



Report
Staff Report
The Corporation of the City of Brampton
4/8/2024

Date: 2024-03-21

Subject: **Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies**

Contact: Michelle Gervais, Policy Planner, Integrated City Planning
Claudia LaRota, Principal Planner/Supervisor, Integrated City Planning

Report number: Planning, Bld & Growth Mgt-2024-191

RECOMMENDATIONS:

1. That the report from Michelle Gervais, Policy Planner, City Integrated Planning Division to the Planning and Development Committee Meeting of April 8, 2024, re: **Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies** be received;
2. That Council endorse the attached modifications to *Brampton Plan* as included in Attachments 5 and 7 to this report;
3. That the Region of Peel be requested to make modifications to *Brampton Plan* in accordance with Attachments 5 and 7 to this report and that those modifications be included in the version of *Brampton Plan* being considered for approval by Regional Council;
4. That staff be directed to hold a statutory public meeting to present the proposed MTSA Study Phase 2b Official Plan Amendments (Precinct Plans and Secondary Plans), prior to their adoption by Council; and
5. That a copy of the Recommendation Report and Council's decision be provided to the Region of Peel.

OVERVIEW:

- **To implement the findings of the work undertaken in Phases 1 and 2a of the MTSA Study, land use schedules and policies were included in *Brampton Plan* (adopted by Brampton Council on November 1, 2023).**

- The MTSA policies adopted through *Brampton Plan* do not include any restrictions in height or density, as at the time of adoption, it was understood that Brampton was unable to impose any limitations.
- On December 6, 2023, [Bill 150, the Official Plan Adjustment Act](#) received royal assent, reversing various Ministerial modifications made to the Region of Peel's Official Plan. One of the modifications that was reversed is the permission for local municipalities to establish maximum building heights and densities at their discretion within Primary MTSA's. As such, Brampton is requesting the Region to modify the MTSA policies included in *Brampton Plan* to permit the implementation of maximum building heights and maximum densities for Brampton's Primary MTSA's, as appropriate.
- One of the main MTSA objectives in *Brampton Plan* are to concentrate the highest intensity of development within close proximity to high order transit stations or stops, and to transition to a lower intensity-built form for properties that do not have frontage along existing or planned high order transit corridors. This would allow the provision of a variety of building typologies and densities throughout the MTSA, which is consistent with the City Structure.
- To deliver on Brampton's MTSA policy objectives, proposed modifications to the MTSA building height and density policies in Chapter 4 of *Brampton Plan* are being requested to be endorsed by Council.
- The proposed modifications will allow Brampton staff to propose maximum building height and density policies for Primary MTSA's through the MTSA Precinct Plan and Secondary Plan amendments. Permissions for unlimited height and density for properties that are directly abutting the high order transit station or stop and at the Queen St./Highway 410 intersections are also being proposed.
- This report recommends that staff be directed to hold a statutory public meeting to present the proposed MTSA Study Phase 2 Official Plan Amendments (Precinct Plans and Secondary Plans), prior to their adoption by Council on October 30, 2024.
- There is no financial impact resulting from the adoption of the recommendations in this report.

BACKGROUND:

This report provides a brief update on Brampton's MTSA Study and the proposed modifications to the MTSA height and density policies in the Council adopted *Brampton Plan*.

With the passing of Bill 150, *the Official Plan Adjustment Act* by the Province in December 2023, there is now the ability for Council to consider a change in direction

with respect to applying unlimited height and density (UHD) for all MTSA, as currently permitted by *Brampton Plan*. On that basis this report also includes background on previous Recommendation Reports approved by Council in 2022 (Resolution PDC184-2022), and letters issued by the province relating to the implementation of maximum densities and building heights in Protected (“Primary”) MTSA that served to inform the current MTSA policy regime in *Brampton Plan*.

A brief synopsis of a decision from the Ontario Land Tribunal (OLT) with respect to a high-density proposal located in the Port Credit GO MTSA and a summary of Bill 150 is also included in the Background section.

Brampton’s MTSA Framework

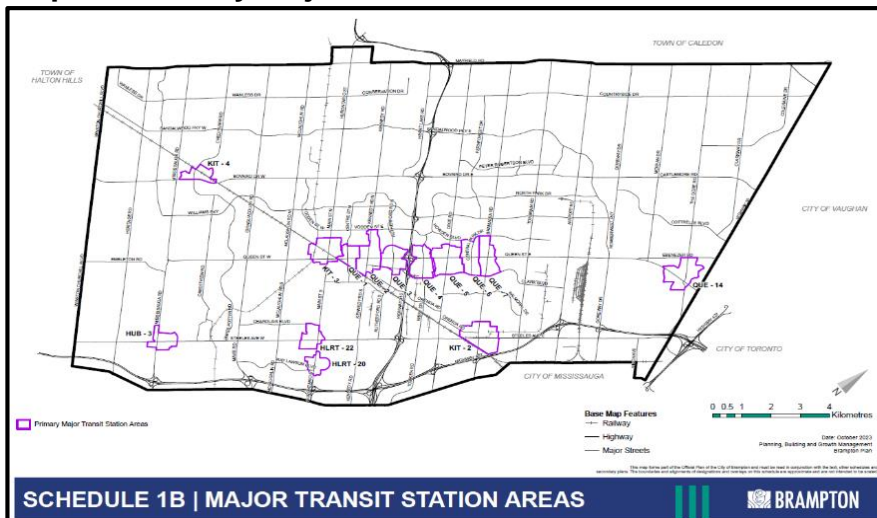
Staff are currently developing a comprehensive policy and regulatory framework to strategically guide future growth and investment for Brampton’s MTSA to 2051 and beyond. Brampton’s MTSA framework will enable the City to develop a clear vision and the required planning tools for the future of each of its MTSA. The goal is to support the achievement of complete communities through a compact built form and mix of land uses that are planned and designed to be walkable and transit supportive.

Brampton’s MTSA Study includes the following three (3) phases of work for the “Primary” MTSA:

- Phase 1 – Preliminary Area Plans
- Phases 2a and 2b – Policy Directions and Recommendations
- Phase 3 – Preparation of Zoning By-law Provisions

To implement the findings of the work undertaken in Phases 1 and 2a, land use schedules and policies were included in *Brampton Plan* for the 14 Primary MTSA shown on Map 1.

Map 1 – Primary Major Transit Station Areas



September 12, 2022 – Recommendation Report – Unlimited Height and Density (UHD)

In September 2022, City Council directed (Resolution PDC184-2022) staff to hold a public meeting to consider implementing UHD policies and zoning provisions for residential and mixed-use developments located within a portion of Brampton’s Urban Growth Centre (UGC) as shown on **Figure 1**.

Figure 1: Proposed UHD Boundaries



The September 2022 Recommendation Report recommended that if UHD was to be implemented, it should be subject to the approval of several technical studies (e.g. servicing, traffic, growth management, urban design, shadowing) to the satisfaction of the City prior to the lifting of a Holding (‘H’) Provision.

Council direction on UHD coincided with the introduction of the draft City Structure as part of *Brampton Plan*, and the commencement of Brampton’s MTSA Study. The City Structure in *Brampton Plan* provides policy direction on where and how growth in Brampton will occur over the next 30 years and given that the area recommended for UHD included three (3) Primary MTSA’s, it was determined that UHD would be reviewed as part of the MTSA study.

A copy of the staff reports on UHD can be found in **Attachments 1 and 2** to this report.

Minister of Municipal Affairs and Housing – Letters dated February 9, 2023, and May 12, 2023

On November 4, 2022, the Minister of Municipal Affairs and Housing issued a Notice of Decision that approved the Region of Peel’s 2051 Official Plan (ROPA) with modifications. One of the modifications removed the discretion of lower-tier municipalities to set maximum heights and densities within MTSA.

As Regional Council was set to consider Mississauga’s MTSA Official Plan Amendment, a letter dated February 9, 2023, from former Minister Clark was sent to the Regional Chair indicating that that any endorsement of maximum height provisions within Mississauga’s MTSA was contrary to the province’s modifications made to the legally in-effect ROPA.

Minister Clark issued a similar letter on May 12, 2023, to City of Mississauga Mayor Bonnie Crombie clarifying that there should be no maximum building height restrictions within Protected (“Primary”) MTSA.

Based on the Province’s correspondence to the Region and Mississauga, the MTSA policies included in *Brampton Plan* were approved with the understanding that the City was unable to impose any height restrictions.

A copy of the two letters from former Minister Clark can be found in **Attachment 3** to this report.

Ontario Land Tribunal (OLT) Decision dated October 5, 2023 – Port Credit GO MTSA, City of Mississauga

For background and context purposes only, this report includes a recent decision rendered by the OLT with respect to a 24-storeys development proposal on a property that is 0.18 hectares (0.40 acres) in size within the Port Credit GO MTSA. The property is within walking distance to both the Port Credit GO station and the future intermodal stop on the Hazel McCallion Light Rail Transit line. The Port Credit Local Area Plan permits a maximum building height of 15 storeys on the subject property.

Although recognizing that the proposal was within an MTSA, the OLT refused it on the basis that "*the Appellant is attempting to maximize, rather than optimize, the Subject Property, and the application “failed to address other important land use planning considerations”*". Other important factors to consider, included the size of the lot, the existing context of the entire area and the planned context.

The Tribunal acknowledged Minister Clark’s letter raised by the Appellant, however, indicated that "*the letter is not policy and does not address the proposed development.*"

As such, the Tribunal did not find the letter being of assistance in determining the appropriateness of the proposal.

A copy of the OLT decision can be found in **Attachment 4** to this report.

Bill 150, Official Plan Adjustment Act

On December 6, 2023, [Bill 150, the Official Plan Adjustment Act](#) received royal assent, reversing various Minister modifications made to the ROPA as part of its November 2022 decision. Bill 150 reinstates the Regional Council adopted policy language for MTSAAs, which permits that “maximum heights and densities may be established at the discretion of the local municipality”.

Current Situation:

Brampton Plan

Since the adoption of *Brampton Plan* by Council on November 1, 2023, *Bill 150* has received royal assent, which now permits the implementation of maximum densities and heights at the discretion of the local municipality within Protected (Primary) MTSAAs.

One of the main objectives for Brampton’s MTSAAs is to concentrate the highest intensity within proximity to a high order transit station or stop, and transition to a lower intensity-built form for properties that do not have frontage along existing or planned high order transit corridors. The goal is to ensure that a variety of building forms and heights are provided. These MTSA objectives are reflected on the MTSA land use schedules (Schedules 13a - 13n) included in *Brampton Plan*, which designate land with an appropriate land use category based on locational characteristics (low-rise, mid-rise and high-rise).

Staff’s initial preference was to include maximum density and building heights for the respective land use categories shown on the MTSA land use schedules, however, based on former Minister Clark’s letters issued in 2023, it was understood that any implementation of maximum building height policies would not conform to the modifications that the province made to the Region’s Official Plan when it was approved. As a result, there are no maximum density or maximum building height policies prescribed in *Brampton Plan* for Primary MTSAAs.

Building Heights and Densities for MTSAAs

As Brampton transitions into a more urban community, high quality urban design is critical and will contribute to the creation of an attractive, comfortable, sustainable and socially active place contributing to the health, happiness, well-being and sense of

belonging for its residents and employees. Height and massing are key in determining the degree of impact a building will have onto the public realm and adjacent development. The goal is to accommodate developments with a variety of heights and built form, and a range of housing options at an appropriate scale to the surrounding area.

Brampton Plan encourages that intensification in MTSA be accommodated through a variety of building typologies and densities that are appropriate to and sensitively fit within their local and planned context. Based on the applications being submitted and approved in MTSA, there is currently a heavy focus on high-rise towers (60+ storeys), that although contribute to the housing supply, do not provide an appropriate range of housing types that meet the needs of Brampton's diverse population.

To deliver the MTSA policy objectives of varying character and built form, proposed modifications to the MTSA building height and density policies in Chapter 4 of the Council adopted *Brampton Plan* (November 1, 2023) are being requested to be endorsed by Council and approved by Regional Council as part of the forthcoming approval process of *Brampton Plan*. The proposed modifications will allow Brampton staff to propose maximum building height and density policies for Primary MTSA through the precinct plan/secondary plan process by way of an Official Plan Amendment.

Specifically, this report is recommending that Council endorse the following amended wording to the *Brampton Plan* height and density MTSA policies:

1. Delete the following policy in Chapter 4 - MTSA Heights:

*“The maximum building heights identified in **Table 4 – Building Typologies** of this Plan do not apply to any lands within a Primary **Major Transit Station Area**.”*

2. Add the following to Chapter 4 – MTSA Heights:

*“Maximum heights as identified in **Table 4 – Building Typologies** do not apply to any lands within a Primary **Major Transit Station Area** until such time as City-initiated amendments are adopted through the **Major Transit Station Area Study**, prescribing suitable maximum building heights, including opportunities for unlimited height for lands adjacent to the transit station or stop, and within the Queen Street and Highway 410 intersections, as appropriate.”*

3. Delete the word “Minimum” from the Chapter 4 – MTSA Minimum Densities subsection heading.

4. Add the following to Chapter 4- MTSA Densities

*“Appropriate maximum floor space index (FSI) densities (including opportunities for unlimited density) for lands located within a Primary **Major Transit Station Area** may be determined through City-initiated amendments to be undertaken as part of the **Major Transit Station Area Study**.”*

The proposed amended wording to *Brampton Plan* MTSA height and density policies can be found in **Attachment 5** to this report.

Building Heights and Densities for MTSA

Subject to Council’s endorsement of the recommended modifications to the MTSA *Brampton Plan* height and density policies included in Attachment 5 to this report and Regional Council approval of *Brampton Plan*, staff will prepare the appropriate height and density schedules and policies as part of Phase 2b (Precinct Plans and Secondary Plan Amendments) of Brampton’s MTSA Study.

Based on work currently being undertaken as part of Phase 2b, staff is proposing that the *Brampton Plan* height ranges for the low-rise, low-rise plus and mid-rise building typologies be applied to the associated MTSA land use designations shown on Schedules 13a – 13n. For lands designated Mixed-Use (High-Rise and Office) on the *Brampton Plan* MTSA land use schedules, staff is proposing the building heights outlined in **Table 1**:

Table 1: Primary MTSA Building Heights for Lands Designated Mixed-Use (High Rise and Office)

Location	Building Height (Storeys)
Properties Adjacent to Transit Station/Stop and at the Highway 410/Queen Street Intersection	No maximum
Mid-Block with frontage along a Primary Transit Corridor (located between two stations/stops)	25 – 40
All other High-Rise areas	14 – 25 (existing zoning provisions beyond these ranges will be maintained).

The proposed heights in **Table 1** are generally considered appropriate for redevelopment within a BRT/LRT Corridor context. For comparison, staff reviewed the Vaughan Metropolitan Centre (VMC) Secondary Plan, which is a major transit hub that houses both a subway and BRT stations. The tallest buildings (6-35 storeys) and highest densities (3.5 – 6.0 FSI) are located directly adjacent to the VMC Subway

Station. A copy of the VMC Secondary Plan Height Schedule can be found in **Attachment 6** to this report.

The VMC Secondary Plan is currently under review given that development activity (proposed and under construction) significantly exceeds the plan intensity for this area, with proposals in the range of 55-60 storeys. The Secondary Plan update is intended to strengthen and reinforce the policy framework to deliver the Secondary Plans original vision of providing a variety of built forms and housing ranges, ensuring the creation of a balanced and well-served community, rather than an undifferentiated mass of tall buildings throughout the entire MTSA.

Limiting height and density in Brampton's MTSA for lands not directly adjacent to the transit station/stop recognizes that not all MTSA are to achieve the same level of intensity due to the applicable City Structure, MTSA land use designations and locational attributes.

The proposed use of maximum building heights and densities is intended to create development certainty around appropriate built forms and heights, build complete transit-oriented communities with a variety of building typologies and aid prospective land purchasers with their investment decisions.

Not regulating height and density in all "Primary" MTSA (as currently included in *Brampton Plan*), can also fuel unpredictable planning environments, land speculation and monocultures of tall towers that can delay community buildout, and most importantly, make it harder and more costly to plan infrastructure and community services.

Maximum densities to achieve the City's MTSA objectives will be determined as part of Brampton's MTSA Study (Phase 2b) and will be included in the proposed future City-initiated amendments (Precinct Plans and Secondary Plans).

The criteria for allowing additional height and density beyond those established in the future Precinct Plans and Secondary Plans will be included as part of these amendments.

For clarity, properties that have received Council approval related to a development application will not be subject to the proposed MTSA height and density provisions. Transition provisions will be included in the proposed official plan amendment for development applications that are currently under review.

UHD in Primary MTSA

The Primary MTSA in Brampton have a combined area of more than 1,000 hectares. Implementing UHD over this significant area (some MTSA boundaries overlap one another) could lead to a mass of tall buildings along the entire transit corridor, detracting

from the provision of different building typologies, housing choices and mix of uses that are critical to achieving complete communities. The planning, real estate and urban design implications with implementing UHD at a large scale is outlined in the July and September 2022 Recommendation Reports contained in **Attachments 1 and 2** to this report.

The implementation of UHD on only those properties directly adjacent to the transit station/stop will create landmark buildings at key intersections in accordance with the City's MTSA and City Structure objectives. UHD will likely be subject to a 'holding' (H) provision in the Zoning By-law to ensure that certain technical studies (e.g. servicing, traffic, growth management, urban design, shadowing) are approved to the satisfaction of the City prior to the removal of the 'H' provision. The implementation of a holding 'H' provision may also be necessary to ensure that sufficient infrastructure capacity and community services are available to service a proposed development.

Based on the work completed as part of Brampton's MTSA Study, UHD is not required for Brampton to meet the minimum MTSA density targets or Brampton's housing targets but may detract from the provision of an appropriate range of housing choices.

MTSA Brampton Plan Mount Pleasant GO MTSA Land Use Schedule

A minor modification to the land use designation shown on the Mount Pleasant GO MTSA Land Use Schedule 13c in *Brampton Plan* is being proposed and recommended to be included in the final version of *Brampton Plan* that Regional Council will consider for adoption. This modification is described below and is illustrated in the land use schedule provided in **Attachment 7** to this report.

Lands located north of Bovaird Drive West and west of Creditview Road on Schedule 13c are currently designated Neighbourhood (Low Rise Residential). The current zoning provisions in this area permit stacked townhouses with a maximum building height of 4.5 storeys, which is higher than what is permitted in *Brampton Plan* for lands designated Low-Rise Residential. To be consistent with the existing zoning permissions, staff is proposing that the land use be changed from Neighbourhood (Low Rise Residential) to Neighbourhood (Mid Rise Residential).

Public Engagement

There are two (2) proposed upcoming public engagement meetings associated with Brampton's MTSA Study as follows:

1. An open house will be held on May 14, 2024, to present the highlights of Brampton's MTSA Study (Phase 2b) - Official Plan Amendments (Precinct Plans and Secondary Plan Amendments), including the proposed heights and densities.

2. A statutory public meeting on September 9, 2024, to present the Phase 2b MTSA Study Official Plan Amendments (Precinct Plan and Secondary Plans).

The final MTSA Official Plan Amendments will be forwarded to Brampton Council for adoption on October 30, 2024.

Brampton Plan Requested Modifications

This report recommends that the requested modifications to the *Brampton Plan* MTSA height and density policies, included as Attachment 5 to this report and the amended Mount Pleasant GO MTSA land use schedule, included as Attachment 7 to this report, be endorsed by Council and forwarded to Regional Council for their consideration when approving *Brampton Plan*.

CORPORATE IMPLICATIONS:

Financial Implications:

There is no financial impact resulting from the adoption of the recommendations in this report.

STRATEGIC FOCUS AREA:

This report regarding the proposed modifications to Brampton Plan's MTSA policies and land use schedule aligns, supports and furthers the following strategic focus area(s):

- **Transit & Connectivity:** Focusing on transportation and a connected infrastructure that is safe, convenient, efficient, and sustainable.
- **Growing Urban Centres & Neighbourhoods:** Focusing on an economy that thrives with communities that are strong and connected.

CONCLUSION:

To deliver on Brampton's MTSA policy objectives, proposed modifications to the MTSA policies in Chapter 4 of *Brampton Plan* are being requested to be endorsed by Council and forwarded to the Region of Peel for their consideration when approving *Brampton Plan*. The proposed modifications will allow staff to propose maximum building heights and densities and locations for unlimited height and density for Primary MTSA's, as appropriate, through Phase 2b of Brampton's MTSA Study.

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Attachments:

Attachment 1: Recommendation Report – Unlimited Height and Density (dated June 23, 2022)

Attachment 2: Recommendation Report – Unlimited Height and Density (dated September 6, 2022)

Attachment 3: Minister of Municipal Affairs and Housing – Letters dated February 9, 2023, and May 12, 2023

Attachment 4: Ontario Land Tribunal (OLT) Decision dated October 5, 2023 – Port Credit GO MTSA, City of Mississauga

Attachment 5: *Brampton Plan* Chapter 4 Site and Area Specific Policies – Proposed Modifications to MTSA Height and Density Policies

Attachment 6: Vaughan Metropolitan Secondary Plan Height Schedule I

Attachment 7: Proposed Modifications to Mount Pleasant GO Land Use Schedule 13c