be required above the Regulatory Storm flood level, and no habitable living space, electrical wiring, fuse boxes, furnaces, air conditioning, elevators, etc. shall be permitted below the Regulatory Storm flood level.*" Also, in the last sentence, the words "or equal to" should be inserted after the words "depth of a flood less than".
41. In the 3rd sentence, it is recommended that the word "*appropriate*" to be deleted.
42. In the 1st bullet of Subsection (xi), it is recommended to insert "*electrical wiring, fuse boxes, furnaces, air conditioning, elevators, etc.*" after the words "habitable space". Also, all wording in the 2nd and 3rd bullets that implies the numerical elevations for the Regulatory Storm flood level will be specified in the by-law should be removed as this elevation changes throughout the floodplain.

Subsection (xii) under the heading "Approvals Process" stipulates that provincial approval of a zoning by-law proposed in relation to a development application is not required provided the criteria set in subsection (xi) are met. In order to ensure that increased development beyond what is accepted by the province does not occur, it is recommended to insert the following words to conclude the sentence: "*and that no increase in development beyond what is permitted by the Province is being proposed.*"

Section 5.6.3.2(b) (Page 4)- SUBAREA 3B

43. The word "*significant*" should be removed from the second sentence of the preamble.
44. Furthermore, in order to ensure that only a limited and appropriate amount of development occurs in subarea 3B of the Special Policy Area, it is recommended that a cap be established for new residential dwellings that will be permitted within subarea 3B in order to ensure that additional development is not introduced beyond what is permitted by the Province through the approval of the OPA. Notwithstanding the lands utilized for City Hall, there are approximately a dozen properties located in the subarea which can be redeveloped/intensified. Currently, the land use policies do not establish a residential dwelling limit, and as such, it is possible to see the introduction of a significant amount of residential development beyond what currently exists in this SubArea given the policy/zoning regime being proposed.

** Please note that this comment also applies for the subarea 3C and the remaining lands of the Special Policy Area which are not subject to the amendment as it relates to ensuring that new development does not introduce additional residential development beyond what is sought by the City in the Special Policy Area.

45. Subsection (iii) under the heading of Land Use and Density outlines that densities above the maximum FSI set in the plan shall be in accordance with section 5.1.1.5 of the Secondary Plan. Section 5.1.1.5 outlines that increases in the established FSI shall be subject to a site-specific rezoning with supportive information to be provided outlining the rationale for the increase in density. It is recommended for any increase in density or FSI to require an Official Plan Amendment which is consulted and signed off by the Province. This approach is consistent with PPS 3.1.3 (a) which states: *“Despite policy 3.1.2, development and site alteration may be permitted in certain areas identified in policy 3.1.2 in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the site-specific policies or boundaries applying to a Special Policy Area, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.”*

** The above comment also applies to bullet point (v) under the heading “Land Use and Density of policy 5.6.3.2(c) for Sub Area 3C.

46. The 3rd sentence in subsection (iv) should be replaced with *“Notwithstanding the above, emergency access/egress to and from the building for residential uses for flood accessibility purposes shall be required above the Regulatory Storm level and no habitable living space be permitted below the Regulatory Storm flood level.”* Also, in the last sentence, the words “or equal to” should be inserted after the words “depth of a flood less than”.
47. In the 1st bullet of Subsection (ix), insert *“electrical wiring, fuse boxes, furnaces, air conditioning, elevators, etc.”* after the words “habitable space”. Also, all wording in the 1st, 2nd and 3rd bullets that implies the numerical elevations for the Regulatory Storm flood level will be specified in the by-law should be removed. (Alternatively, this can be included in the definition of “habitable space” under the Definitions section of the Plan.)
48. **Section 5.6.3.2(c) (Page 16)- SUBAREA 3C**
This policy specifies that the lands within subarea 3C are entirely within flood-susceptible lands with limited opportunity for gaining emergency access to flood free lands. However bullet points (iv) and (v) under the heading Land Use and Density contemplate intensification opportunities within this area. It is recommended to revise the policies of Section 5.6.3.2(c) to introduce a residential dwelling limit in this section to ensure development does not extend beyond what is accepted by the Province through approval of the amendment.
49. **Section 5.6.3.2(c) (Page 16)**
Subsection (vi) under the heading Managing Flood Risk outlines that proposed developments fronting onto Queen Street and Main Street within subarea 3C may be developed with storefronts and entrances at-grade. This may cause potential risk to human health and safety, as well as increases in property damage as at-grade development more susceptible to be impacted by flooding. The policy does not identify

any potential means for evacuation in terms of ingress/egress. Clarity is sought on the potential flood mitigation techniques for development proposals fronting on Queen and Main Streets and the appropriateness of at-grade development in the context of protecting human health and safety.

This comment also applies to revision 1.(1)(c) which amends the City's Zoning By-law 270-2004.

50. **Section 5.6.3.1(b) (Page 22)**

This section outlines that the City encourages senior levels of government and the TRCA to fund a longer term solution to eliminate the floodland from downtown Brampton. This policy should be deleted.

51. **Section 5.6.3.2(c)(iii) and (v) (Page 17)**

The words "*additional height and density...may be permitted...*" should be removed as it would allow for new development, including residential, which is beyond the level contemplated by the draft Secondary Plan and by the Province.

52. **Section 5.6.3.2 c) vi) 2nd occurrence) (Page 18)**

It is recommended to delete the 2nd occurrence of this bullet point as any redevelopment must be floodproofed, where feasible, to the Regulatory Storm Flood level and, in no case lower than the 1:350 year storm.

53. **Section 5.6.3.2 c) viii)**

The word "new" should be inserted after the words "emergency access for".

54. **Section 5.6.3.2 c) ix)**

It is recommended for the words "*in consultation with*" to be replaced with the word "*and*".

55. **Section 5.6.3.1 (a) (Page 22)**

It is recommended for this policy to indicate that provincial approval to remove the SPA designation will be required before any development can proceed.

56. **Section 5.6.3.1 b) (Page 22)**

The policy should also commit the City to consider funding a longer-term solution to eliminate the SPA/floodplain from Downtown Brampton.

57. **Page 23, (3)**

It is requested for the City to provide clarification as to what "Schedule SP7(C-2)" refers to.

58. **Page 23**

The following wording should be included in a new section that is inserted after (5):" *By amending Schedule SP7(C) of Chapter 7: Downtown Brampton Secondary Plan of Part II: Secondary Plans, updating the boundary of Special Policy Area 3 as shown on Schedule B to this Amendment.*"

Comments on Proposed Zoning By-law Amendment (Appendix E)

59. In order to ensure that floodproofing and risk reduction occurs through the zoning by-law to implement the Secondary Plan policies, it is recommended for the City to approve the Zoning By-law amendment concurrently with the Secondary Plan amendment.
60. **Section 20.9 a)**
All references in this section to the “*Regional Storm*” should be changed to the “*Regulatory Storm*”. Also, all of these references should be generalized by removing all numerical elevation levels (e.g. “XXX.XX metres”)
61. **Section 20.9 a) i)**
The last sentence should to be deleted, as emergency access should be required for all forms of new development.
62. **Section 20.9 a) iii)**
The wording in this section should be replaced with the following: “*All buildings and structures shall be floodproofed to the level of the Regulatory Storm. Where this is not possible, floodproofing must be to the highest level technically feasible/practical, however the minimum floodproofing level shall be the 1:350 year storm.*”
63. **Section 20.0 c)**
This section should be removed as floodproofing must be to the highest level that is technically feasible or practical, and to the 1:350 storm level at a minimum.

Comments on Draft Main Street North Development Permit System Official Plan Amendment (Appendix G)

64. Portions of the SPA submission propose to amend the City's Development Permit System to incorporate lands within the SPA that are located north of Church Street and part of the Development Permit By-law area. The City may wish to consider the implications of moving forward with revisions to the Development Permit By-law as this matter is currently under appeal to the Ontario Municipal Board.

Comments on Standard Operating Procedure (Appendix I)

65. This appendix contains the “Standard Operating Procedure for the Downtown Brampton Flood Emergency Response”. The response plan for this area reflects the following assumptions:
- Advanced warning of severe weather will be available
 - Evacuation will occur prior to flooding
 - Door-to-door notifications to residents will occur prior to flooding
 - Evacuation route will be achievable across the floodplain
 - Access through flooded areas will be available (Main St. & Queen St.)
 - Emergency Management Ontario would be mobilized and present

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Although the above may meet the requirements for emergency management, the assumptions made do not appear to be consistent with MNR's "Technical Guide, River & Stream Systems: Flooding Hazard Limit". The provincial guidelines, as they related to floodplain management, indicate that flooding is assumed to be present during times of evacuation.

The City should provide a revised and robust "Standard Operating Procedure for the Downtown Brampton Flood Emergency Response" that reflects the proposed changes to development. In particular, the City should demonstrate how it will protect the lives of residents in the more intensely developed areas of the proposed plan during complex emergencies simultaneous to a flood event. Such a plan should be comprehensive and demonstrate how the buildings, access structures, and municipal infrastructure and response capacity work collectively to ensure life safety of residents.

Comments on Downtown Drainage Study Part 1: Flood Risk Assessment (Appendix L)

66. A detailed review of the Flood Risk Assessment was not undertaken as it is not based on the development scenario that the City is currently proposing.