



# BRAMPTON Flower City

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## Report Planning, Design and Development Committee Committee of the Council of The Corporation of the City of Brampton

**Date:** December 19, 2013

**File:** P26 SP007

**Subject:** RECOMMENDATION REPORT  
DOWNTOWN BRAMPTON SPECIAL POLICY AREA  
COMPREHENSIVE FLOOD RISK AND MANAGEMENT ANALYSIS  
Wards 1, 3, 4, 5

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

DATE: January 13, 2014  
February 3, 2014

**Contact:** Janice Given, Manager, Growth Management and Special Policy,  
Planning and Building Division, (905-874-3459)

### Overview:

- Subsequent to the receipt of a number of development applications within the floodplain affected area of the historic downtown core beginning in 2004, the Province advised of the need to re-address the Special Policy Area (SPA) provisions of the Secondary Plan, prior to further consideration of development applications. The City, in collaboration with the Toronto and Region Conservation Authority, embarked on a process in accordance with Ministry of Natural Resources guidelines, to establish an updated planning framework for the SPA.
- In 2011, the City made a submission to the Province to amend the Special Policy Area policies with the intent to manage and reduce risk in the SPA and provide a clear framework for new development.
- An initial public meeting with respect to the proposed Official Plan (OPA) and Zoning By-law (ZBA) amendments was held on November 7, 2011, a further public meeting with respect to changes to the draft OPA and ZBA was held on November 4, 2013.
- This report presents the results of the public meetings and seeks Council endorsement of the revised OPA and ZBA. The concluding steps in the process entail endorsement from the Toronto and Region Conservation Authority, and subsequent final approval by the Province. Once Provincial approval is received, Council can formally adopt the OPA and enact the ZBA.

### Recommendations:

- 1) **THAT** the report from Janice Given, Manager, Growth Management and Special Policy, Planning and Building Division, dated December 19, 2013 to the Planning, Design and Development Committee Meeting of January 13, 2014, re: "Recommendation Report Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis (File P26 SP007)" be received;

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- 2) **THAT** the proposed Official Plan Amendment and Zoning By-law Amendment attached hereto as Appendices 3 and 4 respectively, be endorsed by Council; and,
- 3) **THAT** staff be directed to forward the report, Council resolution, Official Plan Amendment and Zoning By-law Amendment to the Toronto and Regional Conservation Authority Board for endorsement and the Ministry of Municipal Affairs and Housing and Ministry of Natural Resources for final approval.

**Background:**

Special Policy Areas (SPA) were established by the Province in the 1980's to recognize existing historic development areas that were within a floodplain, where strict adherence to floodplain regulations would not allow these areas to remain viable. Many historic downtowns in Ontario were at least partially located within a floodplain, as locational requirements drew them to situate in proximity to watercourses and waterbodies. Downtown Brampton was established in the floodplain of the Etobicoke Creek.

The SPA for downtown Brampton was approved in conjunction with the Brampton Central Secondary Plan (OP84-058) by the Province in 1986. These policies were incorporated into the Downtown Brampton Secondary Plan, which replaced the Brampton Central Secondary Plan and was approved in 1998. The SPA policies are set out as Special Policy Area 3 in the Secondary Plan.

Subsequent to the receipt of a number of development applications within the historic core beginning in 2004, the Province (Ministry of Municipal Affairs and Housing (MMAH)) identified the need for a comprehensive approach to evaluating the scale and nature of development to occur in the historic core located within the SPA.

The City, in collaboration with the Toronto and Region Conservation Authority (TRCA), undertook to develop a submission package in accordance with the Ministry of Natural Resources' (MNR) 2009 technical guidelines for amending SPAs. The City made its submission to the Province in August of 2011, with an update in March of 2013. An initial public meeting with respect to the amendment documents was held in November 2011. The Province provided a detailed response in June of 2013. The City has been working closely with the TRCA, MMAH and MNR to address these comments. Details of the Province's letter and City staff's proposed response were provided in reports to the August 7, 2013 City Council meeting and the September 23, 2013 Planning, Design and Development Committee meeting. The proposed Official Plan Amendment and Zoning By-law were revised and presented at a further public meeting in November 2013.

**Current Situation:**

The City, Province and TRCA have been working within a project timetable that seeks to achieve Provincial sign-off on the amendment and submission package in the first quarter of 2014.

There has now been sufficient progress on the various required components (modelling, risk assessment and rationale, emergency management, OPA/ZBA), for MMAH and MNR to complete their review and provide any final comments on the amendments to the City prior to approval by the Ministers of MMAH and MNR. These comments are expected mid January.

As a key step in the process, staff is seeking Council endorsement of the proposed OPA/ZBA. While the final comments of the Province through MMAH are not likely to be received prior to consideration by Planning Design and Development Committee, any changes to the OPA and ZBA arising from their comments can be considered by Council and will need to be reconciled following the decision of the Ministers prior to adoption of the amendments.

The report also includes the results of the public meetings and addresses agency comments received.

A brief overview of the technical submission made to the Province is also included.

**Requirements of MNR Technical Guide:**

The final submission to the Province will be made following Council's endorsement of the amendments and receipt and incorporation of final comments from the Province. It is comprised of a final update to the submission made to MMAH in 2011 and its addendum in 2013. This submission will be in accordance with the technical and land use planning requirements for amending SPAs as set out in MNR's *"Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to Existing SPAS under the PPS, 2001- Technical Guide"*, January 2009. It also reflects the City's response to the June 2013 Provincial comment letter, dated November 20, 2013 and attached hereto as **Appendix 1**. The June 2013 Provincial comment letter is found in **Appendix 9**.

The submission will contain the following:

**Technical (flood related)**

- Detailed mapping of changes to SPA boundary, indicating size of areas removed/added, related land uses, Official Plan and Zoning designations, and supporting rationale. The SPA is reduced in size by approximately 5 hectares.
- Mapping showing new and old floodlines, and new and old SPA boundary lines
- Mapping showing flood depths and velocities, based on current modelling

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- Detailed characterization of floodplain in proposed SPA area (depths, velocities, lead time, ice jams)
- Overview of past floodplain modelling studies
- Justification as to why other floodplain management approaches (such as two-zone concept) are not appropriate for this area
- Impact of full build-out on flood levels/flows

The Province approved the floodplain modelling component in a letter dated August 30, 2013.

### Land Use Planning

- Detailed assessment of current and proposed population and employment for the proposed SPA
- Rationale for SPA update to support the viability of the historic Downtown
- Comprehensive risk management approach which supports revitalization and strategic redevelopment while mitigating potential risks associated with flooding:
  - Reduction of 4000 peoples and jobs
  - Distribution of future residential population to “edge” areas of SPA
  - Overall limits on residential and commercial uses within the historic commercial core
  - Restriction on new residential uses in established neighbourhoods outside of the historic commercial core but still within the floodplain
  - Restriction on new sensitive uses within the floodplain, in accordance with the Provincial Policy Statement, including those uses related to the care of children, the elderly and persons with disabilities; essential emergency services; and, those uses associated with the handling or storage of hazardous substances
  - Proposed flood-proofing measures (building entrances, underground parking entrances, building systems) for development
  - Requirement for flood-free emergency access for new residential uses
  - Other technical requirements for development (engineering studies to ensure buildings can withstand flood flows)
  - Building Safety Plans for new development
  - Notifications for new residential development
- As part of the risk management approach, a Detailed Emergency Measures Plan Standard Operating Procedure for flood emergency
- Explanation of consistency with Provincial Policy Statement and other Provincial Plans
- Flood damage cost estimate based on MNR’s methodology
- Proposed OPA/ZBA which reflects the risk reduction approach set out in the balance of the submission

**Official Plan Amendment:**

The draft OPA reflects the Province's comments of June 2013 and implements the risk management approach set out in the balance of the technical submission. It supports the ongoing revitalization of the downtown by realizing strategic development opportunities while managing and reducing risk with respect to flooding. The OPA establishes four sub-areas to reflect the differing policy approach and development potential within the SPA. These sub-areas implement the residential growth distribution (with focus on edge areas) component of the risk management strategy. The OPA establishes limits for residential and non-residential development, sets out the technical requirements for development with respect to flood-proofing and flood risk management and establishes the approval process for new development. A summary table of the contents and policy direction of the OPA is attached as Appendix 2. The proposed OPA is attached to this report as Appendix 3.

Staff recommends that the draft OPA as attached hereto be endorsed in principle and that TRCA, MMAH and MNR be notified accordingly.

**Zoning By-law Amendment:**

The ZBA further implements the risk management approach and the proposed SPA policies of the OPA by adding floodplain regulations for the SPA to the City's Comprehensive Zoning By-law. These regulations establish limits for residential and non-residential development, flood-proofing requirements and restrictions on new sensitive land uses. The proposed ZBA is attached hereto as Appendix 4.

Staff recommends that the draft ZBA as attached be endorsed in principle and that MMAH and MNR be notified accordingly.

**Next Steps:**

The concluding steps in the process are as follows:

- City Council approval in principle of OPA/ZBA (this report)
- TRCA Board endorsement of OPA/ZBA (end January)
- Council/TRCA resolutions forwarded to Ministries
- Final Submission document forwarded to MMAH (February)
- MMAH/MNR provide recommendation to Ministers
- Ministers make a decision on the amendments
- City Council adopts OPA (with revisions if required) and enacts ZBA (with revisions if needed), 20-day appeal period
- OPA/ZBA in force if no appeal


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**Conclusion:**

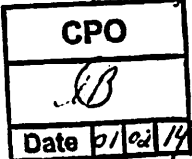
The proposed OPA and ZBA, along with the associated background work, has been subject to extensive discussions with the TRCA, MNR and MMAH. The technical submission meets the requirements of the MNR's guidelines and staff anticipates that it will be positively received by both Ministries. The proposed OPA and ZBA reflect the strategy set out in the City's submissions, by implementing a comprehensive approach to reducing and managing risk while also ensuring that opportunities for appropriate development and the establishment of a wide range of uses remain to facilitate the ongoing revitalization of the historic downtown.

Staff recommends that the proposed OPA and ZBA as attached to this report be endorsed.

Respectfully Submitted,

  
Henrik Zbogor, MCIP, RPP  
Acting Director,  
Planning Policy & Growth Management

  
Dan Kraszewski, MCIP, RPP  
Senior Executive Director  
Planning and Building Division



**Attachments**

- Appendix 1: City Response, dated November 20, 2013 to June 2013 Provincial Comments
- Appendix 2: Official Plan Amendment Summary Table
- Appendix 3: Proposed Final Official Plan Amendment
- Appendix 4: Proposed Final Zoning By-law Amendment
- Appendix 5: Public Meeting Attendance Record, November 7, 2011
- Appendix 6: Public Meeting Attendance Record, November 4, 2013
- Appendix 7: Results of Public Consultation
- Appendix 8: Correspondence Received From the Public
- Appendix 9: Correspondence Received From Agencies

Report authored by: Bernie Steiger, Central Area Planner

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Appendix 1:  
City Response, dated November 20, 2013 to June 2013 Provincial Comments

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## Planning, Design and Development

November 20, 2013

David Sit  
Manager, Planning Projects  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 2<sup>nd</sup> Floor  
Toronto, ON M5G 2E5

Dear Mr. Sit:

**RE: Response to Provincial letter of June 10, 2013  
Downtown Brampton Special Policy Area Comprehensive Flood Risk and  
Management Analysis (2011)**

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Since the receipt of your comment letter of June 10, 2013 we are pleased to have addressed all of the matters raised therein, through a series of meetings, discussions and iterative revisions to the documentation forming the City's submission. We appreciate the time and efforts of your staff and of the Ministry of Natural Resources in discussing the resolution of the various matters.

This letter will summarize the nature of changes to various components of the Submission relative to each issue raised in the letter. As you will appreciate, marked changes have been to the implementing Official Plan Amendment and Zoning By-law since the comments were made on the July 2011 submission. The main body of this letter addresses the 6 key components in the body of your letter; Appendix 1 addresses the details raised in Appendix A of your June 10 letter.

### **Floodplain Modelling**

The Province requested clarification with respect to updated hydraulics and floodline assessment, resolution of peer review comments to the EWRG hydrology report, technical requirements related to the flood mapping. These issues have now been resolved. The Ministry of Natural Resources was sent the requested reports and since provided their clearance with regard to floodplain modelling in a letter dated August 13, 2013 (attached as *Appendix 2*).

### **Policy Revisions to Ensure a Reduction in Residential Development is Achieved**

This was seen as the Province's prime area of concern, raising questions of whether the expected changes in development were properly implemented.



The City has made significant revisions to the draft OPA and ZBA to address these concerns, as discussed on several occasions with Provincial staff. Both documents clearly set out the limits on residential and non-residential development for all the sub-areas. A sub-area 3D was added to reflect the Main Street South and Rosalea portions of the SPA. The documents include limits on new residential units and non-residential gross floor area, rather than FSI caps or building heights. This allows the City flexibility to make decisions with regard to the form of development with a specific sub-area to suit site-specific circumstances, while still mitigating risk by maintaining the unit and gross floor area limits.

A policy has been added with respect to monitoring development to ensure that the caps are maintained.

The total reduction of potential units across the SPA is approximately 1000, with the only area resulting in a slight increase over existing permissions is area 3A. An updated Appendix B with these details was discussed at the June 2013 meeting at Provincial offices and will be included in the final, updated Submission. All related references in the Submission will be updated in concert with Appendix B.

Many of the detailed comments from Appendix A of the Province's letter relate to changes to the OPA and ZBA establishing the development limits.

An updated copy of the OPA reflecting discussions with Provincial staff (as recent as November 14) is attached, dated November 19, 2013. Note that the OPA is also amended to add a revision to Schedule D to show the updated boundaries of the downtown SPA. (the amended schedule is under preparation).

### **Zoning Revisions to Ensure a Reduction in Residential Development is Achieved**

The ZBA has been amended to add maximums for new residential units and floor area for non-residential units for each of the relevant sub-areas. This approach allows the City to deal with built form matters while mitigating risk.

An updated copy of the ZBA reflecting discussions with Provincial staff (as recent as November 14) is attached, dated November 19, 2013

### **Institutional Uses in the Special Policy Area**

The revised OPA now includes a policy which reflects the PPS with respect to a restriction on these uses as of the day of the passing of the amendment. The revised ZBA sets out a specific list of sensitive institutional uses to be prohibited. These reflect institutional uses where there is a threat to sick, elderly, persons with disabilities or the young in times of emergency. Other institutional uses such as a secondary school, post-secondary school, commercial school and libraries are permitted. The ZBA also contains restrictions on essential emergency services

(such as a primary police station), however a community police station would be permitted. It also restricts uses where hazardous substances are manufactured, stored, treated or handled.

### **Proposal to Remove the Requirement for Provincial Approval of Rezoning**

Policy 5.6.3.6 vii) is amended to clarify that any rezonings which would exceed the Secondary Plan permissions or request new sensitive uses would require Provincial approval. Staff also concurs with updating the Executive Summary to provide clarity in this regard.

### **Assurance of Access by City's Emergency Measures Office**

Following discussions with MNR, MMAH and TRCA, the Standard Operating Procedure (SOP) was amended. This amended SOP was attached to a letter from the City (Brampton Emergency Measures Office (BEMO) dated November 12, 2013 which provided a detailed response to Provincial concerns. Through these discussions, BEMO has identified areas of difference between the Technical Guide and the Emergency Management Ontario protocol for entering floodwaters. It was suggested during this discussion by TRCA and Brampton staff that updates to the MNR Guideline are warranted to ensure Provincial directions are clearly aligned and consistent.

The response to the emergency management questions raised in the letter and through subsequent discussions addresses notification and communication of an emergency, emergency vehicle and support personnel access to all areas, response to special needs groups. The SOP details the full protocol in each phase of a flood event.

A letter from Brampton's Manager, Emergency Measures, also dated November 12, 2013, confirms his confidence in the City's preparedness for a flood emergency. These letters and the revised SOP are attached as *Appendix 3*.

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

The Downtown Brampton Etobicoke Creek Revitalization Study is a study lead by the TRCA undertaken in concert with the City of Brampton. The TRCA retained AMEC Consulting to undertake the feasibility study to identify options to reduce and/or eliminate flooding during the regulatory storm. From the outset, it was intended that this study take a holistic approach that also seeks to integrate broader City-building objectives as part of the solution.

In parallel, the City retained The Planning Partnership to develop a City-building vision for the area and to integrate this vision with the flood protection options. The studies have progressed well and 2013 saw a number of update reports presented to Council; the final study with recommendations for next steps will be presented in 2014. The study will make

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recommendations with respect to ongoing steps to move forward with the potential options that are identified.

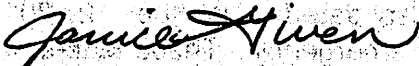
The flood damage costs were derived using the methodology set out by the Ministry of Natural Resources (Flood Damage Estimation Guide, May 2007). This includes calculations for direct damage costs (building damage, contents) and then indirect costs (such as roads, infrastructure) as a percentage of the direct damage costs. Under the Ultimate Development Scenario, the direct damage costs are estimated at \$74,000,000. The damage costs, inclusive of indirect damages, are \$89,000,000.

### Summary

I am pleased that this project is moving into its final stages of review in accordance with the MNR Guidelines for Amendments to an SPA. The Province has all of the submission material required by this process and in accordance with our recent discussions, save an except for the revised copies of the background submission. However, this letter clearly states our intentions with respect to the balance of the changes to the background. It is our intent that the revised document will be ready for resubmission to you by mid-December. In the meantime, I would be happy to discuss any of these changes specifically to assist in your final staff comments.

Should you have any questions or concerns, please do not hesitate to contact me directly at 905-874-3459.

Respectfully submitted,



Janice Given, MCIP, RPP  
Manager, Growth Management and Special Policy

### Attachments

- Appendix 1: Response to Matters in Appendix A of Provincial Letter of June 10, 2013
- Appendix 2: Letter from Ministry of Natural Resources, August 13, 2013
- Appendix 3: Letters from City's Emergency Management Office dated November 12, 2013  
Amended SOP, Downtown Flood Response
- Appendix 4: Draft final OPA (November 19, 2013)
- Appendix 5: Draft final ZBA (November 19, 2013)

Copy: Dan Kraszewski, City of Brampton  
Henrik Zbogor, City of Brampton  
Brian Denny, TRCA  
Denis LeMoire, MNR  
Tom Slomke, Region of Peel

Appendix 1: Response to Matters in Appendix A of Provincial Letter of June 10, 2013

**General**

1. The TRCA provided additional information related to the potential flooding in this area due to hydraulic connections, prepared by Greck and Associates, dated August 9, 2013. MNR signed off on the modelling components of the Submission in their letter dated August 13, 2013 (Appendix 2). This is identified on Map 2 and accommodated in the Downtown Brampton Flood Emergency Response SOP.
2. The letters dated November 13, 2013 from BEMO (attached as Appendix 3) and the revised SOP address these concerns raised by the Province.
3. Map 3 in the Downtown Brampton Flood Emergency Response SOP identifies areas of potential risk of entrapment and is appropriately addressed Appendix B to the SOP.
4. The revised draft OPA (*Draft Policies 5.6.3.3 a-(ii), a-(iii), b-(ii), b-(iii), c-(iv), c-(v)*) contains caps for residential and non-residential development, as set out in Table 1 below. These are consistent with the risk management approach set out in the submission of directing residential development to the edge areas of the SPA where flood-free access can be obtained and of reducing overall growth. Caps proposed for non-residential development would ensure the policies reflect the estimated employment figures set out in the submission. These limits are also incorporated into the draft revised ZBA. The revised draft OPA establishes the limits for new residential units in 3A-C from the date of approval forward. This can be appropriately tracked and monitored.

Table 1: Development Caps within Sub-areas

Sub-Area	3A	3B	3C
Maximum New Residential Units after the day of the approval of the amendment	900	185	0
Maximum Total Gross Commercial Floor Area	41,000 m <sup>2</sup>	45,000 m <sup>2</sup>	88,000 m <sup>2</sup>

5. It is understood that MNR has completed its review of the hydraulic analysis. A summary of the risk assessment as contained in the City's submission has been provided to the Province for ease of use.
6. Wording to this effect will be added to the submission.
7. Sections 5.6.3.2 ii) and (iii) of the OPA set out the minimum floodproofing level for buildings and structures, the regulatory event or, where not technically practical, to a

minimum of the 1:350 year storm event. Section 5.6.3.2 (x) requires that primary building system controls be located above the regulatory flood level.

8. Staff will endeavour to ensure legibility of the key information on the figures and maps.
9. The discrepancy with respect to 3A has been addressed and all references to the growth data will be aligned. The revised OPA and ZBA permit a maximum of 900 new residential units for 3A, for an approximate total of 1300 units. Area 3B has been allocated 185 new residential units in the updated OPA and ZBA.

Appendix B to the submission is to be updated, as provided to Provincial staff in June, 2013. The submission is to be revised to ensure all corresponding references are correct.

10. The updated OPA and ZBA set out specific limits with respect to non-residential GFA and residential units. Restrictions with respect to FSI are not proposed, so as to allow the City to deal with height and density as it sees fit as long as the overall caps are maintained.
11. Wording has been added to the revised OPA (Section 5.6.3.7) to require that the City monitor growth to ensure development conforms to the growth policies.

#### **Comments on Comprehensive Flood Risk Analysis**

12. Revised wording to address this concern will be added to this section. If a rezoning application complies with the Secondary Plan (i.e. maintains the limits set out therein), no Provincial approval is required.
13. The updated reduction in growth is approximately 4000 people and jobs, as provided to Provincial staff in June 2013. This will be reflected in the updated submission. In addition the revised OPA (and ZBA) show a limit of 900 new residential units for 3A (Section 5.6.3.3 (a)-(iii)), which matches the tables in the background submission.
14. The revised OPA (Section 5.6.3.6 (vii)) clarifies that where a proposal would result in the established caps being exceeded, Provincial approval is required. The proposal would only be considered following a City-initiated comprehensive assessment and OPA. Similarly, as per the amended OPA deviation from the OPA and ZBA with respect to sensitive land uses would require provincial approval.
15. It is critically important to the City that the historic building/street relationship in the "Four Corners" area is retained. The background submission contains substantial detail explaining the rationale for this. The at-grade condition would represent flood-protection to the 1:350 standard, the minimum level of flood protection agreed to by the Province. Accordingly, the revised OPA and Zoning By-law modifies the wording of Section 5.6.3.2

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xiii) and 20.9 iii) (respectively) to permit flood protection and building elevations to the 1:350 year storm.

16. The reference to "area" in Section 2.1 means the "Urban Growth Centre". The text will be modified to ensure clarity.
17. The Landmarq building is no longer within the floodplain based on the updated mapping. The text will be revised accordingly.
18. The modelling shows that the majority of the SPA may experience velocities ranging from 0-1 m/s during a Regulatory Event. Between Queen Street and Wellington Street, velocities may be higher; predominantly in the 1-3 m/s range. Some localized areas are shown to experience higher velocities in the 3.2-3.9m/s range (for example, through the CN Rail underpass where flows are constricted).
19. In general we have no concerns with this change; however, we may make minor changes to the revised wording.
20. The wording of Section 6.2.3 will be revised to generally state that "Some of these projects are detailed in Section 3.7". Section 3.7 was intended just to show existing development applications and recently completed projects, not identify all manner of interest (such as informal inquiries) that has happened.
21. As outlined earlier, the OPA has been revised. Caps are now included for areas 3B and 3C (5.6.3.3 (b)-ii, 5.6.3.3 (c)-iv)) and reflected in the ZBA (20.9 a)).
22. Preference is to retain the existing wording (as it makes clear that the emergency access is to an area accessible by emergency vehicles) and to add the recommended wording to the existing text.
23. The recommended wording for the fourth bullet in Section 6.4 will be added.
24. The last column illustrates what the damage costs would have been for those lands which are no longer exposed to flood damages due to the change in the boundary as a result of the updated mapping. As outlined earlier in this letter, the methodology used for the establishing these figures was based on MNR's guidelines. It is understood that damages related to infrastructure and utilities are included as part of the "indirect costs", which are expressed as a percentage of the direct costs, prescribed in the guidelines.
25. Staff will undertake revisions to this section following discussions with TRCA.
26. The revised OPA and ZBA include limits on residential units and non-residential gross floor area for 3B (see Section 5.6.3.3 (b) ii) and iii)). The text in Section 7.2.2 will be revised to reflect the revised OPA.

### Comments on Secondary Plan Amendment (Appendix D)

27. The Main Street South and Rosalea areas are now identified as sub-areas 3D in the revised OPA. Section 5.6.3.3.d) i) prohibits new residential dwellings (or lots) unless access to flood-free lands can be provided. Given the existing lot fabric in these areas, the potential for new residential dwellings (or lots) that could potentially achieve this is limited. However the proposed policy would allow the opportunity should there be a unique situation where such access requirement can be achieved. The existing Secondary Plan policies intend to preserve the stable, low density neighbourhoods within the Plan.
28. Caps on residential units and non-residential floor area are now included in the OPA (Section 5.6.3.3 (a) –ii and iii, 5.6.3.3 (b) –ii and iii, 5.6.3.3 (c)-iv and 5.6.3.3. (d)-i) and ZBA (Section 20.9 a)).
29. The intent of this provision is not to have the urban design objectives take precedence over the technical flood-proofing requirements. Rather, it is a direction to proponents of development that they have to meet both technical flood-proofing and urban design objectives. A technical flood-proofing solution which has negative urban design and built form implications would not be accepted, and other options would need to be explored that meet both objectives. The policy has been revised to provide this clarity (see Section 5.6.3.3 a-(vi), b-(vi), c-vii)).
30. The letter notes that there are some other areas in sub-areas 3B and 3C that offer safe access to flood-free lands in a direct manner rather than through use of pedestrian bridges and that these sites be identified for potential redevelopment.
- The revised draft OPA recognizes the potential for residential in sub-area 3B and includes a residential unit cap (Section 5.6.3.3 b)). Within sub-area 3C, the revised policies allow for existing residential units to continue, however no new units are permitted.
31. In general terms, the City supports reductions in parking requirements in the historic core, which reduces the amount of parking that has to be provided for new development. There is also a parking exemption in place in the zoning by-law for non-residential uses for a portion of the historic core. City facilities were built in part as a development incentive, in particular to allow smaller properties where parking could not be provided to lease space in a City garage.

Locating parking underground allows the greatest amount of flexibility and efficiency of use with respect to the above-ground built form. Above-ground structures are not

precluded (the 11 George Street building has above-ground parking), but create other challenges in terms of the streetscape and general urban form. They are not always a viable or desired option. Surface parking is an inefficient use of land, in particular on the tighter lot fabric within the downtown core.

Staff proposes to adopt the same approach to garage entrances as is proposed for building entrances. Entrances are to be located above the regulatory storm, where technically feasible, but at no time less than the elevation for the 1:350 storm event. Inclusion of wording that discourages underground parking garages based on the rationale above is not recommended. The OPA has been revised to encourage underground parking garage entrances to be located above the regulatory storm elevation (see Policy 5.6.3.2 xi)).

32. Policy 5.6.3.2 viii) requires a Building Safety Plan to be prepared to the satisfaction of the City and TRCA for all new development. Further, any condominiums shall include requirements that the declaration incorporate the protocols of the Plan.
33. This comment relates to an existing SPA policy that is now found under Section 5.6.3.2- (iv) of the revised draft OPA. The intent of this policy is to capture those unique or extreme circumstances, where due to the nature of a development proposal or due to the velocity and/or depth of flows would result in an unacceptable level of risk. As confirmed through the comprehensive review, the depths and velocities within the Brampton Core SPA would not preclude appropriate development. This policy would generally be triggered as a result of the nature of an inappropriate development proposal, relative to depths and velocities of flooding. In the experience of TRCA, the application of this policy has been limited, however proven to be valuable and effective in those circumstances given the acknowledgement up front in the planning document. This ensures municipal planning and CA regulatory (permitting) responsibilities are complementary as opposed to entire reliance on TRCA's Regulation in these situations.
34. The OPA has been revised to reference "Regulatory Storm" not "Regional Storm".
35. The mapping has been updated to reflect the new SPA boundary.
36. The reference to Downtown Brampton being within an Urban Growth Centre has been added to the OPA (Section 5.6.3.1, second paragraph).
37. The revised OPA replaces the entire section 5.6.3 in the Secondary Plan, whereas the July 2011 version on which comments were provided simply added policies. The wording requested to be deleted is no longer in this section, nor is the word "intensification".

The second paragraph of 5.6.3.1 speaks to "managed development and redevelopment" and "limited opportunities to contribute to the overall population and employment targets...". This addresses the concerns.



38. The word "fringe" has been replaced with "edge" (section 5.6.3.3 (a)).
39. The revised OPA policy in this regard (now 5.6.3.3 (a) –ii), includes the date of approval as there has to be a definitive effective date as to when the unit caps apply. The unit cap has been adjusted to reflect the projected new units under the growth scenario set out in the background submission.
40. The revised policy uses language from the MNR River and Stream Systems Technical guide (service units and panels) to define the major building systems. The OPA has been revised to state that major building systems must be located above the regulatory flood level (Section 5.6.3.2 x)).
- Original Policy 5.6.3.2 a) iii) from the July 2011 version of the OPA no longer exists. The revised OPA includes this requirement elsewhere: through the technical requirements set out in 5.6.3.2 (ii) and (iv), the engineering report requirements in 5.6.3.6 –ii) and the TRCA sign-off requirements in 5.6.3.6 –iii).
41. The reference to the word "appropriate" in Section 5.6.3.2 (a) (July 2011 version) could not be found.
42. The policy related to the content of any zoning by-law for residential uses within the SPA is now 5.6.3.6 (vi). This contains wording in relation to building systems and their location (second bullet). All proposed numerical references to flood elevations have been removed and replaced with a more generic reference (e.g. Regulatory Flood elevation). With respect to the requirement for Provincial approval, this is now clearly set out in Policy 5.6.3.6 -vii).
43. The preamble for sub-area 3B has been revised (Section 5.6.3.3 (b)). It no longer contains the word "significant".
44. The revised OPA sets out development limits for area 3B including a residential cap of 185 new residential units (Policy 5.6.3.3 (b) –ii)). Caps are also included for 3C and a new sub-area 3D was created for the remainder of the SPA. A restriction on new residential units was also established for sub-area 3D.
45. The caps proposed for residential and non-residential uses in terms of units and floor area in each of the sub-areas in the historic core will provide the assurance that the level of risk as set out in the submission will not be exceeded (Sections 5.6.3.3 a-(ii), a-(iii), b-(ii), b-(iii), c-(iv), c-(v)). This would allow the City to retain flexibility on a site-specific basis with respect to considerations related to FSI and building height. It is noted that the zoning by-law passed in 2006 for much of the historic core provides for the desired distribution of building heights based on the background urban design built form study that was undertaken.

46. The technical requirements for flood proofing are now found in section 5.6.3.2. The Province's concerns with respect to emergency access/egress for residential uses are addressed in Section 5.6.3.2 (vi). This is also reflected in the requirements for the content for any zoning by-law as set out in the third bullet of Section 5.6.3.6 (vi) of the revised OPA.

The text that was requested to be modified with the wording "or equal to" is no longer part of the revised OPA as it was found to be duplicated elsewhere (Section 5.6.3.2 iv).

47. The response to item 42 addresses the same issue.
48. Development limits for residential and non-residential uses are now included in the revised OPA. Section 5.6.3.3 (c) –iv) permits only residential units which existed at the time of approval to continue. These existing units may be replaced, provided the overall total of units which existed at the time is not exceeded. The non-residential limit gross floor area cap is set out in 5.6.3.3 (c) –v).

49. The Main Street and Queen Street street frontages are already built out with entrances essentially at grade. This level of risk has already been accepted under the existing policies. The risk related to new replacement development with at-grade entrances would be reduced given that buildings would have to be structurally designed to withstand flood flows/depths; no new residential would be allowed, and the non-residential floor area is capped.

As described in detail in the City's submission, trying to achieve raised entrances would negatively impact on other planning/economic objectives for the area. The City has limited its request to those critical street frontages only, with the intent that the standard for flood-proofing be established upfront to provide clarity and consistency in the approach along these two important street segments in the City's downtown.

Section 5.6.3.2 (xiii) of the OPA (and the corresponding section of the Zoning By-law) is revised to indicate that flood-proofing shall be to the minimum of 1/350 storm level. This is consistent with the minimum flood protection standard accepted by the Province for the entire SPA.

50. A permanent solution to eliminate the flooding from downtown Brampton to address the Provincial standards will require multi-governmental assistance. All levels of government have a responsibility in flood remediation and should assist in funding. Section 5.6.3.8 states that the Province and Federal Governments are encouraged to work with the City of Brampton to find and fund a long-term solution.
51. The revised OPA has been structured such that overall development caps are set out for the sub-areas but flexibility is still retained by the City to determine site-specific heights and densities so long as the caps are maintained. Original Section 5.6.3.2 (c) –iii (of the July 2011 version) is no longer in the revised OPA. The revised policy with regard to how the City will deal with heights is Section 5.6.3.3 (c)

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- ii). Section 5.6.3.3.(c) -iii) is carried over from the previous version and deals with building massing.
52. See the response under Comment 49 as it addresses the same issue.
53. The referenced policy is no longer in the revised SPA. Pedestrian bridges for emergency access are not specifically referenced in the revised OPA; policies related to building interconnections (which may be by way of a pedestrian bridge) are found in Section 5.6.3.2 (vi).
54. Section 5.6.3.2 (c) -ix) (July 2011 version) set out the requirement for an engineering study in relation to a development application. A word change was requested. This policy has been replaced by Section 5.6.3.6 (ii) in the revised OPA. The revised policy addresses the Province's comment. Reference to the study being satisfactory to the City/TRCA is no longer included, as such is required by the following Section 5.6.3.6 (iii).
55. The requested wording has been added to Section 5.6.3.9 of the revised OPA. It is understood that the process to remove all or part of an SPA requires Provincial approval.
56. Policy 5.6.3.1 b) was addressed in Comment 50.
57. Schedule SP7(C2) will be a new Schedule to be added to the Downtown Brampton Secondary Plan, identifying the sub-areas. Schedule SP7(C2) is added by way of Schedule C of the amendment.
58. The referenced new item was already included in the July 2011 version. It is Item (5) of the revised OPA.

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

59. The Zoning By-law and Official Plan Amendment are being dealt with concurrently. They will be approved together.
60. Changes to the reference to "Regional Storm were made to the revised OPA and additional numerical references to the flood level were deleted and replaced with a generic reference.
61. The City proposes to retain the requirement for emergency access only for residential development. Non-residential uses have a lesser degree of risk due to flooding in terms evacuating people (see Section 20.9 b -i).
62. The ZBA has been revised in its applicability, content and format. This section is now 20.9 b) -ii). Wording to reflect the recommended change is included.

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63. The response to this matter is addressed under Comment 49.

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

64. The Main Street North Development Permit System (MSN DPS) area is no longer impacted by the floodplain as per the 2012 TRCA floodline mapping. We will now make a general reference in the background documentation, that a portion of the MSN DPS was subject to SPA 3, however the updated floodplain mapping shows that it is no longer within the floodplain. The proposed OPA and DPS amendment documents will be removed from the submission and will now be dealt with separately by the City. This was discussed and agreed to at our inter-agency meeting of November 14, 2013.

**Comments on Standard Operating Procedure (Appendix 1)**

65. In response to these comments and subsequent discussions with the Province and TRCA, the City's BEMO provided letters and a revised SOP on November 12, 2013. As noted in these documents, the City anticipates (at least) some evacuation prior to the event, and if not, evacuation during the flood event is also assumed and managed. The revised SOP together with the Emergency Management Plan are robust procedures for handling such an event.

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

66. The Aquafor Beach Downtown Drainage Study (2006) found in Appendix L has been superseded by the subsequent modelling and technical work undertaken by the TRCA (and since approved by the Province). The Downtown Drainage Study will be removed from the final submission.

Appendix 2: OPA Summary Table

Risk Management Policies	Approvals Process	Special Policy Sub-Area	General Description	Development Limits	Other
<ul style="list-style-type: none"> <li>Development proposing residential uses to provide emergency ingress/egress above Regulatory storm flood level</li> <li>Entrances floodproofed to Regulatory Storm or highest level technically feasible/practical. Minimum to the 1/350 level</li> <li>Habitable space and building systems located above Regulatory Storm level</li> <li>Proposed buildings will have to demonstrate that they can structurally withstand flood flows</li> <li>Requirement for Building Safety Plan for new developments</li> <li>Notice requirements for developments proposing residential uses</li> <li>Allowance for building inter-connections to gain access to flood-free lands. Only one building may be connected to another. City may require reciprocal easements to facilitate such access, and building be designed to</li> </ul>	<ul style="list-style-type: none"> <li>Submission of technical package including engineering study to demonstrate building can withstand floods, draft by-law and warning clauses</li> <li>Content requirements for any new zoning by-law addressing location of habitable space, building systems, entrances, a flood-free secondary point of emergency access for residential uses</li> <li>Sign-off on technical package by TRCA before formal enactment of by-law. Council approval in principle required first</li> <li>No Provincial approval of OPA and/or by-law required if zoning by-law contains appropriate provisions, maintains limits and does not proposed prohibited sensitive land uses</li> <li>No Provincial approval of by-law required if zoning by-law contains appropriate provisions</li> <li>Redevelopment/intensification generally</li> </ul>	<p>3A</p>	<ul style="list-style-type: none"> <li>Generally have access to flood free lands, some partially outside</li> <li>Mix of uses including residential</li> <li>Area would be focus of residential redevelopment</li> <li>City Hall expansion area (institutional, some commercial, potential residential)</li> </ul>	<ul style="list-style-type: none"> <li>900 New Residential Units</li> <li>41,000 m2 non-residential gfa</li> </ul>	<ul style="list-style-type: none"> <li>General urban design principles. Design of flood-protection measures also need to achieve urban design objectives</li> </ul>
<ul style="list-style-type: none"> <li>Requirement for Building Safety Plan for new developments</li> <li>Notice requirements for developments proposing residential uses</li> <li>Allowance for building inter-connections to gain access to flood-free lands. Only one building may be connected to another. City may require reciprocal easements to facilitate such access, and building be designed to</li> </ul>	<ul style="list-style-type: none"> <li>Sign-off on technical package by TRCA before formal enactment of by-law. Council approval in principle required first</li> <li>No Provincial approval of OPA and/or by-law required if zoning by-law contains appropriate provisions, maintains limits and does not proposed prohibited sensitive land uses</li> <li>No Provincial approval of by-law required if zoning by-law contains appropriate provisions</li> <li>Redevelopment/intensification generally</li> </ul>	<p>3B</p>	<ul style="list-style-type: none"> <li>City Hall expansion area (institutional, some commercial, potential residential)</li> </ul>	<ul style="list-style-type: none"> <li>185 New Residential Units</li> <li>45,000 m2 non-residential gfa</li> </ul>	<ul style="list-style-type: none"> <li>General urban design principles. Design of flood-protection measures also need to achieve urban design objectives</li> <li>Design principles emphasize - maintaining existing relationship between building storefronts and street/sidewalk</li> </ul>
<ul style="list-style-type: none"> <li>Requirement for Building Safety Plan for new developments</li> <li>Notice requirements for developments proposing residential uses</li> <li>Allowance for building inter-connections to gain access to flood-free lands. Only one building may be connected to another. City may require reciprocal easements to facilitate such access, and building be designed to</li> </ul>	<ul style="list-style-type: none"> <li>Sign-off on technical package by TRCA before formal enactment of by-law. Council approval in principle required first</li> <li>No Provincial approval of OPA and/or by-law required if zoning by-law contains appropriate provisions, maintains limits and does not proposed prohibited sensitive land uses</li> <li>No Provincial approval of by-law required if zoning by-law contains appropriate provisions</li> <li>Redevelopment/intensification generally</li> </ul>	<p>3C</p>	<ul style="list-style-type: none"> <li>Generally entirely within floodplain, limited opportunity to gain access to flood free lands</li> <li>Still important to identify opportunities for revitalization</li> <li>Focus on office, commercial, institutional, cultural, entertainment</li> </ul>	<ul style="list-style-type: none"> <li>No New Residential Units</li> <li>88,000 m2 non-residential gfa</li> </ul>	<ul style="list-style-type: none"> <li>Design principles emphasize - maintaining existing relationship between building storefronts and street/sidewalk</li> </ul>

Risk Management Policies	Approvals Process	Special Policy Sub-Area	General Description	Development Limits	Other
<ul style="list-style-type: none"> <li>accommodate connection</li> <li>For properties along Main Street and Queen Street in Sub-area 3C a flood-protection standard of 1/350 will be accepted to support protection of existing streetscapes</li> <li>Prohibition on certain new sensitive land uses</li> </ul>	<ul style="list-style-type: none"> <li>supported for non-residential. However, have to demonstrate building can withstand flows</li> <li>Rezoning applications required to submit engineering study</li> <li>No Provincial approval of rezoning required if policies are met</li> </ul>	<ul style="list-style-type: none"> <li></li> <li>3D</li> </ul>	<ul style="list-style-type: none"> <li>Protect existing historic fabric</li> <li>Stable areas, not planned for significant change/growth under policy regime</li> </ul>	<ul style="list-style-type: none"> <li>No new residential, unless direct access to flood-free lands can be provided.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

Other: -Policies Related to longer-term planning initiatives to find and implement a permanent flood-protection solution.  
 -Land Use designation of City Hall changed from "Institutional" to "Central Area Mixed Use"  
 -Addition of new Schedule showing SPA 3A, 3B, 3C, 3D.  
 -Update to Schedule D: Natural Heritage Features and Areas to Official Plan

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Appendix 3: Proposed Final Official Plan Amendment

# REVISED APPENDIX 3

To Adopt Amendment Number OP2006-  
to the Official Plan of the  
City of Brampton Planning Area

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

DATE: February 3, 2014

The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

1. Amendment Number OP2006- \_\_\_\_\_ to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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SUSAN FENNELL - MAYOR

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PETER FAY – CITY CLERK

Approved as to Content:

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Henrik Zbogor, MCIP, RPP  
Acting Director, Planning Policy and Growth Management



AMENDMENT NUMBER OP2006 -  
TO THE OFFICIAL PLAN OF THE  
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

The purpose of this amendment is to amend policies to the Downtown Brampton Secondary Plan, specifically the Special Policy Area 3 provisions pertaining to permissible development within the floodplain, allowing for development/redevelopment to proceed where appropriate mitigation measures have been applied.

2.0 Location:

The lands subject to this amendment are located within Special Policy Area 3 of the Downtown Brampton Secondary Plan, generally located in the historic "Four Corners" area of the downtown.

3.0 Amendments and Policies Relative Thereto:

3.1 The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by adding to the list of amendments pertaining to Secondary Plan Area Number 7: Downtown Brampton Secondary Plan as set out in Part II: Secondary Plans, Amendment Number OP2006- \_\_\_\_\_ .
- (2) by amending Schedule D: Natural Heritage Features and Areas, updating the boundary of the Downtown Brampton Special Policy Area as shown on Schedule A to this Amendment.

3.2 The portions of the document known as the 1993 Official Plan of the City of Brampton Planning Area which remain in force, as they related to the Downtown Brampton Secondary Plan (being Part Two Secondary Plans) are hereby further amended:

- (1) by deleting Section 5.6.3 of Chapter 7: Downtown Brampton Secondary Plan of Part II Secondary Plans and replacing it with the following:

**“5.6.3 Special Policy Area Number 3**

*Background*

5.6.3.1 The area identified as Special Policy Area Number 3 on Schedule SP7(C) and SP7(C2) has been determined by the Toronto and Region Conservation Authority as being subject to flooding in a major storm event including the Regulatory Flood event. The inherent environmental condition of these lands with respect to flood susceptibility necessitates certain restrictions on development/redevelopment in accordance with Provincial floodplain management policies. Because of the vital economic and social function of the downtown, special policy area provisions are required to ensure the appropriate public health and safety measures are taken while enabling the long term prosperity of the City.

Special Policy Area 3 is situated within the Urban Growth Centre for Brampton which has been identified in the Provincial Growth Plan for the Greater Golden Horseshoe. There are areas within Special Policy Area 3 that are designated for managed development and redevelopment, and provide limited opportunities to contribute to the overall population and employment targets for the Urban Growth Centre.

The City of Brampton undertook a comprehensive review and amendment to Special Policy Area 3 based on the TRCA 2012 floodline model (in accordance with the Ministry of Natural Resources 2009 Guidelines) which was approved by the Province on \_\_\_\_\_(date).

Through the approval of the comprehensive study and Official Plan Amendment, the Province, TRCA and City of Brampton agreed to all of the provisions in this Section, which allow development to the limits set out herein subject to the technical and operational requirement to mitigate risk. Any future municipally-initiated amendments to these policies and/or schedules require Provincial approval.

Schedule SP7(C2) outlines several sub-areas within Special Policy Area 3 that, given the flood characteristics in the 2012 TRCA floodline model, have distinctive characteristics in terms of their potential for redevelopment and opportunities to manage risk.

The following policies seek to manage risk and achieve the objectives of the Growth Plan and the City's planning policies for the historic downtown for these areas. The policies set out technical requirements for all lands within SPA 3 and set out detailed planning objectives and limits for each sub-area.

The City is the approval authority regarding planning instruments adopted within the Downtown Brampton Secondary Plan. Where the Downtown Brampton Secondary Plan policies make reference to the Toronto and Region Conservation Authority being satisfied, collaborating or being consulted, the TRCA's designated role is subject to its legislated authority in compliance with applicable law.

With a view to fully realizing the long-term development potential of the lands within Special Policy Area 3, the City is committed to working with the Toronto and Region Conservation Authority to identify a long-term solution to eliminate the flood-susceptible lands from downtown Brampton. Brampton strongly encourages the Provincial and Federal Governments and the Toronto and Region Conservation Authority to work with the City of Brampton in identifying and funding a long-term solution to eliminate the flood-susceptible land from downtown Brampton. This would allow it to achieve its full development capacity as set out in local, regional and provincial plans.

*II Technical Requirements for Managing Flood Risk For All of Special Policy Area 3*

5.6.3.2 The erection of new buildings or structures including new additions shall only be permitted subject to the following technical provisions:

- (i) The placing or dumping of fill of any kind or the alteration of any watercourse shall not be permitted without the approval of the Toronto and Region Conservation Authority.
- (ii) Any new buildings or structures, including new additions, shall not be susceptible to flooding under the Regulatory Flood event, as defined by the Toronto and Region Conservation Authority. As a component of all applicable Planning Act applications, an analysis must be undertaken by the proponent to determine the maximum feasible level of floodproofing that can be achieved, while achieving the City's urban design objectives to the extent possible. Where an assessment proposes a level of floodproofing less

than the Regulatory Flood Event, the level of floodproofing and measures to be implemented must be satisfactory to the City and the Toronto and Region Conservation Authority. In this regard, the City shall collaborate with the Toronto and Region Conservation Authority to confirm, prior to the issuance of a building permit, appropriate flood damage specifications, including setbacks, basement elevations, the strength of the foundation walls, the placement of fill, the elimination of building openings, the installation of back-water valves and sump pumps, and the installation of waterproof seals and structural joints to the satisfaction of the TRCA and City of Brampton.

- (iii) Where it has been demonstrated to the satisfaction of the TRCA and City of Brampton that it is technically impractical to flood proof a building or structure in accordance with Section 5.6.3.2 (ii), new buildings or structures, including new additions must be floodproofed to the highest level technically feasible. The minimum floodproofing level shall be the 1:350 year storm event, as determined by the Toronto and Region Conservation Authority.
- (iv) In those unforeseen circumstances where the City and/or the Toronto and Region Conservation Authority determines that due to the velocity and/or depth of flows, or the nature of the development proposed, development would result in an unacceptable risk to human life or major structural damage as a result of a flood equal to or less than the Regulatory Flood event, new buildings or structures, including additions, shall not be permitted.

- (v) Where new residential uses, hotels, motels or similar commercial uses providing overnight accommodation are proposed, no residential habitable living space or suites for such uses shall be permitted below the Regulatory Flood level.
- (vi) Where new residential uses are proposed, emergency access/egress to and from the building to flood-free lands shall be required above the Regulatory Flood elevation, accessible to emergency vehicles. Such access may be provided by way of a permanent right-of-way over lands that are above the Regulatory Flood elevation and accessible to emergency vehicles. Interior and exterior components of the emergency access shall be designed to meet the anticipated occupant loads and be fully accessible, in accordance with the Building Code and the City's Emergency Management Plan. Access to flood-free lands may not entail access through more than two independent buildings.
- vii) For hotels, motels or similar commercial uses providing overnight accommodation within Special Policy Areas 3A, 3B and 3C as shown on Schedule SP7(C2), emergency access to flood free lands shall be provided in accordance with Section 5.6.3.2 (vi) above.
- viii) A hotel, motel or similar commercial use may be permitted in Special Policy Area 3C without a second means of access subject to the City's approval of a site-specific Official Plan Amendment to the satisfaction of the Toronto and Regional Conservation Authority, in consultation with the Province.

- (ix) Where a site and/or building provides required emergency access to flood-free lands, the City may require the establishment of a right-of-way in perpetuity for use by other adjacent lands.
- (x) All new development (including those containing non-residential uses) shall be required to prepare a Building Safety Plan for the building, which shall be consistent with the City's Emergency Management Plan, to the satisfaction of the City of Brampton Emergency Management Office and the Toronto and Region Conservation Authority. Where new development includes a plan of condominium, appropriate provision to execute the operational elements and protocols must be included in the applicable Condominium Act Declaration.
- (xi) The City shall impose a condition on new development applications requiring the developer to notify prospective owners and tenants of buildings of the Building Safety Plan and emergency notification and protocol to the satisfaction of the City of Brampton Emergency Management Office and Toronto and Region Conservation Authority. These clauses shall also be included on any Community Information Map required for development by the City.
- (xii) All new development (including those containing non-residential uses) must locate primary building system controls such as service units and panels, above the Regulatory Flood level.

- (xiii) Underground parking is generally discouraged. Where an underground parking garage is proposed, it shall be floodproofed to the Regulatory Flood elevation. Where it is technically impractical to floodproof to the Regulatory Flood level, the entrance and all openings, including those associated with ventilation, shall be floodproofed to the highest level technically feasible and practical. The minimum floodproofing shall be the 1:350 year storm event, as determined by the Toronto and Region Conservation Authority.
- (xiv) Notwithstanding Section 5.6.3.2 (vi), within Special Policy Area 3C only, residential units constructed under Section 5.6.3.3 c)-(iv) can maintain the existing conditions with respect to access and egress to the building.
- (xv) Notwithstanding Section 5.6.3.2 iii), to protect the historic, uniform street character, redevelopment along Queen Street and Main Street within Special Policy Area 3C is permitted to floodproof and build entrances and finished floor elevations to the 1:350 year storm event .
- (xvi) The sections under Special Policy Area 3 are to be read in conjunction with the other policies of the Downtown Brampton Secondary Plan. Where the Special Policy Area 3 policies may be construed to be more restrictive or limit the permissions under other sections of the plan, the Special Policy Area 3 provisions shall prevail.



*III Detailed Sub Area Policies*

**5.6.3.3 (a) Special Policy Area 3A**

Special Policy Area 3A on Schedule SP7(C2) is generally located at the edge of Special Policy Area 3, affording the opportunity for direct access to flood-free lands. In recognition of the prime location of these lands in proximity to the Anchor Mobility Hub, proposals for development and redevelopment shall be considered subject to the following policies:

*Land Use and Density*

- (i) May develop for a mix of uses in accordance with the Central Area Mixed Use designation set out in this Plan, including high-density residential.
- (ii) In addition to the number of units existing on \_\_\_\_\_ (date of Council approval of the amendment), a maximum of 900 new residential units shall be permitted over the entire Special Policy Area 3A.
- (iii) A maximum gross floor area of 41,000 m<sup>2</sup> (excluding mechanical penthouses, mechanical rooms, parking garages, loading areas, stairwells) of non-residential uses shall be permitted over the entire Special Policy Area 3A.
- (iv) Policy 5.1.1.8 shall apply to the calculation of the maximum floor space index for a development.
- (v) Policy 5.1.1.5 shall apply in the evaluation of proposal with a floor space index greater than identified in the Secondary Plan for the applicable lands, however in

no case shall the limits set out in 5.6.3.3 (a)-(ii) and (iii) be exceeded.

### *Urban Design Principles*

(vi) The following broad design principles shall be the basis for further site specific design briefs, or other area design guidelines.

- Character
  - This area will evolve into a compact, contemporary urban setting with mix of uses including residential, employment, service/retail. These areas have potential for more intensive development.
  
- Built Form
  - High density, high intensity forms in support of the Urban Growth Centre targets.
  - Key sites with important role in the Downtown skyline are to be development with high rises for landmark role.
  - Establish a continuous mid-rise (4-6 storey) building wall along public streets and use point towers to terminate views and create an interesting skyline.
  - Use massing to provide transition to adjoining stable residential neighbourhoods.
  
- Open Space & Public Realm
  - Create urban promenade along Railroad Street including high quality urban streetscape and on-street parking.
  - Deal creatively with the required setback from the rail line.
  - Create plaza or public space within development.
  - The building and site design must also ensure, to the extent possible, that an attractive, functional streetscape design is provided that

encourages pedestrian activity, supports ground level commercial uses, does not disrupt pedestrian connectivity, maintains the continuity of the pedestrian area from a functional perspective, and achieves City objectives with respect to built form and site function while addressing all required floodproofing measures.

- Any raised pedestrian podium areas along a street for access to building entrances, in particular along George Street, should be designed to maximize connectivity to adjacent properties and minimize the number of transitions to the at-grade sidewalk areas and incorporate materials and design elements that support the creation of an attractive streetscape. Raised areas could be integrated into a building design in the form of a building “arcade”.
- Sustainability
  - Encourage and support the use of LEED techniques

#### 5.6.3.3 (b) Special Policy Area 3B

Special Policy Area 3B shown on Schedule SP7(C2) builds on the presence of the existing City Hall by encouraging major institutional office uses, with associated civic and retail uses. The policies shall provide for development of the lands to reinforce the role of the historic downtown as the key location for major government and institutional activities.

#### *Land Use and Density*

- (i) Lands within the “Central Area Mixed Use,” designation may be developed for a mix of uses in accordance with the Section 5.1.2 of this Plan, including high-density residential.
- (ii) In addition to the number of units existing on \_\_\_\_\_ (date of Council approval of the amendment), a

maximum of 185 new residential units shall be permitted over the entire Special Policy Area 3B.

- (iii) A maximum overall gross floor area of 45,000 m<sup>2</sup> (excluding mechanical penthouses, mechanical rooms, parking garages, loading areas, stairwells) of non-residential uses shall be permitted over the entire Special Policy Area 3B.
- (iv) Policy 5.1.1.8 shall apply to the calculation of the maximum floor space index for a development.
- (v) Policy 5.1.1.5 shall apply in the evaluation of proposal with a floor space index greater than identified in the Secondary Plan for the applicable lands, however in no case shall the limits set out in 5.6.3.3 (b)-(ii) and (iii) be exceeded.

#### *Urban Design Principles*

- (vi) The following broad design principles shall be the basis for further site specific design briefs, or other area design guidelines:
  - Character
    - The area will expand on its function as a civic centre that is a part of a mixed-use urban area with public and cultural facilities, commercial office, retail services, residential and park uses.
  - Built Form
    - Promote a continuous building edge along the street to visually define the public streetscape.
    - New development shall be sensitive to the scale and features of the surrounding residential streets, particularly where new development interfaces with adjoining neighbourhoods and open space.

- New development shall promote mid-rise buildings (with 3-6 storey podiums)
- **Open Space**
- Create plaza or public space within development.
- The building and site design must also ensure to the extent possible that an attractive, functional streetscape design is provided that encourages pedestrian activity, supports ground level commercial uses, does not disrupt pedestrian connectivity, maintains the continuity of the pedestrian area from a functional perspective, and achieves City objectives with respect to built form and site function while addressing all required floodproofing measures.

Any raised pedestrian podium areas along a street for access to building entrances, in particular along George Street, should be designed to maximize connectivity to adjacent properties and minimize the number of transitions to the at-grade sidewalk areas and incorporate materials and design elements that support the creation of an attractive streetscape. Raised areas could be integrated into a building design in the form of a building “arcade”

- **Sustainability**
- Encourage, and support the use of LEED techniques.
- Conserve land resources by optimizing opportunities for infill, intensification, revitalization and mix of use.

### 5.6.3.3 (c) Special Policy Area 3C

Special Policy Area 3C on Schedule SP7(C2) is located entirely within flood-susceptible lands during the Regulatory Flood event with limited opportunity for gaining emergency access to flood-free lands. However, these areas have an important role in the function of the downtown. It is the goal of these policies to provide framework that facilitates the ongoing revitalization of the area. Special Policy Area 3C covers a portion of the City of Brampton Anchor Mobility Hub identified in Provincial, Regional and City Official Plans where higher density development is envisioned in support of higher order transit. The revitalization of the area including new development as permitted under this section will support the Anchor Mobility Hub. This area is also planned to focus on the Heritage, Arts, Culture and Entertainment objectives of the City. To support the risk management approach established for Special Policy Area 3, no additional residential dwellings units over that which existed as of \_\_\_\_\_ (date of Council approval of the amendment) will be permitted.

#### *Land Use and Density*

- (i) Notwithstanding the “Central Area Mixed Use” designation of the lands, it is intended that the primary uses within Special Policy Area 3C shall be commercial (including office), certain institutional and cultural uses. Arts and culture related activities and development shall be encouraged to locate within Special Policy Area 3C in support of the development of a distinct “arts and culture” district within the historic downtown core.

- (ii) A range and distribution of heights shall be established to provide for and support the Provincial, Regional and City objectives of the anchor mobility hub and the continued expansion its key transportation function, while protecting the important historical characteristics and fabric of the “Four Corners” area.
- (iii) Any new development or redevelopment shall maintain the prevailing 2-4 storey scale of building massing along the street edge, with any further building height set back from the buildings along the street.
- (iv) There are residential dwelling units existing in Special Policy Area 3C at the time of the passing of this Amendment. Residential dwelling units existing as of \_\_\_\_\_ (date of Council approval of the amendment) may be replaced provided the total number of residential dwelling units does not exceed that which legally existed as of \_\_\_\_\_ (date of Council approval of the amendment).
- (v) A maximum gross floor area of 88,000 m<sup>2</sup> (excluding mechanical penthouses, mechanical rooms, parking garages, loading areas, stairwells) of non-residential uses shall be permitted across the entire Special Policy Area 3C. Of this total floor area, not more than 11,000 square metres may be devoted to hotels, motels or similar commercial uses providing overnight accommodation.
- (vi) Policy 5.1.1.8 shall apply to the calculation of the maximum floor space index for a development.

- (vii) Policy 5.1.1.5 shall apply in the evaluation of proposal with a floor space index greater than identified in the Secondary Plan for the applicable lands, however in no case shall the limits set out in 5.6.3.3 c)-(iv) and (v) be exceeded.

*Urban Design Principles*

- (viii) The following broad design principles shall be the basis for further site specific design briefs, or other area design guidelines:

- **Character**
  - Will evolve into a heritage, art, culture and entertainment centre, to reinforce the Downtown's role as a destination and a creative place for entertainment and leisure activities.
  - Will continue to function as the heart of downtown's social life, accommodating restaurant and retail stores, and providing animated public spaces and sidewalks.
  
- **Built Form**
  - Preserve and enhance the existing heritage in compatible, pedestrian-scale development with strong urban character.
  - Encourage additional density while maintaining a human scale streetscape.
  - Promote a continuous building edge along the street to visually define the public streetscape.
  - New development shall have minimum façade height of 2-storey, while the maximum façade height shall be 4-storey; additional storeys may be permitted provided they are located at street intersections, or stepped back from the front façade generally at a 45 degree angle.



- Require attractive and well designed ground floor facades that enhance pedestrian interest and activity.
- Preserve existing significant historical built form in accordance with policies of this Secondary Plan
- The traditional grade-level relationship between building, storefronts and entrances, and the street/sidewalk along Main Street and Queen Street (including rear entrances) shall be maintained and enhanced.
- Use appropriate, high-quality building materials that are reflective of the historical significance of the area.
- **Open Space & Public Realm**
  - Streets shall be designed to maximize sidewalk space for outdoor retailing, restaurant patios and informal gathering spaces.
  - Require active uses at ground level that will contribute to street life, activity and vitality.
  - The building and site design must also ensure to the extent possible that an attractive, functional streetscape design is provided that encourages pedestrian activity, supports ground level commercial uses, does not disrupt pedestrian connectivity, maintains the continuity of the pedestrian area from a functional perspective, and achieves City objectives with respect to built form and site function while addressing all required floodproofing measures.

Any raised pedestrian podium areas along a street for access to building entrances, in particular along George Street, should be designed to maximize connectivity to adjacent properties and minimize the number of transitions to the at-grade sidewalk areas and incorporate materials and design elements that support the creation of an attractive streetscape. Raised areas could be integrated

into a building design in the form of a building “arcade”

- Sustainability
- Encourage and support the use of LEED techniques.
- Conserve land resources by optimizing opportunities for infill, intensification, revitalization and mix of use.”

#### 5.6.3.3 (d) Special Policy Area 3D

- (i) Within the area outlined as Special Policy Area 3D on Schedule SP7(C2), no additional residential units (over those which legally existed as of \_\_\_\_ (date of Council approval of the amendment)) are permitted unless safe access to flood-free lands can be achieved from the building. Such access shall be entirely above the Regulatory Flood. Consents for the purpose of constructing new residential units are not permitted unless direct access to flood-free lands is provided.

#### *IV Sensitive Institutional Uses within Special Policy Area 3*

5.6.3.4 Within Special Policy Area 3, and notwithstanding any other permissions set out under the underlying land use designations, the following uses shall not be permitted (as a primary and secondary use):

- institutional uses associated with hospitals, nursing homes, retirement homes, pre-schools, school nurseries, day cares and schools, or other institutional uses devoted to persons with disabilities, or similar care facilities, where there is a threat to their safe evacuation during a flood emergency;
- Essential emergency services, including fire, police, ambulance stations and electrical substations; and,

- Uses associated with the disposal, manufacturing, treatment or storage of hazardous substances (defined as toxic, ignitable, corrosive, reactive, radioactive or pathological).

Any such use legally existing on \_\_\_\_\_(the date of the passing of the by-law) would become legal, non-conforming.

5.6.3.5 Expansions to existing institutional uses identified in Section 5.6.3.4, are only permitted where safe access to flood-free lands above the Regulatory Flood elevation can be achieved. Such access shall be entirely above the Regulatory Flood elevation.

*V Approvals Process*

5.6.3.6 The following approval requirements relate to any proposed development and development approvals process within the SPA, including an Official Plan Amendment, Zoning By-law Amendment and Site Plan Application:

- (i) Any proposal for development including an Official Plan Amendment, Zoning By-law amendment application and/or site plan application shall be required to submit a comprehensive set of information as a package to demonstrate that the requirements under for Special Policy Area 3 are met. This package shall include: draft by-law provisions (where applicable), appropriate engineering reports as may be required by the Toronto and Region Conservation Authority, site specific Building Safety Plan, a copy of the City Emergency Management plan, draft warning clauses, and a concept plan indicating the emergency access and location of habitable space, for residential uses and suites for hotels, motels or similar

commercial uses providing overnight accommodation. Additional information may be required by the City or Toronto and Region Conservation Authority in order to appropriately assess the proposal.

- (ii) The City and the Toronto and Region Conservation Authority, may determine that an engineering study is required, detailing such matters as flood frequency, the velocity and depth of storm flows, proposed flood damage reduction measures and storm water management;
- (iii) Formal sign-off on the technical submission required pursuant to 5.6.3.6 (i), (ii) and (iii) (including reports, plans and drawings), draft zoning by-laws and any other required implementing documents shall be provided by the Toronto and Region Conservation Authority, prior to formal enactment of the implementing Official Plan Amendment and/or Zoning By-law Amendment by City Council. General approval in principle by City Council is to be obtained prior to Toronto and Region Conservation Authority sign-off.
- (iv) A Community Information Map, satisfactory to the City, shall be prepared for any proposal for residential development.
- (v) Any new zoning by-laws shall contain flood proofing provisions where appropriate, relating to minimum building setbacks, maximum lot coverage, minimum height of any opening and such other matters as may be determined by the City and the Toronto and Region Conservation Authority.

(vi) Any new zoning by-law for lands proposing residential uses and hotels, motels or similar commercial uses providing overnight accommodation shall include the following provisions:

- Any new dwelling units or suites for commercial uses with overnight accommodation shall be located above the Regulatory Storm Flood elevation.
- All newly constructed residential habitable living space within an existing dwelling in sub-area 3D shall be floodproofed to the Regulatory Storm Flood elevation.
- that the location of the primary building system controls such as service units and panels, be located above the Regulatory Flood elevation.
- that for development proposing new residential uses, and hotels, motels or similar commercial uses providing overnight accommodation within Special Policy Areas 3A, 3B and 3C, ingress and egress to flood free lands under a Regulatory Flood event be required to the satisfaction of the City of Brampton, and the Toronto and Region Conservation Authority. Ingress and egress to and from the building to flood-free lands shall be over lands located above the Regulatory Flood level.
- that all buildings and structures shall be floodproofed to the Regulatory Flood level. Dry passive floodproofing of buildings and structures is preferred. Where it has been demonstrated to the satisfaction of the City and the TRCA that it is technically impractical to flood proof a building or structure to the

Regulatory Flood level, it shall be floodproofed to the highest level technically feasible and practical. The minimum floodproofing level shall be the 1:350 year storm level, as determined by the Toronto and Region Conservation Authority.

- (vii) Provincial approval of an Official Plan Amendment and/or Zoning By-law Amendment proposed in relation to a development application, is not required provided the Zoning By-law includes provisions as set out in Section v) and vi) above and is in accordance with the limits set out in 5.6.3.3 and the limitations to sensitive uses set out in 5.6.3.4. Where a development application proposes to exceed the development limits or does not meet the performance criteria that relate to flood risk mitigation set out in 5.6.3. or proposals for uses contrary to Section 5.6.3.4, Provincial approval is required and may only be considered following the submission of a City-initiated comprehensive assessment and Official Plan Amendment and where necessary, a Zoning By-law Amendment.

*VI Monitoring*

- 5.6.3.7 The City will monitor growth in relation to the development limits established within this section to ensure that development conforms to the detailed development limits set out in Section 5.6.3.3. Such monitoring will be undertaken through the development and ongoing maintenance of a database of existing and approved development.

*VII Planning Initiatives Related to Special Policy Area 3*

5.6.3.8 Should the Regulatory Flood event be eliminated for all or a portion of the Special Policy Area to the satisfaction of the Toronto and Region Conservation Authority, the City of Brampton may file an Official Plan Amendment and Zoning By-law Amendment to allow for the removal of all or part of the Special Policy Area, which shall require Provincial approval. At such time, the flood-free areas of the downtown may be developed in accordance with the underlying land use designations set out in the Downtown Brampton Secondary Plan.

- (3) by amending Section 1.0 Purpose to Chapter 7: Downtown Brampton Secondary Plan of Part II Secondary Plans, by deleting the words “and Schedule SP7(C)” and replacing them with the words “, Schedule SP7(C) and Schedule SP7(C2)”.
- (4) by amending Schedule SP7(A) of Chapter 7: Downtown Brampton Secondary Plan of Part II: Secondary Plans, changing the designation of the lands shown on Schedule B to this Amendment from “Institutional” to “Central Area Mixed Use”.
- (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 C to this Amendment.
- (6) by adding to Chapter 7: Downtown Brampton Secondary Plan of Part II: Secondary Plans, Schedule SP7(C2) as attached as Schedule D to this Amendment.

Approved as to Content:

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Henrik Zbogor, MCIP, RPP  
Acting Director, Planning Policy and Growth Management

Background Material to  
Amendment Number OP2006 -

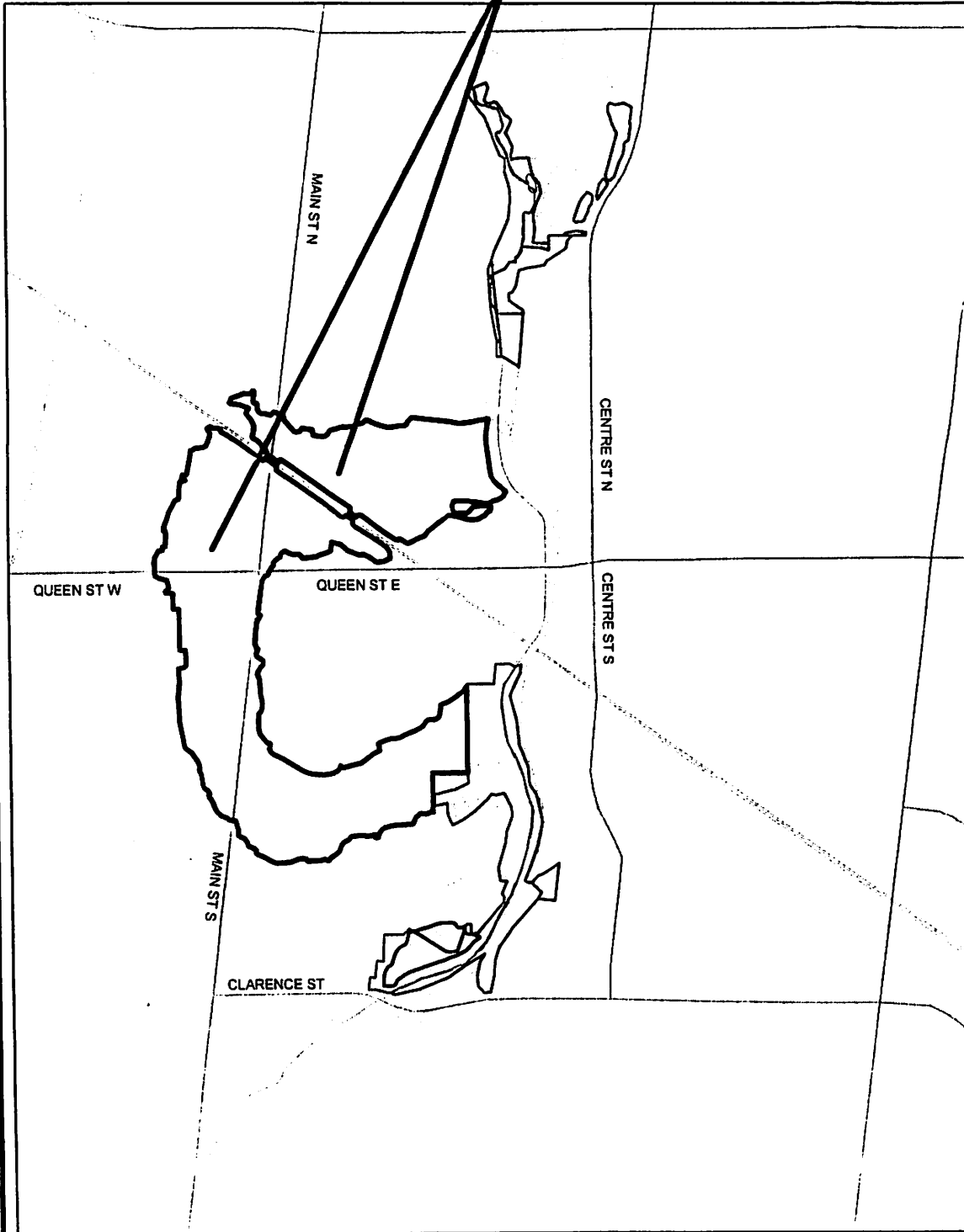
Attached is a copy of a planning report dated   (date)   and a report dated   (date)   forwarding the notes of the Public Meeting held on   (date)   after notification in the local newspaper and the mailing of notices to assessed owners of properties within 800 (900) metres of the subject lands.

The following written submissions were received with respect to the proposed amendment:












  (list all external comments including those from public)     (date received)



**SCHEDULE D TO BE MODIFIED TO REFLECT  
NEW SPECIAL POLICY AREA BOUNDARY**



EXTRACT FROM SCHEDULE D (NATURAL HERITAGE FEATURES AND AREAS) OF THE DOCUMENT KNOWN AS THE 2006 CITY OF BRAMPTON OFFICIAL PLAN

	SUBJECT LANDS		OTHER WETLAND		AREAS OF NATURAL AND SCIENTIFIC INTEREST - LIFE SCIENCE
	VALLEYLAND / WATERCOURSE CORRIDOR		SPECIAL POLICY AREA		AREAS OF NATURAL AND SCIENTIFIC INTEREST - EARTH SCIENCE
	WOODLAND		ENVIRONMENTALLY SENSITIVE / SIGNIFICANT AREA		
	PROVINCIALY SIGNIFICANT WETLAND		PROVINCIAL GREENBELT / PROTECTED COUNTRYSIDE		



PLANNING, DESIGN & DEVELOPMENT  
Date: 2013 11 22 Drawn By: CJK  
File: P26\_SP007\_OPA\_A  
NATURAL HERT

**SCHEDULE A TO OFFICIAL PLAN  
AMENDMENT OP2006# \_\_\_\_\_**

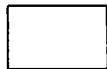
LANDS TO BE REDESIGNATED FROM  
"INSTITUTIONAL" TO "CENTRAL AREA  
MIXED USE"



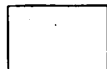
EXTRACT FROM SCHEDULE SP7(A) OF THE DOCUMENT KNOWN AS THE DOWNTOWN BRAMPTON SECONDARY PLAN

**LAND USE**

**RESIDENTIAL**



**Low Density**

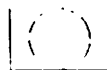


**Medium Density**

**COMMERCIAL**



**Central Area Mixed Use**



**Office Node**

**PUBLIC OPEN SPACE**

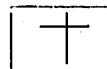


**Specialized Park**

**INSTITUTIONAL**

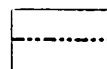


**Institutional**



**Place of Worship**

**TRANSPORTATION**



**Collector Road**

OFFICIAL PLAN AMENDMENT OP06 #. \_\_\_\_\_

Schedule B



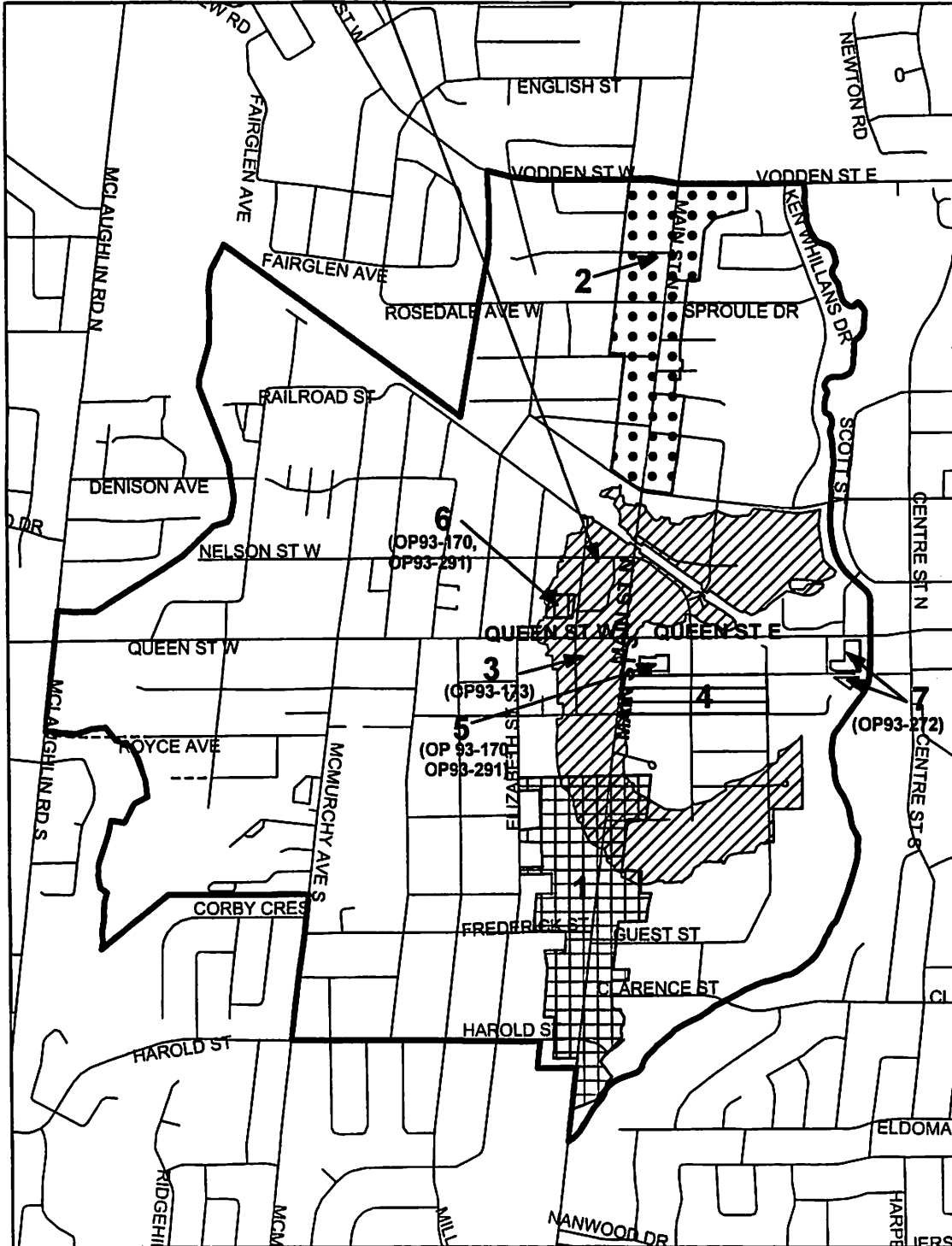
**CITY OF BRAMPTON**  
Planning, Design and Development

Date: 2011 08 08

Drawn by: CJK

File no. P26\_SP007\_OPA\_A

# SCHEDULE SP7(c) TO BE MODIFIED TO REFLECT NEW SPECIAL POLICY AREA BOUNDARY



SCHEDULE SP7(C) (SPECIAL POLICY AREAS) OF THE DOCUMENT KNOWN AS THE DOWNTOWN BRAMPTON SECONDARY PLAN

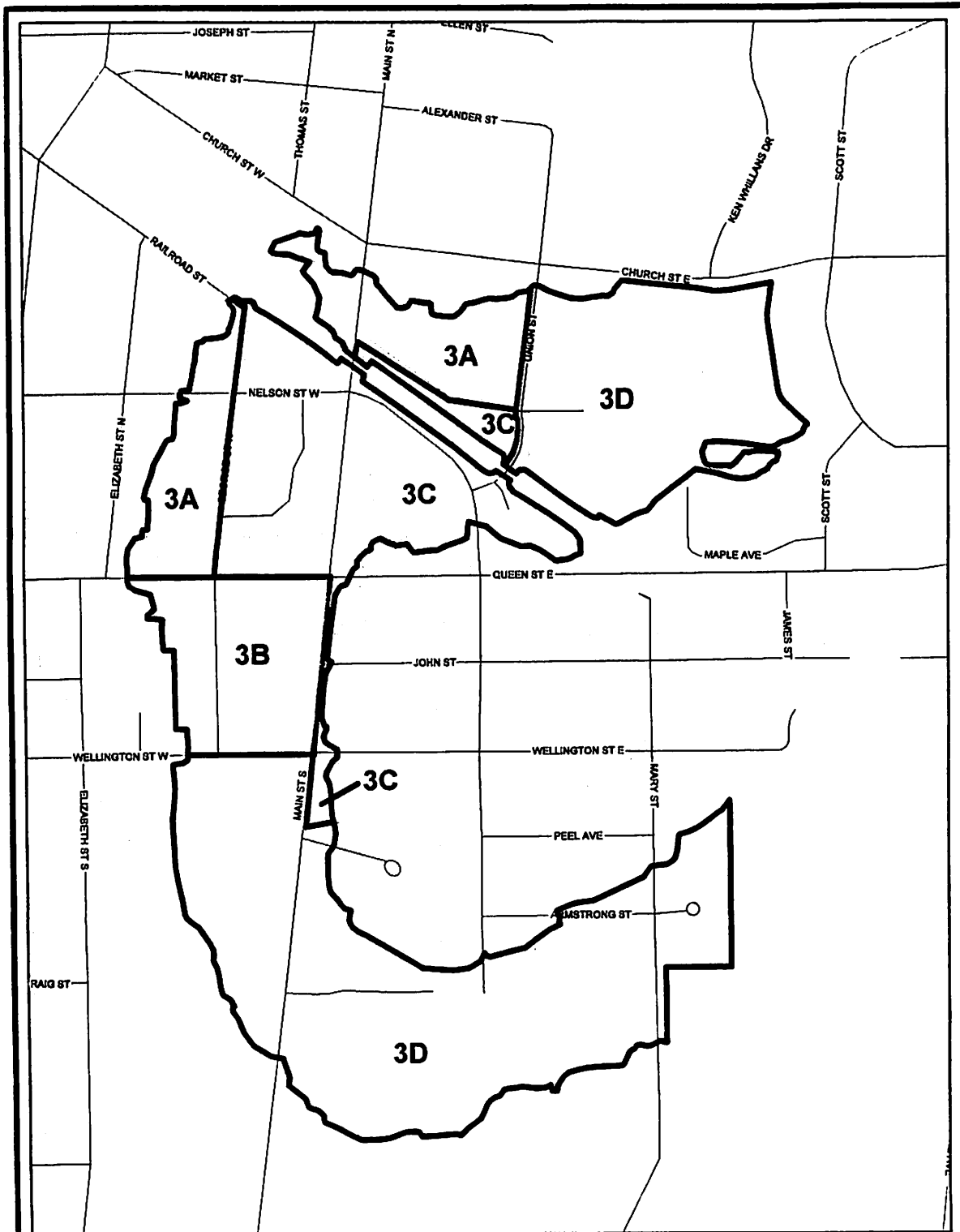
	SUBJECT LANDS		SPECIAL POLICY AREA 3		SPECIAL POLICY AREA 6
	SPECIAL POLICY AREA 1(Refer to Policy 5.6.1)		SPECIAL POLICY AREA 4		SPECIAL POLICY AREA 7
	SPECIAL POLICY AREA 2		SPECIAL POLICY AREA 5 (Refer to Policy 5.6.5.)		



brampton.ca  
 PLANNING, DESIGN & DEVELOPMENT  
 Date: 2013 07 30 Drawn By: CJK  
 File: P26\_SP007\_OPA\_B

**OFFICIAL PLAN AMENDMENT OP2006 # \_\_\_\_\_**

**Schedule C**



**SCHEDULE SP7(C2) - SPECIAL POLICY AREA 3 AND SUB AREAS**

- SPECIAL POLICY AREA 3 BOUNDARY
- 3A Special Policy Area 3A
- 3B Special Policy Area 3B
- 3C Special Policy Area 3C
- 3D Special Policy Area 3D
- Parcels
- Streets



PLANNING, DESIGN & DEVELOPMENT  
 Date: 2013/08/07 Drawn By: CJK  
 File: P28\_SP007\_HACE\_AND\_SPECIAL\_POLICY

**SCHEDULE D TO OFFICIAL PLAN  
 AMENDMENT OP2006# \_\_\_\_\_**

G1-52

Appendix 4: Proposed Final Zoning By-law Amendment

# REVISED APPENDIX 4

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

DATE: February 3, 2014

To amend By-law 270-2004, as amended

The Council of the Corporation of the City of Brampton ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) by adding thereto the following section:

**"20.9 Downtown Floodplain Regulations**

a) Notwithstanding the applicable zoning for lands within the Downtown Floodplain Regulation Areas, as shown on Schedule B-6 to this by-law, the following regulations shall also apply to those lands:

Downtown Floodplain Regulation Area Shown on Schedule B-6	A	B	C
Maximum Residential Units Constructed after _____ (the date of the passing of this By-law)	900	185	0
Maximum Total Gross Non-residential Floor Area	41,000 m <sup>2</sup>	45,000 m <sup>2</sup>	88,000 m <sup>2</sup> (of which the combined amount of hotels or motels cannot exceed 150 suites or 11,000 m <sup>2</sup> of gross floor area).

b) The following requirements shall apply to lands within the Downtown Floodplain Regulation Area as shown on Schedule B-6 to this by-law:

i) New residential uses constructed after \_\_\_\_\_ (the date of the passing of this By-law), shall provide an emergency pedestrian access from the building to lands situated at or above the Regulatory Storm Flood elevation as established by the Toronto and Region Conservation Authority. Such emergency pedestrian access shall be above the Regulatory Storm Flood elevation in its entirety. Non-residential uses shall not be required to provide an emergency access.

- ii) Hotels or motels within Downtown Floodplain Regulation Areas A, B and C as shown on Schedule B-6 to this By-law constructed after \_\_\_\_\_(the date of the passing of this By-law) shall be required to provide an emergency pedestrian access in accordance with the requirements for new residential uses set out in Section 20.9 b) i).
- iii) All new buildings and structures shall be floodproofed to the level of the Regulatory Storm Flood elevation. (Dry passive floodproofing of new buildings or structures is preferred.) Where it has been demonstrated to the satisfaction of the City in consultation with the TRCA that it is technically impractical to flood proof a building or structure to the Regulatory Flood level, floodproofing must be to the highest level technically feasible. However, the minimum floodproofing level shall be to the 1:350 storm elevation, as determined by the Toronto and Region Conservation Authority.
- iv) All new buildings and structures constructed after \_\_\_\_\_(date of passing of this by-law) must locate primary building system controls such as service units and panels, at or above the Regulatory Storm Flood elevation.
- v) No new dwelling units, or suites for hotels or motels shall be constructed below the Regulatory Storm Flood elevation.
- c) Notwithstanding Section 20.9 b) iii), development within the Downtown Floodplain Regulation Area C (as shown on Schedule B-6 to this By-law) abutting Main Street and/or Queen Street is permitted to be floodproofed and provide entrances and ground floor finished floor elevations to the 1:350 year storm elevation. Entrances to below-grade parking structures shall be dry passively floodproofed in accordance with Section 20.9 b) iii).
- d) No additional dwelling units (over those which legally existed as of \_\_\_\_\_(the date of passing of this By-law)) shall be permitted within area Downtown Floodplain Regulation Area D (as shown on Schedule B-6 to this by-law) unless safe access to lands outside of the Downtown Floodplain Regulation Area can be achieved from the building. Such access shall be over lands entirely above the Regulatory Storm elevation as established by the Toronto and Region Conservation Authority.
- e) All newly constructed residential habitable living space within or added to an existing dwelling in Downtown Floodplain Regulation Area D as shown on Schedule B-6 to this by-law, shall be floodproofed to the Regulatory Storm Flood elevation.
- f) Notwithstanding any other permissions set out within the underlying zoning categories, for lands located within Downtown Floodplain Regulation Areas A, B, C and D (identified on Schedule B-6 to this By-law), the following uses shall not be permitted as a primary and accessory use:

- i) new private or public hospital, nursing home, retirement home, senior citizen residence, day nursery, and private or public elementary school;
- ii) essential emergency services, including fire, police (except for a neighbourhood-serving police station), ambulance stations and electrical substations; and,
- iii) uses associated with the disposal, manufacturing, treatment or storage of hazardous substances. For the purpose of this Section, Hazardous Substances are defined as those that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Any such use legally existing on \_\_\_\_\_(the date of the passing of this by-law) would become legal, non-conforming.

- g) For the purposes of this section "Neighbourhood-serving police station" shall mean a police station not designed or intended to serve an essential function during an emergency event such as flooding and not exceeding 464 square metres in gross floor area

(2) by adding thereto Schedule B-6, as attached as Schedule A to this By-law.

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,

this        day of                    201\_.

\_\_\_\_\_  
SUSAN FENNELL - MAYOR

\_\_\_\_\_  
PETER FAY - CITY CLERK

Approved as to Content:

\_\_\_\_\_  
Henrik Zbogor, M.C.I.P., R.P.P  
Acting Director, Planning Policy and  
Growth Management



**EXPLANATORY NOTE**

**THE PURPOSE OF BY-LAW - 1-**

The purpose of By-law -1- is to amend comprehensive Zoning By-law 270-2004, as amended

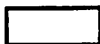
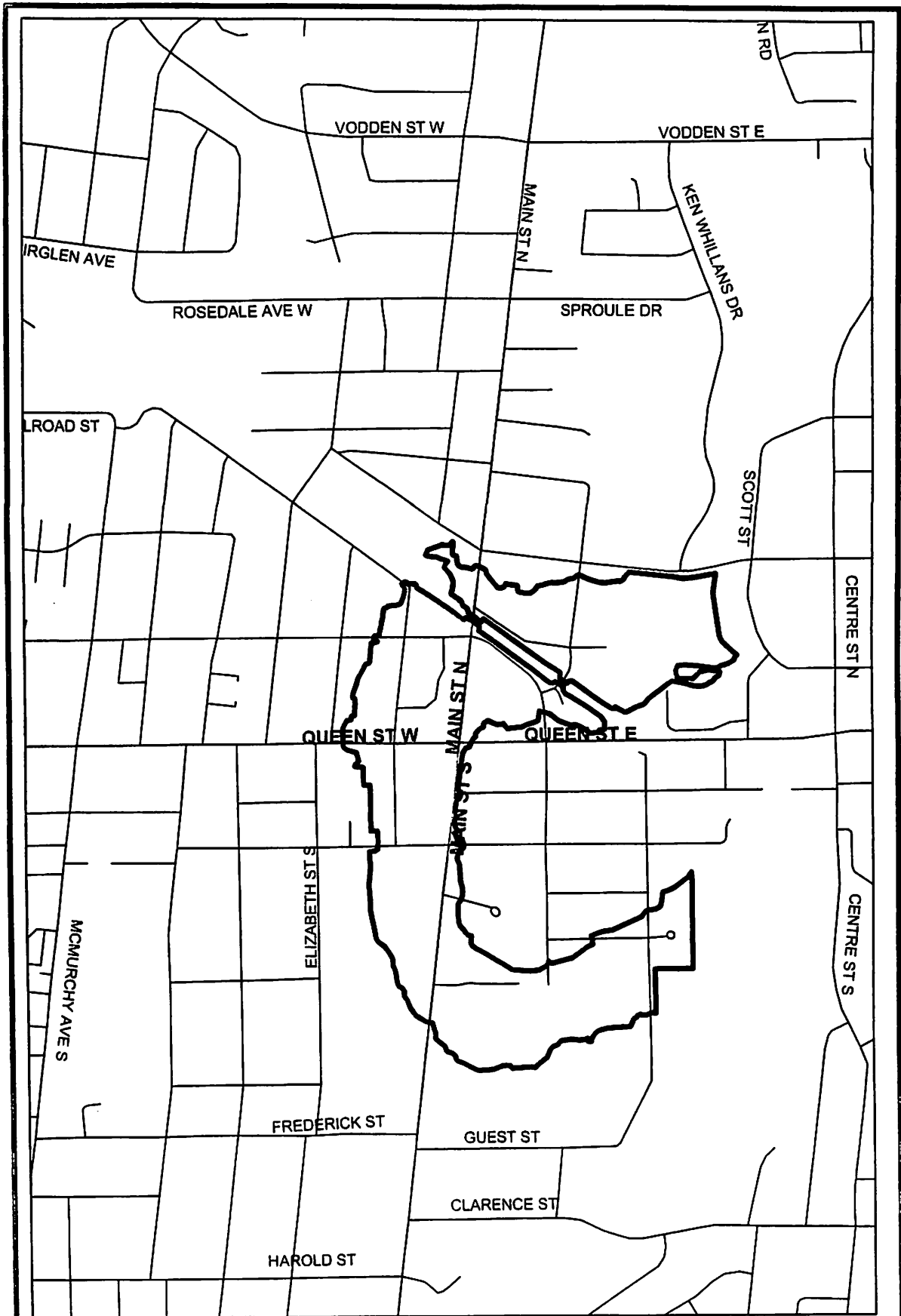
**EFFECT OF THE BY-LAW**

The effect of By-law -1- is to

**LOCATION OF LANDS AFFECTED**

The lands affected by By-law -1- are .

Any further inquiries or questions should be directed to Bernie Steiger, City of Brampton Planning, Design and Development Department, (905) 874-2097.



SUBJECT LANDS BOUNDARY

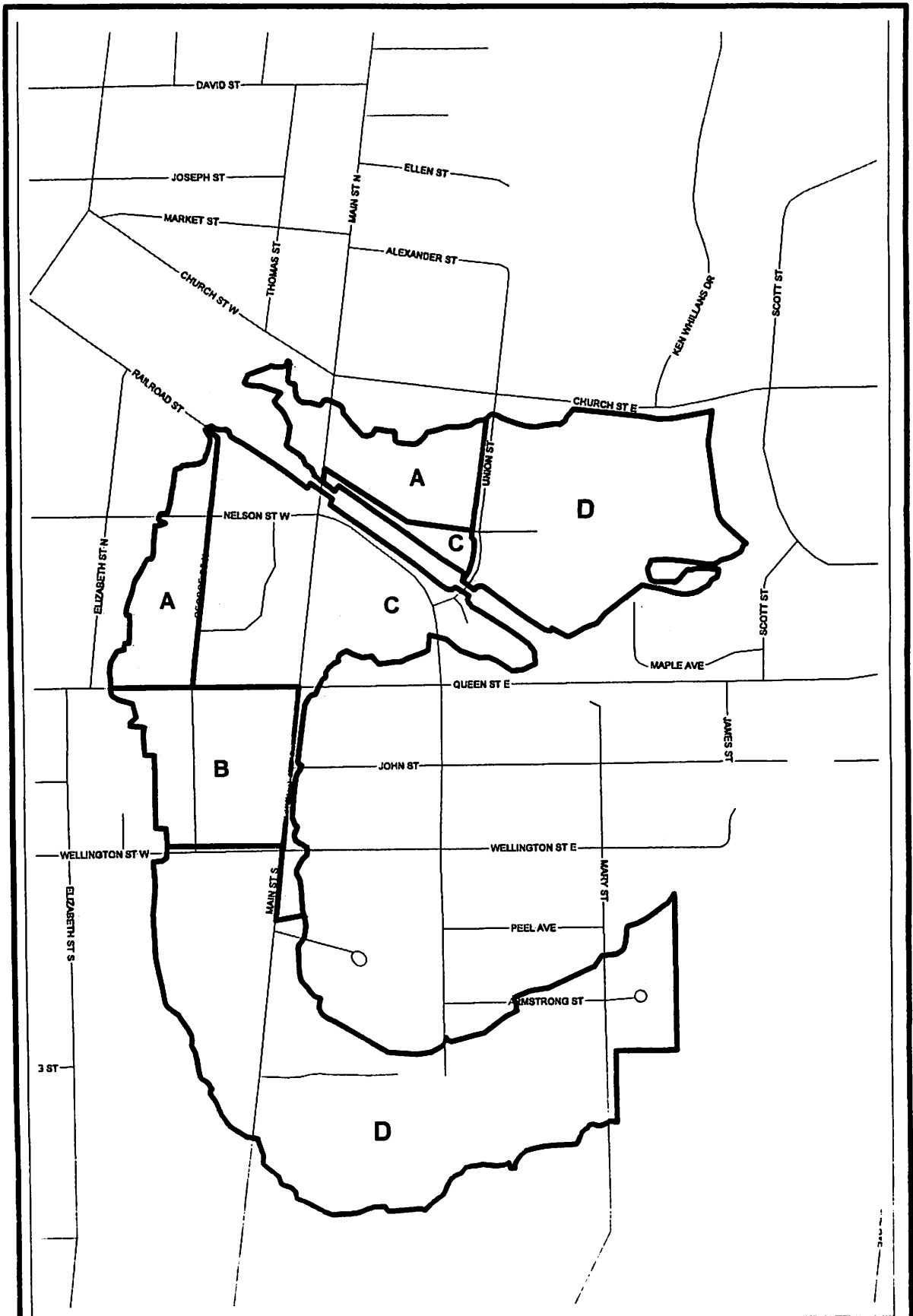


PLANNING,  
DESIGN &  
DEVELOPMENT



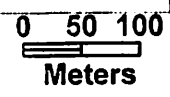
Date: 2013/02/27 Drawn By: CJK  
File: P26\_SP007\_KEY\_MAP

Key Map By-Law \_\_\_\_\_



Legend

 Downtown Floodplain Regulation Area



**Schedule B-6: Downtown Floodplain Regulations**



**BRAMPTON**  
Flower City  
PLANNING, DESIGN & DEVELOPMENT

Date: 2013 02 27 Drawn By: CJK  
File: P26\_SP007\_HACE\_AND\_SPECIAL POLICY

BY-LAW \_\_\_\_\_

**SCHEDULE A**

Appendix 5: Public Meeting Attendance Record, November 7, 2011

**Members of Council Present:**

Regional Councillor P. Palleschi  
City Councillor V. Dhillon  
Regional Councillor E. Moore  
Regional Councillor J. Sanderson  
Regional Councillor G. Miles  
Regional Councillor S. Hames –  
Regional Councillor J. Sprovieri  
City Councillor G. Gibson  
City Councillor J. Hutton  
City Councillor B. Callahan

**Members of Staff Present:**

*Planning, Design and Development Department*

J. Corbett, Commissioner, Planning, Design and Development  
A. Smith, Director, Planning Policy and Growth Management  
D. Kraszewski, Director, Planning and Land Development Services  
M. Won, Director, Engineering and Development Services  
K. Walsh, Director, Community Design, Parks Planning and Development  
K. Ash, Manager, Development Services  
P. Snape, Manager, Development Services  
A. Taranu, Manager, Urban Design and Public Buildings  
A. Parsons, Manager Development Services  
N. Grady, Development Planner  
B. Steiger, Central Area Planner  
M. Gervais, Development Planner  
C. Caruso, Development Planner

*Corporate Services Department*

D. Squires, Deputy City Solicitor  
E. Evans, Deputy Clerk  
C. Urquhart, Legislative Coordinator  
S. Pacheco, Legislative Coordinator

**Members of Public Present:**

Ms. Tracy Pepe, 89 Church Street, Brampton,  
Ms. Jane Ashmore, 93 Scott Street, Brampton,  
Ms. Letizia D'Addario, Weston Consulting Group Inc. ( on behalf of the owners of lands  
at 2, 6, 10, 22 and 24 Nelson Street East, 122-130 Main Street North and 7-11 Church  
Street)

G1-60

Appendix 6: Public Meeting Attendance Record, November 4, 2013

**Members of Council Present:**

Regional Councillor P. Palleschi  
City Councillor V. Dhillon  
Regional Councillor E. Moore  
Regional Councillor J. Sanderson  
Regional Councillor S. Hames  
Regional Councillor J. Sprovieri  
City Councillor G. Gibson  
City Councillor J. Hutton  
City Councillor B. Callahan

**Members of Staff Present:**

*Planning and Infrastructure Services Department*

M. Ball, Chief, Planning and Infrastructure Services  
D. Kraszewski, Senior Executive Director, Planning and Building  
H. Zbogor, Director, Planning Policy and Growth Management  
A. Parsons, Manager, Development Services Site Plan Approvals  
J. Given, Manager, Growth Management and Special Policy  
F. Mazzotta, Engineer, Development Approvals  
B. Steiger, Central Area Planner  
J. Morrison, Development Planner  
M. Viveiros, Administrative Assistant, Planning and Building

*Corporate Services Department*

J. Zingaro, Legal Counsel, Real Estate  
E. Evans, Deputy Clerk  
S. Danton, Legislative Coordinator  
S. Pacheco, Legislative Coordinator

**Members of Public Present:**

Paul Wren, 11 Tullamore Road, on behalf of Christ Anglican Church, 4 Elizabeth Street North  
Byron Gilmore, on behalf of Christ Anglican Church, 4 Elizabeth Street North

G1-61

## Appendix 7: Results of Public Consultation

### **Results of Public Meetings:**

Two public meetings were held with respect to the proposed Official Plan and Zoning By-law Amendments. The first meeting was held on November 7, 2011, the second on November 4, 2013. These meetings were held in the Council Chambers, 4<sup>th</sup> Floor, 2 Wellington Street West, Brampton, Ontario, commencing at 7:00 p.m. Notices of these meetings were sent to property owners within 800 metres of the subject lands in accordance with the Planning Act and City Council procedures.

#### *Public Meeting (November 7, 2011)*

As indicated in Appendix '5', 3 persons were in attendance and made representations at the November 4, 2011 meeting.

#### Ms. Tracy Pepe, 89 Church Street, Brampton.

Ms. Pepe asked if the proposed amendments would affect secondary additions to dwellings. She also requested how social issues would be addressed given the increase in population and also requested information on the Ken Whillans Drive Environmental Assessment.

#### *Response:*

The proposed policies would not change existing requirements pertaining to additions to existing homes within the SPA. Additions could still occur. The additions would need to be flood-proofed to the Regulatory storm level, and if that is not technically feasible, a lesser level, with the minimum being the 1:350 storm event. The additions would need to be able to structurally withstand Regulatory storm flows and velocities.

With regard to the concerns related to social impacts, the proposed amendments are intended to support the ongoing revitalization of the historic downtown and improving its attractiveness as a place to live, work and for a wide range of other functions.

The Ken Whillans Environmental Assessment is currently on hold pending the outcome of the TRCA *Downtown Brampton Flood Protection Feasibility Study*, which, combined with the City's concurrent *Downtown Etobicoke Creek Revitalization Study: Urban Design and Land Use Study*, are exploring potential solutions to permanently protect the downtown from flooding. The urban design component seeks to marry the potential design solutions with City-building objectives to reintegrate the creek back into the surrounding fabric and create potential for opportunities for revitalization and redevelopment. The potential options for the flood protection solutions impact on the Ken Whillans Environmental Assessment.

G1-62

Ms. Jane Ashmore, 93 Scott Street, Brampton,

Ms. Ashmore advised that the proposed amendments would now include three quarters of her property as part of the floodplain lands. She questioned what the impact would be on her property with respect to renovation, taxes and resale value.

The subject property is not within the Special Policy Area, therefore the proposed amendments have no impact on her lands. It should be noted that the SPA amendment does not "create" a floodplain. The floodplain for the watercourse exists; the extent of which is established by floodplain modelling undertaken by the TRCA. 93 Scott Street does appear to lie within the floodplain of the Etobicoke Creek and therefore would be subject to the standard floodplain regulations of the TRCA.

Ms. Letizia D'Addario, Weston Consulting Group Inc. ( on behalf of the owners of lands at 2, 6, 10, 22 and 24 Nelson Street East, 122-130 Main Street North and 7-11 Church Street)

Ms. D'Addario represents owners of land at the northeast corner of Main Street North and Nelson Street East. The City approved an application to amend the zoning by-law to permit mixed-uses on those lands. It was given "approval in principle" by Council in 2006, but has not moved forward, pending the outcome of the comprehensive study. Ms. D'Addario advised that a letter was sent in supporting the proposed amendments.

*Public Meeting (November 4, 2013)*

As indicated in Appendix '6' 1 person was in attendance and made representation at the November 7, 2013 meeting.

Mr. Paul Wren, 11 Tullamore Road, Brampton, on behalf of Christ Anglican Church, 4 Elizabeth Street West)

(Mr. Byron Gilmore was in attendance and noted in the public meeting record. Mr. Gilmore also represented Christ Anglican Church, but did not speak to the item)

Mr. Wren ask what the impact was on Christ Anglican Church. They noted that they the SPA now impacts their property. The church has a Montessori school operating on the premises.

*Response:*

Staff stated that the amendments will relate to new uses only and legally existing uses may still continue.

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## CORRESPONDENCE FROM PUBLIC

Ms. Ileen Bray, 3 Amanda Street, Orangeville, ON, letter dated October 31, 2011

Ms. Bray is the owner of 78 Queen Street West. She requested to be notified of any decisions made by Council (adoption of Official Plan Amendment, enactment of Zoning By-law) with respect to the proposed amendments.

*Response:*

Ms. Bray will be added to the list of persons to be notified of decisions with respect to the proposed amendments.

Weston Consulting Group Inc. (on behalf of the owners of lands at 2, 6, 10, 22 and 24 Nelson Street East, 122-130 Main Street North and 7-11 Church Street), letter dated November 2, 2011

This letter provided background with respect to the application made by the landowners of the above-noted properties, noting "approval in principle" from City Council had been attained. They also noted that a technical package containing detail engineering, architectural and access solutions was provided. This package followed the approach undertaken with the 11 George Street (The Renaissance condominium) project.

The letter advised that they are in support of the proposed City amendments.

Gagnon Law Urban Planners (on behalf of 4 Market Street, 34, 38, 42 & 44 Thomas Street, 199, 203, 205, 207-209, 2115 & 219-221 Main Street North (Main Market Block) Landowner's Group

This correspondence provided detailed comments with respect to the proposed Main Street North Development Permit System (MSN DPS) and sought further consultation with the City to address the landowner's concerns with the proposed amendments. The letter indicates support for the removal of their lands from the proposed SPA.

*Response:*

A small portion at the southwest corner of the "Main-Market Block" lands was impacted by the existing SPA. Accordingly, the SPA also impacted on a portion of the MSN DPS along Thomas Street generally from Market Street to its southerly extent at Church Street. Under the advice of the Province, the affected portion of the proposed MSN DPS was separated and dealt with under the SPA amendment package. They were in support of the SPA amendments as the proposed updated floodline (2011) would no longer impact the Main Market lands.

With the final update in the floodplain modelling (end-2012), the subject lands and the proposed MSN DPS area are outside the floodplain. As such the Province advised in 2013 that the MSN DPS amendments can be removed from the SPA submission package. Approvals related to the unapproved portion of the MSN DPS will be dealt



G1-64

with separately and will be brought forward for Council's consideration in due course. The content of the Gagnon Law correspondence was specifically addressed in conjunction with the Staff recommendation report related to the Main Street North Development Permit System tabled at the Council meeting of August 8, 2013.

Ahsan Munir, (no address provided), email dated October 17, 2013

Advised of receipt of Public Meeting Notice, did not have any specific input, trusted that City Council would undertake what is in the best interests of the City and its residents.

## **RESULT OF AGENCY/DEPARTMENTAL CIRCULATION**

Ministry of Municipal Affairs and Housing, letter dated June 10, 2013

MMAH provided consolidated comments on the City's submission. A detailed response to these comments was provided by the City in a letter to MMAH dated November 20, 2013 (attached hereto as Appendix 1).

Dufferin-Peel Catholic District School Board, letter dated November 11, 2013

This Board operates St Mary Elementary School, a portion of which is within the proposed SPA. They have no objections, but have a concern with future modifications to portable buildings on the site. The portables are located in the south-east corner of the property. The Board requests that a provision be added to the SPA policy section to confirm that the entire property is not within the SPA and that modifications can be made to the portable area.

### *Response*

A special provision in the policies is not required. The existing "portable area" lies outside of the SPA. As such, the School Board can make modifications to the "portable area" in accordance with the Zoning By-law and any other required approvals. The SPA provisions do not impact lands outside the SPA.

Brampton Downtown Development Corporation, letter dated November 5, 2013

The BDDC Board has been actively engaged in the review process and regularly informed on the progress and directions of the study. They acknowledge that the residential development in the downtown is essential for economic prosperity. They support the proposed OPA and ZBA and are looking forward to a permanent solution to the issue.

G1-65

Appendix 8: Correspondence Received From Public

Steiger, Bernie

G1-666

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**From:** A. Munir <ahsan.munir@alumni.utoronto.ca>  
**Sent:** 2013/10/17 11:30 AM  
**To:** Steiger, Bernie  
**Cc:** Zbogar, Henrik  
**Subject:** Public Meeting November 4

Thank you for the Public Meeting Notice. After reviewing the document, I can not say I have the expertise or any general input that would be of value to this meeting. I trust the Council and the appointed members would do what is best in the interest of the city of Brampton and for the residents of this city.

If I may be of any assistance, please do not hesitate to ask,  
Thank you

**Mohd. A. Jon Munir, B.Sc.**

1.647.376.8888 | [ahsan.munir@alumni.utoronto.ca](mailto:ahsan.munir@alumni.utoronto.ca)

[http://individual.utoronto.ca/ahsan\\_munir](http://individual.utoronto.ca/ahsan_munir)

*"Knowledge is Wealth"*

✓ cover 31, 2011. ✓

The Corporation of the City of Brampton

6167

Bernie

Mr John B. Corbett.  
Commissioner of Planning  
Design and Development.  
2 Wellington Street, West.,  
Brampton, Ontario.  
L6Y 4R2

Dear Sir:

File (P265 P007)

Re: 78 Queen Street W, Brampton  
Plan BR4 PT Lots 19-20 RP43 R10417  
Plan 2.

This is a written submission to the City of Brampton with respect to the amendments before the City passes or refuses to pass a zoning or development permit by-law or adopts or refuses to adopt the proposed official plan amendment.

This gives me the entitlement to appeal the decision of the City of Brampton to the Ontario Municipal Board if whenever I decide an appeal if I so desire and also includes (b) as a party to the hearing of an appeal before the Ontario Municipal Board if necessary.

Thank you so much!

Sincerely,  
Ms Glenn Bray,  
39 manda st.,  
Orangeville, On.  
L9W 2J9

G1-68



**WESTON CONSULTING GROUP INC.**

'Land Use Planning Through Experience and Innovation'

November 2, 2011  
WCGI File No. 3456

**City of Brampton**  
2 Wellington Street West  
Brampton, ON  
L6Y 4R2

**ATTENTION: Mayor Fennell and Members of Council**

Dear Madam:

**Re: Letter of Support for City-Initiated Amendments to Floodplain Development Policies  
City of Brampton**

Weston Consulting Group Inc. (WCGI) is the planning consultant representing the owners of the lands located on the northeast corner of Main Street North and Nelson Street East (specifically 2, 6, 10, 22, 24 Nelson Street East, 122-130 Main Street North, and 7-11 Church Street) in the downtown area of the City of Brampton, herein referred to as the "subject lands". This letter is provided in support of the amendments to the Official Plan, Zoning By-law, and Main Street North Development Permit System By-law proposed by the October 5, 2011 Information Report to be presented at the November 7, 2011 Planning, Design, and Development Committee meeting, as they pertain to Floodplain Development policies of the Downtown Secondary Plan Special Policy Area 3 (SPA 3).

The owner of the Main and Nelson Street properties is proposing to redevelop these sites for mixed use residential and commercial land uses. A Zoning By-Law Amendment application was submitted to the City in 2004 in order to facilitate the development of a high-rise residential mixed-use condominium tower on the subject property with three levels of underground parking, and is referenced under File No. C1E6.51. The proposed development received a positive "Recommendation Report" dated May 1, 2006 and an "Approval in Principle" by City Council on June 12, 2006.

Significant progress in the development application process has been made and we have had numerous discussions and meetings with City of Brampton Staff and the Toronto and Region Conservation Authority (TRCA) to discuss the project. However, due to issues related to the Special Policy Area (SPA) policies pertaining to the subject lands, the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Natural Resources (MNR) have thus far, prevented us from moving forward. As a result, MMAH and MNR have effectively frozen the subject site from development, despite being granted municipal approval in 2006.

Since  
1981

Vaughan Office: 201 Millway Avenue, Unit 19,  
Vaughan, Ontario, L4K 5K8  
Tel. 905-738-8080

Oakville Office: 1660 North Service Road East, Suite 114,  
Oakville, Ontario, L6H 7G3  
Tel. 905-844-8749

1-800-363-3558 Fax. 905-738-6637 [www.westonconsulting.com](http://www.westonconsulting.com)

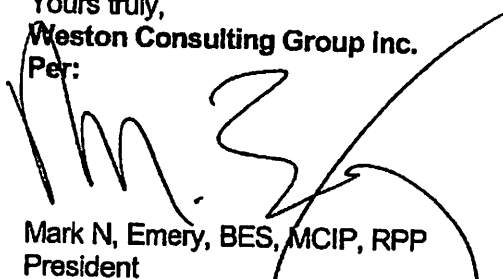
We have provided detailed engineering, architectural, and access solutions to provide for adequate ingress, egress, elevation, and floodproofing measures. The solutions identified and provided are of a similar nature to those provided for in the Alterra development located at 11 George Street, now fully constructed and operational.

Please be advised that, on behalf of the owners of the properties located at the Northeast corner of Main Street North and Nelson Street East and 7-11 Church Street, we are in support of the City-initiated amendments, given the challenges that we have encountered in advancing the development of the subject lands. It is our view that this amendment would serve to expedite and facilitate the approval process for lands located along the periphery of the Special Policy Areas of Downtown Brampton, and in particular for this development application. We are pleased with the efforts being made thus far by the City of Brampton in addressing the issues associated with developing in SPAs, and we are fully supportive of the City's process.

We trust that the City of Brampton will consider our position on this matter, and will move to approve the proposed Amendments at the earliest possible opportunity.

Should you have any questions or comments, please feel free to contact the undersigned at ext. 240 or Letizia D'Addario at ext. 236.

Yours truly,  
Weston Consulting Group Inc.  
Per:



Mark N, Emery, BES, MCIP, RPP  
President

Cc: J. Corbett/A. Smith/A. Taranu, City of Brampton  
B. Denney/C. Woodland, TRCA  
W. Biscaia, Heritage Brampton Inc.

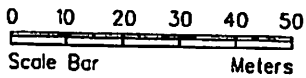
61-70

CHURCH STREET EAST

MAIN STREET NORTH

UNION STREET

NELSON STREET EAST



WESTON CONSULTING GROUP INC.



File No: 3456  
Date Drawn: 4 NOV 11  
Drawn By: SB  
Planner: kf  
Scale: See Scale Bar

CAD File: 3456/schedule/location map.dgn

LEGEND

 SUBJECT LANDS

LOCATION MAP

CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL



G1-71

Principals  
Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Lily Law, B.E.S.  
Lena Gagnon

November 18, 2011

P.N.06.1251.00

City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

Attention: John Corbett, Commissioner of Planning  
-and-  
Peter Fay, City Clerk

Re: City-Initiated Amendment to the Official Plan, Zoning By-law and  
Main Street North Development Permit System By-law  
4 Market Street  
34, 38, 42 & 44 Thomas Street  
199, 203, 205, 207-209, 215 & 219-221 Main Street North  
City of Brampton File: P26SP 007

We act on behalf of the individuals who own the properties identified above. On October 21, 2011, we had occasion to meet with City staff to discuss the redevelopment of our clients' properties and as a follow-up, we filed the attached correspondence. Our clients look forward to continuing to work with the City on a *comprehensive redevelopment plan* for the block bound by Main Street North, Market Street, Thomas Street and David Street (herein after referred to as *Main Market Block*). The *Main Market Block* is located within the Main Street North Development Permit System By-law Area.

Our clients believe, and we agree with them, that the *Main Market Block* has enormous potential for a mixed-use commercial and residential condominium development. We envisage a comprehensive redevelopment concept incorporating street related retail, limited office and mid to high rise residential. The size and scale of the development would be similar to other recently completed projects; including the *Rhythm Residences*, the *Renaissance*, *Park Place* and the award winning *Landmarq* (located immediately to the south of the *Main Market Block*).

We have been informed by our clients that they have previously shared their opinions with the City regarding the redevelopment potential of their properties. For ease of reference, we have attached copies of correspondence to Mayor Fennell, Councillor Gibson, Councillor Moore and John Corbett.

21 Queen Street East, Suite 500 • Brampton, Ontario Canada L6W 3P1  
www.gagnonlawurbanplanners.com • Phone: 905-796-5790 • Fax: 905-796-5792

CONFIDENTIALITY  
CAUTION

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.



## Comments, Observations and Suggestions

Our clients have asked us to review the Information Report entitled "City-Initiated Amendment to the Official Plan, Zoning By-law and Main Street North Development Permit System By-law" as presented at the November 7, 2011 Planning, Design and Development Committee. Thank you for this opportunity to provide input.

1. We support the City's proposal which will result in a revised Floodline Boundary which will exclude the *Main Market Block*.
2. We have reviewed Schedule B, also referenced as Schedule 1 entitled "Main Street North Character Sub Areas". We note that the *Main Market Block* has two (2) designations applied to it; including "Medium Density Transition" and "Historic Mixed Use".

Based on the discussion which took place with Planning staff when we met on October 21, 2011 we question whether or not any of the *Main Market Block* should be designated "Historic Mixed Use". If the objective is to facilitate redevelopment which is similar to the other recent developments in the Downtown, it would be advisable to designate the entire *Main Market Block* as "*Medium to High Density Mixed-Use Commercial and Residential*". We would discourage the designation of the *Block* as Medium Density Transition on the basis that the size and scale of what the City envisages is simply too modest.

We would now like to explore the "Gateway Area" designations which have been assigned to the lands located at the intersection of Main Street North and Vodden Street, as well as Main Street North and Market Street (but not within the intervening area). As currently proposed, the "Gateway Area" locations serve to frame the area located in between the two (2) Gateways.

The approach to the Gateways creates a scenario where there is quite intense development at each end of Main Street North, and by comparison an intervening, low density, low intensity, "historic" mixed-use area. This approach begs several questions:

- "What are these two (2) Gateways meant to be gateways to?"
- Is the Vodden Street "Gateway Area" meant to be a gateway to the whole of the Downtown, or is it meant to be a gateway to the "Historic" mixed-use strip of buildings located along Main Street North, terminating at the Church Street West "Gateway Area"?

- Is the Church Street West "Gateway Area" meant to be a gateway to the "Historic" mixed-use strip of buildings going northward from the Downtown?
- Is it possible that the Church Street West "Gateway Area" is meant to be a gateway to the Downtown area located south of the CNR?
- What is the purpose of having two (2) "Gateway Areas"?

Perhaps it would be more appropriate to have a single "Gateway Area" located at Vodden Street, announcing the northern limit of the Downtown Brampton development area. Starting at the Vodden Street Gateway Area, the densities and built form would be similar to what is already established along the Main Street North corridor and adjacent areas; namely medium and high density residential with street related retail and office.

3. We have reviewed Schedule D, also referred to as Schedule 3 "Minimum and Maximum Building Setbacks to Streets". Based on our involvement in the Landmarq Project, we strongly recommend that a similar approach to setbacks be applied for all Medium and High Density Residential and Commercial projects along the east and west sides of Main Street North from Church Street West to Vodden Street.

Prior to finalizing the minimum and maximum setbacks within the Planning District, we suggest that a *Demonstration Plan* be prepared illustrating existing building setbacks. More specifically, in referencing existing building setbacks what should be shown are the setbacks of older buildings that are worthy of preservation in situ and recent construction (i.e. the Landmarq) which are likely to remain in place for decades to come.

A second *Demonstration Plan* should be prepared which illustrates proposed building setbacks and the relationship to existing buildings that are going to be maintained on a "go forward" basis. The two (2) *Demonstration Plans* should be supplemented with a third drawing which would include a number of Building Sections and Streetscapes vignettes. The Building Sections and Streetscape vignettes plan would be of great assistance in helping local stakeholders envisaged what kind of streetscape the recommended minimum and maximum setbacks would create.

4. We have reviewed Schedule F, also referred to as Schedule 5 "Minimum and Maximum Building Heights". The maximum building height of 15.5 metres which is proposed by the City for the *Main Market Block* is, in our opinion, too restrictive. We believe that it should be increased to at least 41.0 metres in order to be consistent with the maximum building height located on the south side of Market Street.

The concern we have with the proposed maximum building height, is that it is insufficient to accommodate the scale and intensity of development our clients envisaged for the redevelopment of their properties. An increase in the maximum building height to 41.0

metres would act as a catalysis for redevelopment of our clients' site, as well as lands located on both the east and west sides of Main Street North.

When establishing maximum building height, there are many factors that need to be considered; including financial feasibility. Height translates into density, and in a redevelopment scenario like that which exists on Main Street North, it is critical that the density be sufficient to allow for a critical mass of development commensurate with risk.

Financial feasibility must of course be balanced with other equally as important planning considerations; including compatibility, scale, size, and massing. Another important consideration is the long term vision for Main Street North and the whole of the Downtown and the Queen Street Corridor.

If the City of Brampton is going to be successful in realizing a "bustling and vibrant" Downtown, it must be prepared to create the proper environment for investment capital. In this regard, if too much emphasis is placed on preserving existing (regrettably in some cases marginal) development fabric along major roadways (like Main Street North) the City runs the risks of failing.

It has been recognized for years that the size of the population in the Downtown must be increased significantly if people's hopes of attracting higher quality retail and commercial services is to be realized. The greater the density, the greater the height, the greater the number of residential units built, the greater the probability that the Downtown population will increase. The goal is to see the Downtown resident population swell to the point where there are enough people to support a greater number of higher quality merchants and service providers.

The Provincial Growth Plan envisages increasing densities in areas which are located along and within Transit Corridors. Increasing the maximum permitted height would support the Growth Plan and other Provincial legislation which encourages and supports intensification within the Built Boundary.

5. We have reviewed Schedule G, also referred to as Schedule 6 "Minimum Interior and Rear Yards, Angular Planes and Building Setbacks". (Note the Schedule is almost illegible unless one employs the use of a magnify glass. May we suggest that Schedule G and the text thereon be reformatted to improve legibility?) In terms of the specific performance standards included on the Schedule G/6, while they do provide some direction, we suggest that they be utilized as "Guidelines" only. Individual provisions that govern development of blocks and specific sites therein should perhaps be established through the preparation and submission of detailed Zoning By-law Amendment applications and/or Site Plan Approval applications; both of which could be supported by detailed Urban Design Guidelines.

6. With respect to Schedule B, labeled as "Official Plan Amendment OP06-#" dealing with F.S.I., it is difficult to ascertain the limits as to what lands are being "deleted" when it comes to the reference of "2.0 F.S.I.". Please advise, if what is being "deleted" applies to all of the lands located on the east and west sides of Main Street North or just to the lands located at the southwest corner of Main Street North and Market Street?

With respect to the *Main Market Block*, we recommend that it be assigned an F.S.I. which is sufficient to allow it to be developed in a manner generally consistent with the final Landmark site F.S.I.

### Meeting Request

Based on the scope and breathe of the issues raised in this submission, we would welcome an opportunity to meet with you to discuss our clients' interests in greater detail. We believe that the development of the *Main Market Block* is of such great importance that a joint working meeting between our client group, City Planning staff, Mayor Fennell and Councillors Moore, Gibson, Sanderson and Callahan should be held prior to any further reports or implementing documents be tabled for final approval.

By way of a copy of this submission to Mayor Fennell, Councillors Moore, Gibson, Sanderson and Callahan may we respectfully request that your respective Executive Assistants assists in setting this meeting up? The opportunity exists for our clients as key stakeholders and the City to work together on the development of a vision for Main Street North which is realistic and implementable. We look forward to hearing from you. The undersigned can be reached at 905-796-5790 ext. 233.

In closing, we formally request to be notified of the tabling and approval of any and all Staff Reports and implementing documents (including Official Plan Amendments or Zoning By-laws) in connection with the proposed Main Street North Development Permit System By-law, as well as related Official Plan Amendments to the Main Street North Planning Precinct.

Yours truly,



**Michael Gagnon, B.E.S., M.C.I.P., R.P.P.**  
**Managing Principal Planner**  
[www.gagnonlawurbanplanners.com](http://www.gagnonlawurbanplanners.com)

cc: Mayor Fennell, City of Brampton  
 Councillor Moore, City of Brampton  
 Councillor Gibson, City of Brampton

G1-7le

**Councillor Sanderson, City of Brampton**  
**Councillor Callahan, City of Brampton**  
**Dan Kraszewski, City of Brampton**  
**Dennis Cutajar, City of Brampton**  
**✓ Bernie Steiger, City of Brampton**  
**Peter Fay, City of Brampton**  
**Angela Battiston & Fellow Landowners**  
**Lily Law, Gagnon & Law Urban Planners Ltd.**

G1-77

**BRUNO BATTISTON  
24 Ridelle Court,  
Brampton, ON L6Z 4M2**

24<sup>th</sup> November 2009

City of Brampton,  
2 Wellington Street W.  
Brampton, ON

Attention: Ms. Elaine Moore, Mr. Grant Gibson, and Mr. John Corbett

Re: **Main Street North Development Permit System and  
199-221 Main Street North, 34-44 Thomas St. and 4 Market St.**

Dear Sirs and Madam.

Thank you for meeting with us on 28<sup>th</sup> October 2009 regarding the development of the Main Street North Corridor area in Brampton. As you are aware from the meeting we have objections to certain proposed designations for the development of the Main Street North Corridor.

We are a group with approximately 1.9 acres of land between Market Street and Vodden Street on the west side of Main Street North. This land is immediately north of the existing high rise development at Market Street and Main Street North and just to the south of the proposed high density development at Main and Vodden.

The existing buildings on the properties are all old and are in varying condition. Some have attractive exteriors, many are simply old. Many, as noted in the staff report, have had renovations or modifications that detract from any charm they may have possessed.

The view of the property owners is that this area is perfect for the same type of development as the properties immediately to the north and south. The land is within 160 meters of the transportation hub – including the new rapid transit system. This is an ideal location for high-density residential buildings that will support ground floor retail, increase day and evening pedestrian presence and allow walking access to commuters.

The large majority of this land is not on a flood plain – a significant

G1-78

consideration and a big advantage for development land. This is also a prerequisite for attaining LEED status thereby qualifying as an environmentally responsible development.

Restriction of the height allowed for this area to two or two and a half stories will be a disincentive to the owners to maintain their properties. The effect of such a reduction in potential value would lead to the inevitable neglect and deterioration of the buildings affected. This would have the opposite effect to that desired – an attractive and vibrant streetscape at the northern gateway to the Brampton City core.

The time to remedy these potential problems is now, before the proposed system is implemented, rather than trying to play catch-up after the rules are set in stone. We have a lot at stake in terms of property values but the City has even more at stake. The choice is between a stagnant and deteriorating stock of old buildings or a new, attractive and most convenient location for many new residents. There is no logic to the freezing of development between the Vodden / Main intersection and the intersection with Market Street – this is the exact location to commence an impressive downtown core for the City of Brampton.

Yours truly,

61-79

MAIN-THOMAS DEVELOPMENT GROUP

24 RIDELLE COURT  
BRAMPTON, ON L6Z 4M2  
905 450 6136

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June 15<sup>th</sup>, 2011  
HAND DELIVERED

Mr. Grant Gibson  
Regional Councillor  
City of Brampton  
2 Wellington Street West  
Brampton, ON

RE: 199 -221 Main Street North, 34-44 Thomas Street and 4 Market Street

Dear Mr. Gibson:

This is our notice to you that we are objecting to:

- (1) the city plan to pass the Brampton Main Street North Development Permit System,
- (2) our area to being given the designation of transitional lands and
- (3) the city plan to list our properties as "Properties of Interest" heritage stock when there are so many similar houses in the older sections of Brampton which are not included in the Province of Ontario mandate "A Place to Grow" area.

We are a group of property owners of approximately 1.9 acres of land in the downtown core of Brampton, and 95%+ of our land is not in the flood plain and is less than 500 feet walking distance to the bus and GO train terminals. I am inclosing a copy of our consultant Berndt Duddeck report.

Just to reiterate the information we have given you in the past, the existing buildings on the properties are of varying age and condition. Some have attractive exteriors but many are simply old or have had renovations or modification that detracts from any charm they may have possessed, as noted in the city staff report.

We believe this area to be ideal for development similar to that which has occurred with the properties immediately to the south of ours and as is proposed in the development plan to our north in the Vodden and Main corridor. Our properties are within 160 meters of the transportation hub, which includes the new rapid transit system, and is in an ideal location for any plan to include a high-density residential building, that will, in addition, support ground floor retail offices, increase day and evening pedestrian presence, and also allows walking access to commuters. Another potential possible use for this land would be for the convention/hotel project which the city is interested in attracting in the downtown core.

The fact that the majority of this land is not on a flood plain makes it a significant parcel for development consideration in the downtown core. Not being in the flood plain is a prerequisite for attaining LEED status and thereby signifies the use of this land as an environmentally responsible development.



City staff are using the Permit System to hinder development of Main Street North in an attempt to recapture the Brampton from days past as a cute small town. In fact, Brampton needs to be appreciated as not only Canada's 10<sup>th</sup> largest city, but as a city with a vibrant downtown core that can provide ample opportunity for people to live, shop, work and play in 2011. If we can accomplish such a vision through development we all stand to win as employment opportunities will arise, pedestrian traffic will increase, and store front retail and commercial business will see a much needed infusion of potential business opportunities.

Further, imposing height restrictions on any development along Main St. North between Vodden and Church St. stifles the idea of bringing Brampton into a modern and affluent era. Instead, we would urge the City to work with the property owners and developers in creating a vibrant high density area, complete with attractive streetscapes, to fulfill a development vision that would make any city proud, be it the 10<sup>th</sup> largest city in Canada or the 100<sup>th</sup>.

The time to act towards our proposed vision is now, before the proposed Permit system is implemented, rather than trying to right the wrongs once the system is in place. We as the owners of land in the downtown core have much at stake in terms of property value but we firmly believe that the City has even more at stake. We see choices being presented where one is of a stagnant and deteriorating stock of old buildings and little prosperity or development in contrast to the ulterior choice of a new, attractive and convenient location for many new residents and businesses. We do not see the logic to freezing development between the Vodden and Church St. intersections. Instead we feel that this is the exact location to commence revitalization of the northern entrance leading to the newly proposed expanded City Hall and the new Library within the downtown centre core.

The Main Street North Development Permit System would do the opposite of what we believe is most required at the Brampton core. We would like written acknowledgement of this letter as soon as possible and we look forward to meeting with you to discuss our objections.

Yours truly,

Angela Battiston

Bruno Battiston

Copy attached.

cc. Hon. Rick Bartolucci, Minister of Municipal Affairs and Housing

cc. Hon. Bob Chiarelli, Minister of Infrastructure

cc. Vic Dhillon, MPP Brampton West

G1-81

**MAIN-THOMAS DEVELOPMENT GROUP**

**24 Ridelle Court  
Brampton, ON L6Z 4M2  
905 450 6136**

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June 15<sup>th</sup>, 2011  
HAND DELIVERED

Honourable Mayor Susan Fennell  
City of Brampton,  
2 Wellington Street West  
Brampton, ON

**Re: 1.9 Acres of Land on Main Street North**

Dear Ms. Fennell:

We are a group of property owners with a total 1.9 acres of land in the downtown core. We believe this would be a very prestigious location for the Convention Centre and Hotel which the city would like to see built in the downtown core. Our land is less than 160 meters to the transit terminal and 95%+ of the land is not in the flood plain—a significant consideration and a big advantage for development land in the downtown core. This is also a prerequisite for attaining LEED status thereby qualifying as an environmentally responsible development.

We would like to meet with you to discuss the possibility of the City of Brampton purchasing these properties and/or allowing the zoning for our 1.9 acres of land for the convention/hotel/condominium project which would add to the extensive city hall expansion and redevelopment of the downtown core.

We look forward to hearing from you and discussing our proposal.

Sincerely,

Angela Battiston

Bruno Battiston

G1-82

**MAIN-THOMAS DEVELOPMENT GROUP**

**24 RIDELLE COURT  
BRAMPTON, ON L6Z 4M2  
905 450 6136**

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June 15<sup>th</sup>, 2011  
**HAND DELIVERED**

Ms. Elaine Moore  
Regional Councillor  
City of Brampton  
2 Wellington Street West  
Brampton, ON

RE: 199 -221 Main Street North, 34-44 Thomas Street and 4 Market Street

Dear Ms. Moore:

This is our notice to you that we are objecting to:

- (1) the city plan to pass the Brampton Main Street North Development Permit System,
- (2) our area to being given the designation of transitional lands and
- (3) the city plan to list our properties as "Properties of Interest" heritage stock when there are so many similar houses in the older sections of Brampton which are not included in the Province of Ontario mandate "A Place to Grow" area.

We are a group of property owners of approximately 1.9 acres of land in the downtown core of Brampton, and 95%+ of our land is not in the flood plain and is less than 500 feet walking distance to the bus and GO train terminals. I am inclosing a copy of our consultant Berndt Duddeck report.

Just to reiterate the information we have given you in the past, the existing buildings on the properties are of varying age and condition. Some have attractive exteriors but many are simply old or have had renovations or modification that detracts from any charm they may have possessed, as noted in the city staff report.

We believe this area to be ideal for development similar to that which has occurred with the properties immediately to the south of ours and as is proposed in the development plan to our north in the Vodden and Main corridor. Our properties are within 160 meters of the transportation hub, which includes the new rapid transit system, and is in an ideal location for any plan to include a high-density residential building, that will, in addition, support ground floor retail offices, increase day and evening pedestrian presence, and also allows walking access to commuters. Another potential possible use for this land would be for the convention/hotel project which the city is interested in attracting in the downtown core.

The fact that the majority of this land is not on a flood plain makes it a significant parcel for development consideration in the downtown core. Not being in the flood plain is a prerequisite for attaining LEED status and thereby signifies the use of this land as an environmentally responsible development.

City staff are using the Permit System to hinder development of Main Street North in an attempt to recapture the Brampton from days past as a cute small town. In fact, Brampton needs to be appreciated as not only Canada's 10<sup>th</sup> largest city, but as a city with a vibrant downtown core that can provide ample opportunity for people to live, shop, work and play in 2011. If we can accomplish such a vision through development we all stand to win as employment opportunities will arise, pedestrian traffic will increase, and store front retail and commercial business will see a much needed infusion of potential business opportunities.

Further, imposing height restrictions on any development along Main St. North between Vodden and Church St. stifles the idea of bringing Brampton into a modern and affluent era. Instead, we would urge the City to work with the property owners and developers in creating a vibrant high density area, complete with attractive streetscapes, to fulfill a development vision that would make any city proud, be it the 10<sup>th</sup> largest city in Canada or the 100<sup>th</sup>.

The time to act towards our proposed vision is now, before the proposed Permit system is implemented, rather than trying to right the wrongs once the system is in place. We as the owners of land in the downtown core have much at stake in terms of property value but we firmly believe that the City has even more at stake. We see choices being presented where one is of a stagnant and deteriorating stock of old buildings and little prosperity or development in contrast to the ulterior choice of a new, attractive and convenient location for many new residents and businesses. We do not see the logic to freezing development between the Vodden and Church St. intersections. Instead we feel that this is the exact location to commence revitalization of the northern entrance leading to the newly proposed expanded City Hall and the new Library within the downtown centre core.

The Main Street North Development Permit System would do the opposite of what we believe is most required at the Brampton core. We would like written acknowledgement of this letter as soon as possible and we look forward to meeting with you to discuss our objections.

Yours truly,

Angela Battiston

Bruno Battiston

Copy attached.

cc. Hon. Rick Bartolucci, Minister of Municipal Affairs and Housing

cc. Hon. Bob Chiarelli, Minister of Infrastructure

cc. Vic Dhillon, MPP Brampton West

G1-84

**MAIN-THOMAS DEVELOPMENT GROUP**

**24 RIDELLE COURT  
BRAMPTON, ON L6Z 4M2  
905 450 6136**

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June 15<sup>th</sup>, 2011  
HAND DELIVERED

Mr. John Corbett  
Commissioner of Planning, Design & Development  
City of Brampton  
2 Wellington Street West  
Brampton, ON

RE: 199 -221 Main Street North, 34-44 Thomas Street and 4 Market Street

Dear Mr. Corbett:

This is our notice to you that we are objecting to:

- (1) the city plan to pass the Brampton Main Street North Development Permit System,
- (2) our area to being given the designation of transitional lands and
- (3) the city plan to list our properties as "Properties of Interest" heritage stock when there are so many similar houses in the older sections of Brampton which are not included in the Province of Ontario mandate "A Place to Grow" area.

We are a group of property owners of approximately 1.9 acres of land in the downtown core of Brampton, and 95%+ of our land is not in the flood plain and is less than 500 feet walking distance to the bus and GO train terminals. I am inclosing a copy of our consultant Berndt Duddeck report.

Just to reiterate the information we have given you in the past, the existing buildings on the properties are of varying age and condition. Some have attractive exteriors but many are simply old or have had renovations or modification that detracts from any charm they may have possessed, as noted in the city staff report.

We believe this area to be ideal for development similar to that which has occurred with the properties immediately to the south of ours and as is proposed in the development plan to our north in the Vodden and Main corridor. Our properties are within 160 meters of the transportation hub, which includes the new rapid transit system, and is in an ideal location for any plan to include a high-density residential building, that will, in addition, support ground floor retail offices, increase day and evening pedestrian presence, and also allows walking access to commuters. Another potential possible use for this land would be for the convention/hotel project which the city is interested in attracting in the downtown core.

The fact that the majority of this land is not on a flood plain makes it a significant parcel for development consideration in the downtown core. Not being in the flood plain is a prerequisite for attaining LEED status and thereby signifies the use of this land as an environmentally responsible development.

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Page 2

City staff are using the Permit System to hinder development of Main Street North in an attempt to recapture the Brampton from days past as a cute small town. In fact, Brampton needs to be appreciated as not only Canada's 10<sup>th</sup> largest city, but as a city with a vibrant downtown core that can provide ample opportunity for people to live, shop, work and play in 2011. If we can accomplish such a vision through development we all stand to win as employment opportunities will arise, pedestrian traffic will increase, and store front retail and commercial business will see a much needed infusion of potential business opportunities.

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The Main Street North Development Permit System would do the opposite of what we believe is most required at the Brampton core. We would like written acknowledgement of this letter as soon as possible and we look forward to meeting with you to discuss our objections.

Yours truly,

Angela Battiston

Bruno Battiston

Copy attached.

cc. Hon. Rick Bartolucci, Minister of Municipal Affairs and Housing

cc. Hon. Bob Chiarelli, Minister of Infrastructure

cc. Vic Dhillon, MPP Brampton West

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Appendix 9: Correspondence Received From Agencies

**Ministry of  
Municipal Affairs  
and Housing**

Municipal Services Office  
Central Ontario  
777 Bay Street, 2<sup>nd</sup> Floor  
Toronto, ON M5G 2E5

Phone: 416-585-6226  
Fax: 416-585-6882  
Toll-free: 1-800-668-0230

**Ministère des  
Affaires municipales  
et du Logement**

Bureau des services aux municipalités  
Centre de l'Ontario  
777, rue Bay, 2<sup>ème</sup> étage  
Toronto, ON M5G 2E5

Téléphone: 416-585-6226  
Télécopieur: 416-585-6882  
Sans frais: 1-800-668-0230

61-87



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**

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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.



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.

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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 5<sup>th</sup> 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

G1-92

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 policies, 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 AGeneral 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.

G1-94

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 a 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 5<sup>th</sup> 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 7<sup>th</sup> 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 3<sup>rd</sup> 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

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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 4<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> sentence, it is recommended that the word "*appropriate*" to be deleted.
42. In the 1<sup>st</sup> 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 2<sup>nd</sup> and 3<sup>rd</sup> 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 3<sup>rd</sup> 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 1<sup>st</sup> bullet of Subsection (ix), insert *"electrical wiring, fuse boxes, furnaces, air conditioning, elevators, etc."* after the words "habitable space". Also, all wording in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> 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) 2<sup>nd</sup> occurrence) (Page 18)**

It is recommended to delete the 2<sup>nd</sup> 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.





Dufferin-Peel  
Catholic District  
School Board

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**Dufferin-Peel Catholic District School Board**  
40 Matheson Boulevard West, Mississauga, ON, L5R 1C5, Tel: (905) 890-1221

November 11, 2013

Bernie Steiger  
Planning and Infrastructure Services Department  
City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 4R2

Dear Mr. Steiger:

**Re: Amendment to the Downtown Brampton Secondary Plan (SP7) and Zoning By-law.  
(File: P26 SP007) related to the Special Policy Area**

The Dufferin-Peel Catholic District School Board has received notice regarding the amendment to the Downtown Brampton Secondary Plan (SP7) and Zoning By-law. (File P26 SP007) related to the Special Policy Area and provides the following comments:

The Board operates St. Mary Elementary School which is included within the proposed Special Policy Area. While the Board has no objections to the Special Policy Area, the Board would like to express concern regarding the future portable modifications on the St. Mary Elementary school property. According to the Downtown Brampton Special Policy Area Amendment map, the south east lands (portable area) falls outside the Special Policy. The Board requests that a written provision which acknowledges that the amended policies do not affect the entire school property and as such the Board can continue to make portable modifications located outside the Special Policy Area.

Thank you for your consideration on this matter. The Board would like to be notified of the decision with respect to this study.

If you have any questions, please contact me at 905 890 0708 ext. 24224.

Yours sincerely,

*Nicole Cih*

Nicole Cih  
Planner  
Dufferin-Peel Catholic District School Board  
Phone: (905) 890-0708 ext. 24224  
Fax: (905) 890-1557  
E-mail: nicole.cih@dpcdsb.org

November 5, 2013

John Corbett  
Chief Administrative Officer  
Office of the City Manager  
City of Brampton  
2 Wellington Street W. 6<sup>th</sup> Floor  
Brampton, ON L6Y 4R2

**RE: SPECIAL POLICY AREA # 7 STAFF REPORT AND PUBLIC MEETING NOVEMBER 4<sup>TH</sup>, 2013**

Dear CAO Corbett,

The Development Committee and the Board of Directors have reviewed the Planning Staff report dated October 15<sup>th</sup> and presented to the Planning and Design Committee on November 4<sup>th</sup>, 2013.

The BDDC has been actively engaged with the review process and has been regularly informed by the City and the TRCA on the progress that has been made in the establishment of an agreement that will allow for the rezoning of the SPA #7 area and for the rights of planning approval to be returned to the hands of the Municipality.

We are pleased to see the progress that has been made and that the conclusion of an agreement appears to be within reach.

The residential development of the downtown is a critical factor in the growth of the downtown and the prosperity of the area.

The kind of densities that are accommodated in the report represent an inventory that will take a number of years to be absorbed and will be providing places to live for the anticipated influx of people who are looking to be part of a walkable downtown that provides amenities with a reduced requirement to commute.

Residential is a driver of retail demand, retail enhances the downtown experience and employers are looking to provide an attractive environment for their employees.

The proposed zoning by-law amendments will allow residential developments that are able to provide a "high ground" egress. That has to be considered to be an interim solution. The BDDC continues to be concerned that an ultimate solution needs to be designed, funded and constructed to meet the tests of the "Regulatory" Storm Level.



# Brampton Downtown

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The BDDC supports the efforts of the Planning Department and the City in negotiating and concluding the SPA #7 zoning amendment as presented on November 4<sup>th</sup>, 2013.

Sincerely,

Peter VanSickle  
President  
Brampton Downtown Development Corporation