



BRAMPTON
Flower City

DI-1

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

Date: October 15, 2013

File: P26 SP007

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

DATE: November 4, 2013

Subject: INFORMATION REPORT
CITY-INITIATED AMENDMENT TO THE OFFICIAL PLAN AND ZONING
BY-LAW

To amend the floodplain management (Special Policy Area 3) policies of the Downtown Brampton Secondary Plan (SP 7) and to add floodplain development regulations for the flood-affected areas in downtown Brampton to the City's Zoning By-law

Wards 1, 3, 4, 5

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

Overview:

- This report is provided as background information to a public meeting to be held on November 4, 2013 in relation to the proposed City amendments to the downtown Brampton floodplain policies (Special Policy Area (SPA) 3) of the Downtown Brampton Secondary Plan and a corresponding amendment to the City's comprehensive zoning by-law to add floodplain development regulations for the SPA area.
- In 2011 the City, in partnership with the Toronto and Region Conservation Authority, Made a submission to the Province to amend the SPA 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.
- The Province provided comments on the City submission and draft amendments in June 2013. Staff has revised the OPA and ZBA in response to their comments. Given the changes, a further public meeting is required.
- The results of the public consultation and responses from the Province and TRCA will be considered by staff in future recommendations to Council. The amendments will require approval by the Province prior to adoption.

Recommendations:

- 1) **THAT** the report from Janice Given, Manager Growth Management and Special Policy, Planning and Building Division, dated October 15, 2013 to the Planning, Design and Development Committee Meeting of November 4, 2013, re: **"Information Report: City-Initiated Amendment to the Official Plan and Zoning By-law"** (File P26 SP007) be received;
- 2) **THAT** staff be directed to report back to Council with the results of the public meeting and a staff recommendation.

Background:

The City has made a submission to the Province to revise the SPA policies related to the floodplain in Brampton's historic downtown core.

This process follows the Province's technical requirements for amending SPAs. Amendments to floodplain SPAs require approval by the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources prior to adoption by the municipality.

The Province provided formal comments on the submission in June 2013 and City staff made revisions to the proposed OPA and ZBA in response to these comments. The changes are sufficiently different from the policies presented at the first public meeting in November 2011 as to require a further statutory public meeting.

Current Situation:

An overview of the revisions to the OPA and ZBA was provided in a report dated September 4, 2013 to the Planning, Design and Development Committee of September 23, 2013. The report also provided an overview of the proposed response to the June 2013 Provincial comments. Since the preparation of that report, staff has made further refinements to the OPA and ZBA to reflect ongoing discussions with the TRCA and the Province. The refinements do not substantively change the overview of the broader changes outlined in the September 4, 2013 report.

The OPA and ZBA for public comment are attached in *Appendix 1 and 2* respectively.

The September 4, 2013 report is attached as *Appendix 3* for reference.

Conclusion:

Subsequent to the Public Meeting staff will prepare a recommendation report for Council's consideration that addresses any matters arising from the Public Meeting along with a detailed response to Provincial and TRCA comments.

Respectfully Submitted,



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



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

Attachments

- Appendix 1: *Draft Revised Official Plan Amendment*
Appendix 2: *Draft Revised Zoning By-law Amendment*
Appendix 3: *Report dated September 4, 2013 to September 23, 2013 Planning Design and Development Committee Meeting (draft revised OPA and ZBA included as appendices 3 & 4 to September 4 report have been removed to avoid confusion)*

Report authored by: Bernie Steiger, Central Area Planner

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Appendix 1
Draft Revised Official Plan Amendment

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- ____ .

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

I 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.

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.

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 to determine the maximum feasible level of floodproofing that can be achieved, while achieving the City's urban design objectives. In

this regard, the City shall cooperate with the Toronto and Region Conservation Authority to determine, 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 extreme circumstances where due to the velocity and/or depth of flows, or the nature of the development proposed, development would result in an unacceptable risk to life or property as a result of a flood equal to or less than a Regulatory Flood event, new buildings or structures, including additions, shall not be permitted.
- (v) Where new residential uses are proposed no habitable living space 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) Where a site and/or building provides required emergency access to flood-free lands, the City of Brampton may require the establishment of a right-of-way in perpetuity for use by other adjacent lands.
- (viii) All new development (including those containing non-residential uses) shall be required to prepare an Emergency Measures Plan for the building, which shall be consistent with the City's Emergency Management Plan, to the satisfaction of the City of Brampton 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.
- (ix) All new development proposing residential uses, shall provide warnings for prospective owners and/or tenant. The warnings shall advise purchasers/tenants

of the location of the development in the floodplain, to the satisfaction of the City and Toronto and Region Conservation Authority. These clauses shall also be included on any Community Information Map required for development by the City.

- (x) 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. Where it is technically impractical to locate these systems at or above the Regulatory Flood level, they shall be floodproofed and located at 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.
- (xi) Where an underground parking garage is proposed, it shall be floodproofed to the Regulatory Storm elevation. Where it is technically impractical to floodproof to this 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.
- (xii) 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.

- (xiii) Where redevelopment is proposed fronting onto Queen Street and Main Street within Special Policy Area 3C only, the at-grade relationship between the storefronts, store entrances and the street/sidewalk is permitted to ensure the historic and uniform street character and relationship is protected. Rear entrances and finished floor elevations may also be provided to maintain the relationship with the grade.

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 m² (excluding mechanical penthouses, mechanical rooms, parking garages, loading areas, stairwells) of new 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 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 m² (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 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 intensification 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 m² (excluding mechanical penthouses, mechanical rooms, parking garages, loading areas, stairwells) of non-residential uses shall be permitted across the entire Special Policy Area 3C.
- (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 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 address 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 unless such uses legally existed on _____(the date of Council approval of the amendment):

- institutional uses associated with hospitals, nursing homes, retirement homes, pre-schools, school nurseries, day cares and schools, where there is a threat to the safe evacuation of the sick, elderly, persons with disabilities, or the young 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).

- 5.6.3.5 Expansions to existing institutional uses identified in Section 5.6.3.4, are 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 Emergency Management 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. 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 in consultation with the Toronto and Region Conservation Authority.
- (vi) Any new zoning by-law for lands proposing residential uses shall include the following provisions:
 - that new no habitable space is permitted below the Regulatory Flood elevation.

- that the location of the primary building system controls such as service units and panels, be located above the Regulatory Flood elevation. Where it is technically impractical to locate these systems at or above the Regulatory Flood elevation, they shall be floodproofed and located at the highest level technically feasible and practical. The minimum floodproofing requirement shall be to the 1:350 year storm elevation, as determined by the Toronto and Region Conservation Authority.
 - that ingress/egress to flood free lands under a Regulatory Flood event be required to the satisfaction of the City of Brampton, in consultation with the Toronto and Region Conservation Authority. Access/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 dry passively floodproofed to the Regulatory Flood level. Where it is technically impractical to floodproof to the Regulatory Flood level, they 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 vi) and vii) above and is in accordance

with the limits set out in 5.6.3.3. Where a development application proposes to exceed the development limits set out in 5.6.3.3, Provincial approval may only be considered following the submission of a City-initiated comprehensive assessment and Official Plan Amendment.

VI Planning Initiatives Related to Special Policy Area 3

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.

5.6.3.8 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.

5.6.3.9 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 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 this.

- (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 A 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 B 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 C to this Amendment.

Approved as to Content:

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

DI-27

Background Material to
Amendment Number OP2006 -

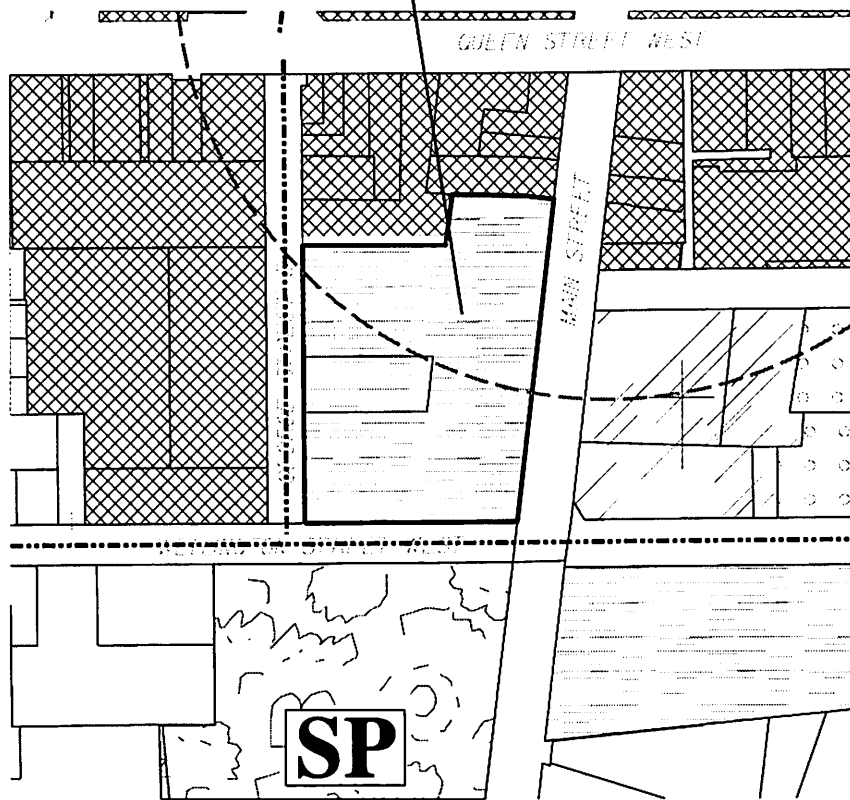
Attached is a copy of a planning report dated (date) and a report dated (date) forwarding the notes of the Public Meeting held on (date) after notification in the local newspaper and the mailing of notices to assessed owners of properties within 800 (900) metres of the subject lands.

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

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

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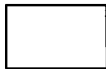
LANDS TO BE REDESIGNATED FROM "INSTITUTIONAL" TO "CENTRAL AREA MIXED USE"



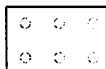
EXTRACT FROM SCHEDULE SP7(A) OF THE DOCUMENT KNOWN AS THE DOWNTOWN BRAMPTON SECONDARY PLAN

LAND USE

RESIDENTIAL

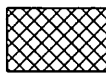


Low Density

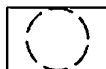


Medium Density

COMMERCIAL



Central Area Mixed Use



Office Node

PUBLIC OPEN SPACE



Specialized Park

INSTITUTIONAL

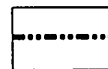


Institutional



Place of Worship

TRANSPORTATION



Collector Road

OFFICIAL PLAN AMENDMENT OP06 #. _____

Schedule A



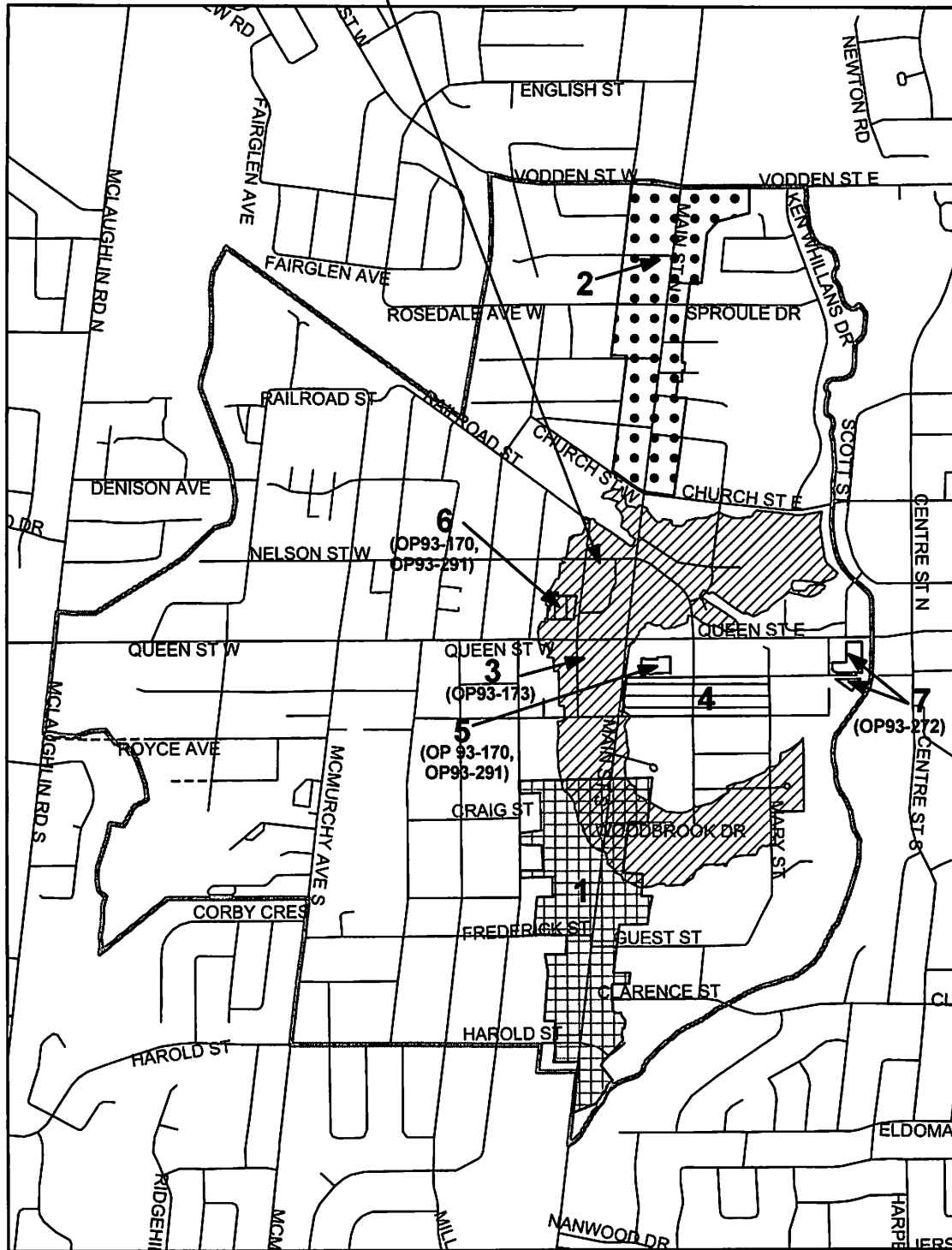
CITY OF BRAMPTON
Planning, Design and Development

Date: 2011 08 08

Drawn by: CJK

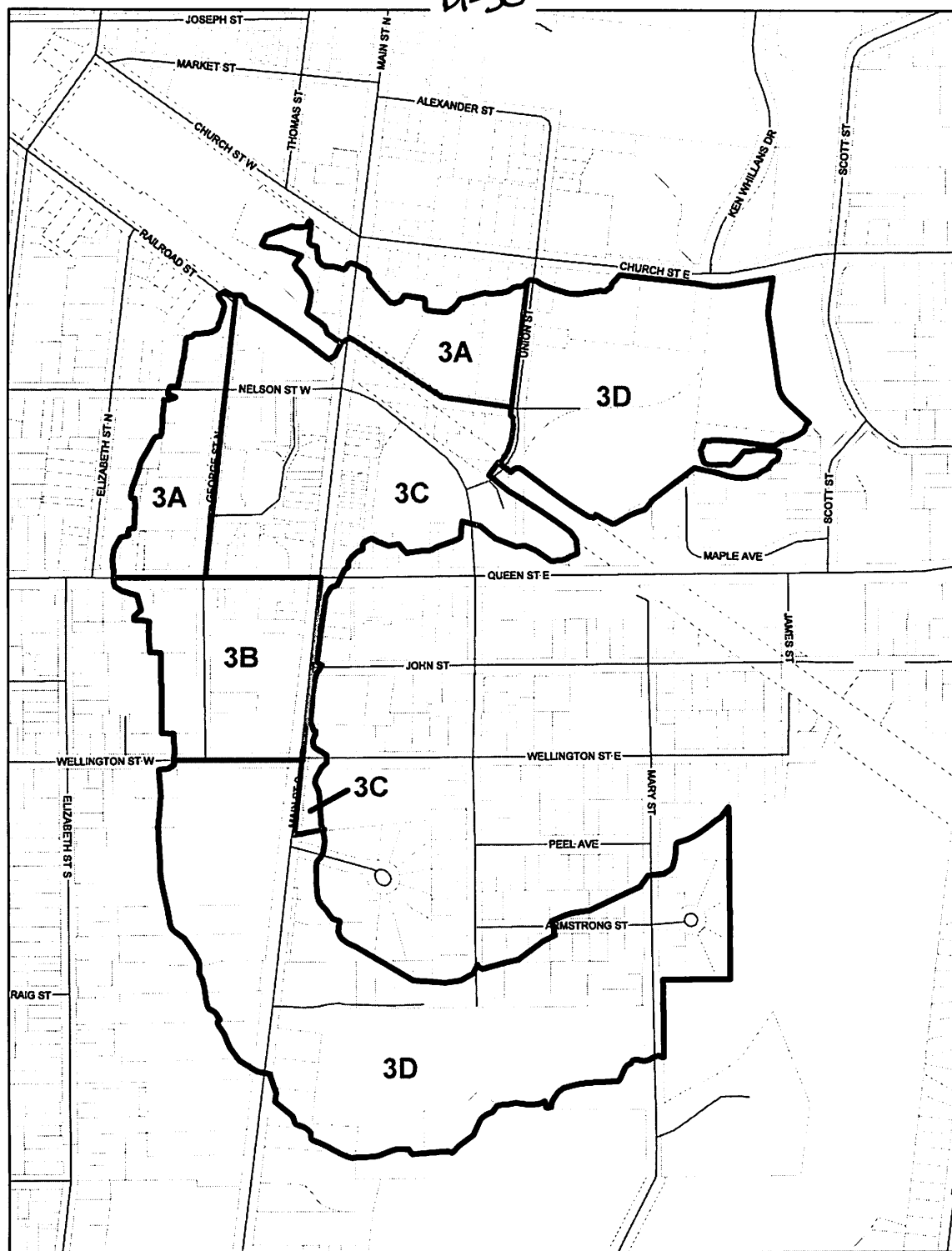
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LANDS MODIFIED TO REFLECT NEW REGULATORY FLOODLINE










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

	SUBJECT LANDS		SPECIAL POLICY AREA NO. 3		SPECIAL POLICY AREA NO. 6
	SPECIAL POLICY AREA NO. 1 (Refer to Policy 5.6.1)		SPECIAL POLICY AREA NO. 4		SPECIAL POLICY AREA NO. 7
	SPECIAL POLICY AREA NO. 2		SPECIAL POLICY AREA NO. 5 (refer to Policy 5.6.5)		



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

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



BRAMPTON
Flower City
PLANNING, DESIGN & DEVELOPMENT
Date: 2013/08/07 Drawn By: CJK
File: P26_SP007_HACE_AND_SPECIAL_POLICY

**SCHEDULE C TO OFFICIAL PLAN
AMENDMENT OP2006# _____**

D1-31

Appendix 2
Draft Revised Zoning By-law Amendment

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 ²	45,000 m ²	88,000 m ²

- b) The following requirements shall apply to lands within the Downtown Floodplain Regulation Area as shown on Schedule B-6 to this by-law, all to the satisfaction of the Toronto and Region Conservation Authority:

- 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) All buildings and structures shall be dry passively floodproofed to the level of the Regulatory Storm Flood elevation. Where this is not technically feasible, 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.
- iii) 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. Where this is not technically feasible these systems shall be located at the highest level technically feasible however in no case shall be located below the 1:350 storm flood elevation as determined by the Toronto and Region Conservation Authority
- 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) with frontage on either Main Street and/or Queen Street shall not be required to provide entrances and ground floor finished floor elevations to the minimum 1:350 year storm elevation for entrances to the front and rear of a building. Entrances to below-grade parking structures shall be dry passively floodproofed in accordance with Section 20.9 b) ii).
- 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 located entirely above the regulatory storm elevation as

established by the Toronto and Region Conservation Authority.

- e) 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, unless such uses existed on _____(the date of passing of this By-law):
- 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, 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.

(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 Zbogar, M.C.I.P., R.P.P.
Acting-Director, Planning Policy and
Growth Management

DI-35

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

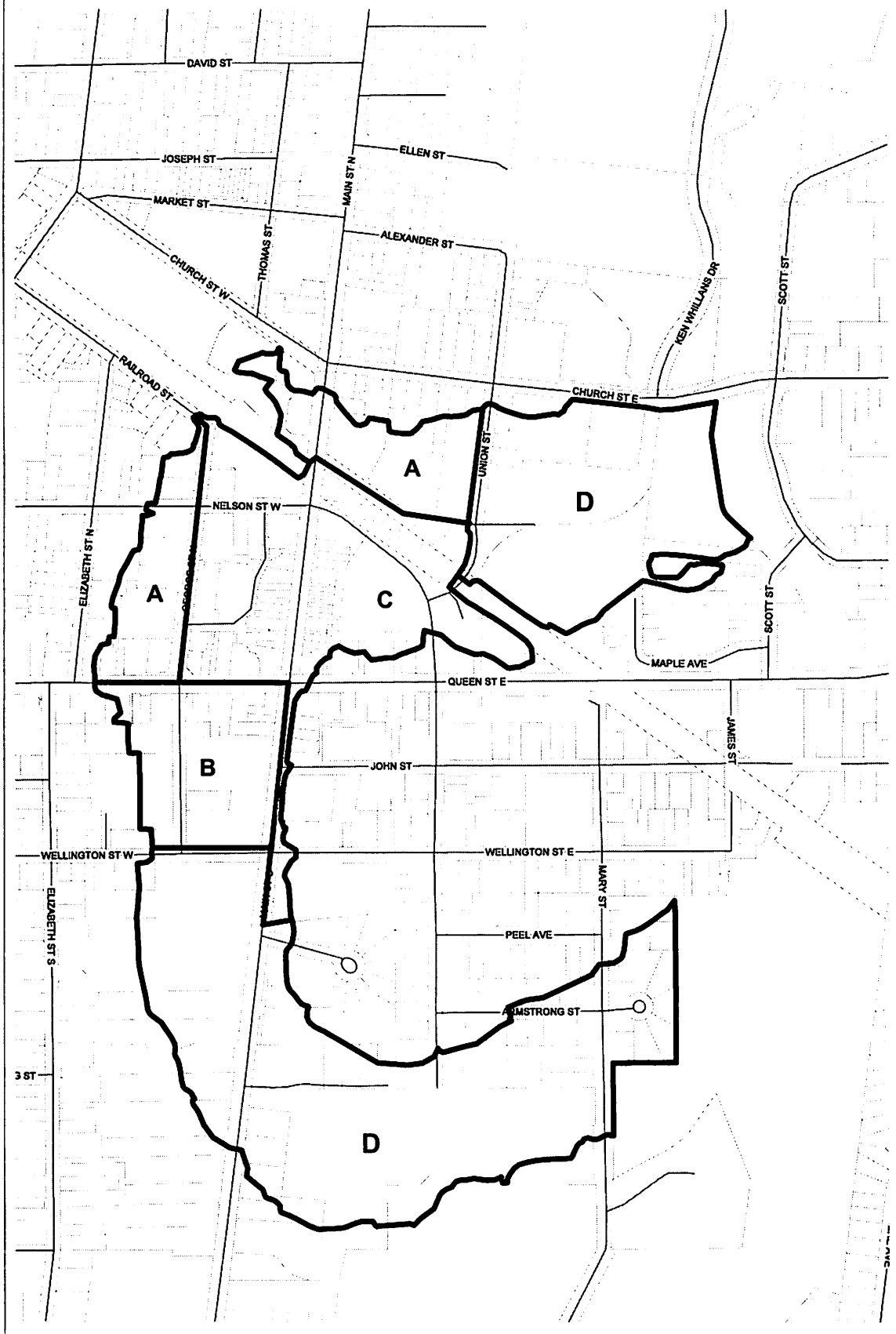
The effect of By-law -1- is to

.

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.



Legend

 Downtown Floodplain Regulation Area

0 50 100
Meters

Schedule B-6: Downtown Floodplain Regulations



Date: 2013 02 27 Drawn By: CJK
File: P26_SP007_HACE_AND_SPECIAL
POLICY

BY-LAW _____

SCHEDULE A

DI-37

Appendix 3

*Report dated September 4, 2013 to September 23, 2013 Planning Design and
Development Committee Meeting
(draft revised OPA and ZBA included as appendices 3 & 4 to September 4 report have
been removed to avoid confusion)*



BRAMPTON

Flower City

DI-36

Report

Planning, Design and Development Committee

Committee of the Council of

The Corporation of the City of Brampton

Date: September 4, 2013

File: P26 SP007

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

DATE: September 23, 2013

Subject: **RECOMMENDATION REPORT**
Downtown Brampton Special Policy Area Comprehensive Flood Risk
and Management Analysis
Wards 1, 3, 4, 5

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

Overview:

- In August of 2011, the City submitted the *Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis* to the Province for review and comment with the view to establish a new planning framework for the Special Policy Area in downtown Brampton. In March 2013, City staff provided the Province with an update package to the initial August 2011 submission; the Province provided a formal response in June 2013.
The Province provided a detailed letter on the City's Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis in a letter dated June 10, 2013.
- A status report was tabled at the August 7, 2013 Council meeting, which indicated that staff would provide a more detailed report in relation to the June 2013 letter.
- This report outlines proposed revisions to the draft Official Plan and Zoning By-law Amendments to address Provincial comments and seeks Council direction to proceed to a further public meeting on the basis of the attached revised Official Plan (OPA) and Zoning By-law (ZBA) Amendments.
- Further input from the Province and TRCA on the preliminary OPA and ZBA is anticipated before the documents can be finalized.
- Staff continue to work toward resolution of the balance of the changes requested by the Province.
- Following the Public Meeting, staff will prepare a recommendation report and seek Council approval in principle for the OPA/ZBA. This report will also seek approval for the balance of changes to the Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis.
- TRCA Board approval is required, and the final submission will be sent to the Province for a decision by both the Ministers of MMAH and MNR.

Recommendations:

- 1) **THAT** the report from Janice Given, Manager Growth Management and Special Policy, Planning Design and Development, dated September 4, 2013 to the Planning, Design and Development Committee Meeting of September 23, 2013, re: **"Recommendation Report: Downtown Brampton Special Policy Area Comprehensive Flood Risk and Management Analysis"** (File P26 SP007) be received;
- 2) **THAT** staff be directed to hold a public meeting with respect to the revised proposed Official Plan Amendment and Zoning By-law Amendment as attached as Appendices 3 and 4 to this report.
- 3) **THAT** Council direct staff to continue to work on addressing the Provincial comments generally as set out in this report and report back following the public meeting with recommendations on the OPA and Zoning By-law as well as the balance of changes to the submission.

Background:

Staff presented a report to the Council meeting of August 7, 2013, which provided a status update on the submission to revise the Special Policy Area (SPA) policies related to the floodplain in Brampton's historic downtown core. The report outlined some of the key issues identified in a response letter provided by the Province in June 2013 to the City's submissions. Staff committed to preparing a more detailed report with proposed responses to the Province comments and to present revised Official Plan and Zoning By-law amendments for consideration at a public meeting.

Current Situation:

Subsequent to the receipt of the Province's comprehensive set of comments (see **Appendix 5**) staff has had several detailed discussions with MMAH, MNR and Toronto and Region Conservation Authority (TRCA) staff with respect to the matters raised in the letter.

This report provides an update on the responses of staff to address these concerns and seeks general endorsement from Council with respect to the City's response.

The Province's letter identified the following key issues:

- 1) Outstanding information in relation to Floodplain Modelling
- 2) Official Plan Amendment (OPA)/Zoning By-law Amendment (ZBA) revisions with respect to development limits
- 3) Restrictions on sensitive Institutional uses/uses involving hazardous materials
- 4) Provincial approval of zoning by-law amendments

- 5) Additional Details with respect to City Emergency Management Office Response
- 6) Progression of Flood Remediation Studies
- 7) Financial Estimates to Potential Flood Damages

Although a public meeting was held late in 2011 for the preliminary Official Plan Amendment and Zoning By-law included in the submission, changes requested by the Province to facilitate approval are substantial enough to warrant a new public meeting. Accordingly, staff is seeking direction to hold a public meeting for input on the draft revised amendment and zoning by-law. The **Discussion** section below details those changes.

Following a number of meetings with Provincial and TRCA staff, Brampton staff revised the documents and recirculated for comments. While there has been some preliminary discussion and feedback on some of the changes, detailed comments at a staff level are still forthcoming. Ministry staff has advised that any comments provided at this time could be modified once the balance of the changes to the other documents are prepared in the context of resubmitting the full package for formal approval. As such, it should be made clear that changes to the OPA and ZBA are still expected, not only as a result of public input, but also following the detailed comments from Provincial staff. It can be said, however, that there is general support for the overall changes, with the addition of upper limits on growth being the most substantive.

Because of the *Planning Act* procedural requirements for these documents, staff has devoted most of its immediate attention on these changes and processes.

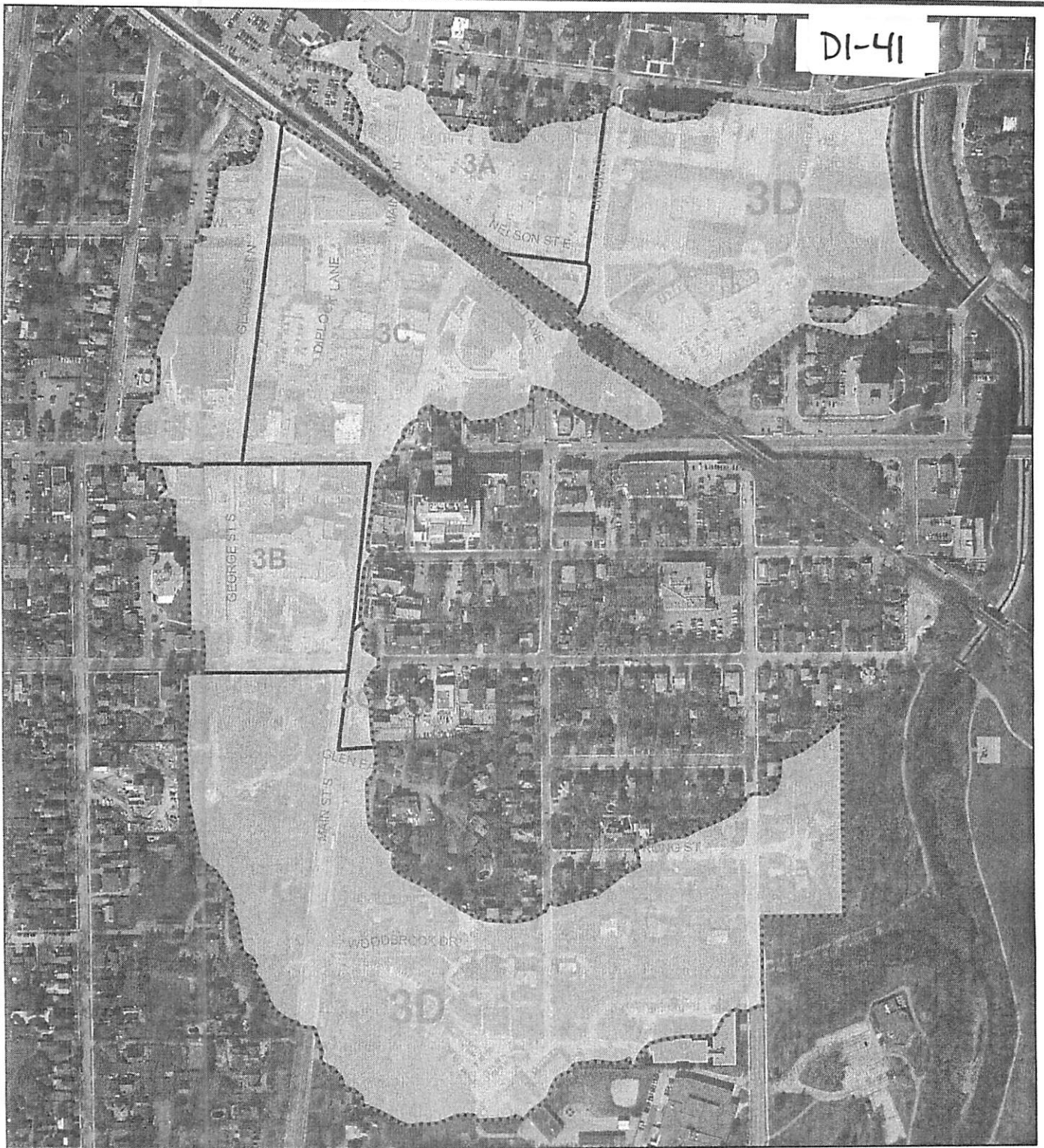
The report also provides an update on the balance of issues that are addressed through other tools, such as the detailed floodplain modelling work and Emergency Management Plan. It also sets out the general process that will lead to the formal decision of the Ministers.

Discussion:

Overview of Changes to Proposed Official Plan Amendment

The proposed Official Plan Amendment is attached in **Appendix 3**. Detailed comments on the proposed Official Plan Amendment are attached in **Appendix 1** to this report. The following are highlights of the changes to the Official Plan Amendment. Of the main issues identified in the **Current Situation** section above, matters with respect to the development limits, institutional uses and Provincial approvals are addressed in the revisions to the proposed OPA.

DI-41



PROPOSED S.P.A. AREA

PROPOSED SPA AREA

3A - EDGE LANDS

3B - SOUTHWEST QUADRANT LANDS

3C - COMMERCIAL CORE/HACE LANDS

3D - MAIN STREET SOUTH/ROSALEA



BRAMPTON
Flower City
PLANNING, DESIGN & DEVELOPMENT



Map 1 : Downtown Brampton Special Policy Area
Comprehensive Flood Risk and Management Analysis

Drawn By: TD
Date: 2013-08-29

General Changes

The previous version of the OPA added to the Special Policy Area 3 policies of the plan (Section 5.6.3). This version replaces that section in its entirety to better organize and integrate the new and existing policies. The existing portions of 5.6.3 area incorporated into one of the new sections.

The new section is structured into 6 subsections:

- Background
- Technical Requirements for Managing Flood Risk
- Detailed Sub-area Policies
- Institutional Uses in SPA3
- Approvals Process
- Planning Initiatives related to SPA3

Maximum Number of Residential Units and Non-Residential Gross Floor Area

Caps are now included on residential units and non-residential gross floor area for sub-areas 3A, 3B, 3C (see **Map 1**). Also, the flexibility to establish building heights and FSI on a site-specific basis is retained, so long as the overall caps are not exceeded. These caps include a restriction permitting no new residential uses in sub-area 3C. These caps are consistent with the risk reduction approach taken by the City and set out in the full submission to the Province. This includes redistributing residential uses to the edge areas of the SPA and an overall reduction of growth by 4000 people and jobs across the SPA in comparison to the existing Secondary Plan policies. A policy has also been added indicating that the City would monitor growth to ensure the caps are not exceeded.

A restriction on new residential uses in the Main Street South/Rosalea areas is added, prohibiting such new uses unless access to flood free lands from the dwelling entrance can be provided. A new area 3D has been created in this regard (see **Map 1**).

Sensitive Institutional Uses and Uses Involving Hazardous Material

The Provincial Policy Statement (PPS) under Section 3.1.4. (Protecting Public Health and Safety) sets out restrictions with respect to institutional and other uses in hazard lands (floodplains fall under the definition of hazard lands in the PPS). The Province is seeking that the OPA (and ZBA) be more closely aligned with the PPS provisions.

A restriction applying to the entire SPA is added for those institutional uses where there is a risk to the safe evacuation of the young, elderly and persons with disabilities, essential emergency services and uses that deal with hazardous material, is included. This reflects the wording in this regard in the PPS.

Approvals Process

In relation to objective to remove the need for Provincial approval of rezoning applications, the Province notes that any proposal that seeks to increase development beyond what is permitted in the Secondary Plan and Zoning By-law would need Provincial approval. A modification to the proposed policies was sought to ensure this is clearly stated.

The revised OPA clarifies that Provincial approval is required where development is proposed that would exceed any of the caps (seek more development beyond what the policies permit) and for removal of the SPA.

Overview of Changes to the Draft Zoning By-law Amendment

The proposed Zoning By-law Amendment is attached as **Appendix 4**. A summary of the comments and detailed response is provided in **Appendix 2** to this report. Of the main issues identified in the **Current Situation** section of the report above, matters with respect to the development limits and institutional uses are addressed in the revisions to the proposed ZBA.

General Changes

The by-law now covers the entire proposed SPA, whereas the previous version was focused on the areas A, B, C. It sets out the requirements related to flood-proofing, building systems and emergency access for the entire SPA. An area D is added for the Rosalea and Main Street South areas. Areas A, B, C, D correlate with the 3A, 3B, 3C, 3D sub-areas in the OPA (and as shown on **Map 1**).

Maximum Number of Residential Units and Non-Residential Gross Floor Area

To correspond with the proposed OPA policies, the revised ZBA includes caps for new residential units and commercial gross floor area for areas A, B, C. The updated draft by-law no longer contains references to existing building heights in A, B, C as did the previous version, as the revised approach is to set overall caps and allows the City flexibility to decide how that is distributed in A, B, C. Site-specific heights and FSI are not regulated by way of this by-law amendment.

A regulation is added not permitting new residential units in area D (Rosalea/Main Street South) unless access to flood-free lands can be provided

Sensitive Institutional Uses and Uses Involving Hazardous Material

To address Provincial comments and to reflect the revised policies in the draft OPA, a regulation is added to the draft ZBA restricting certain new institutional, essential emergency services and uses associated with hazardous substances from the SPA.

Comments related to the Balance of the Submission

Of the key issues identified earlier in the **Current Situation** section of this report, the matters related to growth limits, institutional uses and Provincial approval are addressed in the OPA and/or ZBA. Some of the comments with respect to growth limits also require changes to the balance of the City's submission.

General:

(Reference: Provincial Letter Appendix A Item: 6, 7, 8, 12 -26, 64, 65)

There are a number of comments related to the analysis components of the submission document (i.e. the technical justification that is the basis for the amending OPA and ZBA). The Province is seeking inclusion of wording that notes that where the Growth Plan and the PPS provisions related to protection of life, that the Provincial Policy Statement (PPS) provisions shall prevail, and also clearly note the PPS policy with respect to the role of SPA's not being the location for new or intensified development where a community has opportunities for development outside the floodplain. Some further clarification is sought with respect to the Flood Cost Damage analysis that was undertaken.

There are other technical comments related to wording, mapping, co-ordination of population numbers between sections of the document and the proposed SPA and ZBA, description of flow velocities for certain areas and some discrepancies in references to sections of the document. The comments also see to provide more information as to why other flood risk management approaches, were not considered feasible.

Response:

Staff feel that these matters can be readily addressed to satisfy the Province. A detailed response will be provided to the Province in relation to all their comments found in the June 2013 letter. A final version of the submission document reflecting all the changes and comments will be forwarded to the Province at the end stage of the SPA approval process in order to obtain the formal sign-off from the two Ministries.

Technical Matters Related to Floodplain Modeling/Mapping

(Reference: Page 2 of Provincial Letter, Appendix A, Item: 2, 3, 5)

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

Street in the area of the railway underpass would be flooded under the regulatory storm event.

Response:

The required information has been submitted to MNR. In a letter dated August 30, 2013 (see **Appendix 6**), MNR has indicated that they are now satisfied with the floodplain modelling component of the submission.

Amendments to the Emergency Management Plan

(Reference: Page 5 of Provincial Letter, Appendix A Item: 2, 65)

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

Response:

Brampton planning and emergency management staff discussed and responded to the comments of the Province through a lengthy teleconference with MNR, MMAH and TRCA staff. Discussions were centred on the following:

- *The City's various means of notification to residents in the event of a flood*
- *Means of controlling access to underground parking during a flood event*
- *Emergency management staging areas following an evacuation*
- *Evacuation of special needs population*

An updated Standard Operating Procedure that includes more detail for those matters that were discussed will be provided as part of the revised submission to the Province.

Flood Remediation Study

As noted in the August 7, 2013 Council status report, the Province asked for an update on the progress of this concurrent study which is seeking to identify potential measures that would permanently eliminate or reduce the flood risk to the downtown. They also requested that consideration be given for including wording in the OPA indicating that the City would be committed to funding a long-term solution that mitigates or removes the flood risk from the downtown.

Response:

The *Downtown Brampton Etobicoke Creek Revitalization Study* is progressing, with a targeted completion date of the end of 2013. A status report is planned for the Fall of 2013. The study will make recommendations with respect to ongoing steps to move forward with the potential options that are identified.

Costing for Flood Damage Numbers

Clarification was requested regarding some of the assumptions made in regard to the flood damage cost numbers that were provided. Clarification was sought as what these numbers include.

Response:

Staff undertook this exercise based on Provincial methodology set out in the Ministry of Natural Resources, Flood Damage Estimation Guide (2007). The costs include direct costs (building damage, contents) and indirect costs (expressed as a percentage of direct damages and include such items as roads and infrastructure).

Next Steps:

Staff, together with the TRCA, continues to work toward the resolution of all issues raised by the Province. Following the planned November public meeting for the OPA/ZBA, staff will be preparing a Recommendation Report that will include the public response to the amendments and all matters proposed for submission of a final document to the Province.

A detailed response in a letter to the Province, on the basis of the proposed approach set out in this report will be provided once the final direction on the OPA and ZBA is determined. Elements of the formal submission (binder) will be amended as required to address the Provincial comments.

The following process is required by the SPA Amendment Guidelines:

- Brampton Council endorsement of the revised submission and approval in principle of the OPA/ZBA
- TRCA Board approval of the submission
- Formal submission of several copies of the full package to the Province, with digital floodline mapping
- Decision by MMAH and MNR
- Formal written decision from Province

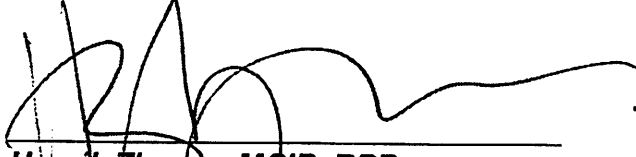
Conclusion:

Staff continues to make progress towards obtaining approval of the SPA amendment. The revised draft Official Plan Amendment and Zoning By-law are appropriate in addressing Provincial comments. Staff anticipates that the other Provincial comments in relation to the submission and emergency management components can be resolved.

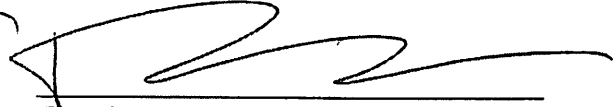
DI-47

Council's direction to proceed to a public meeting with respect to the revised Official Plan Amendment and Zoning By-law Amendment would allow staff to continue to move forward with the process to achieve approval of the SPA submission early in 2014.

Respectfully Submitted,



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



Dan Kraszewski, MCIP, RPP
Senior Executive Director, Planning,
Design and Development Department

Attachments

- Appendix 1: Detailed Response to Provincial Comments on Official Plan Amendment*
- Appendix 2: Detailed Response to Provincial Comments on Zoning By-law Amendment*
- Appendix 3: Draft Revised Official Plan Amendment*
- Appendix 4: Draft Revised Zoning By-law Amendment*
- Appendix 5: Letter from Ministry of Municipal Affairs and Housing, dated June 10, 2013*
- Appendix 6: Letter from Ministry of Natural Resources dated August 30, 2013*

Report authored by: Bernie Steiger, Central Area Planner

Appendix 1

Detailed Response to Provincial Comments on Official Plan Amendment (App. 3)

The Province identified the following matters in relation to the Official Plan Amendment:

- 1) *Amendments to OPA to Ensure Overall Reduction in Residential Development and Limits on Development Is Achieved*
(Reference: Page 3 of Provincial Letter, Appendix A Item: 4, 9, 10, 28, 39, 44, 48)

A better alignment is required between the rationale provided in the submission related to the reduction of risk arising from the reduction in potential residential and employment within the SPA, and the translation of this principle into the OPA. The Province requests gross floor area/residential unit caps in the Secondary Plan policies for the sub-areas 3B, 3C as well as in the balance of area 3, consistent with the future growth scenario as set out in the submission. A new policy was recommended to set out the planned population, employment and number of residential units in SPA 3. In relation to caps on residential units and overall residential GFA for area 3A, the Province requested the deletion of the wording which indicates that these limits apply from the date of approval onward (ie new development).

Response:

(Reference: Draft Policies 5.6.3.3 a-(ii), a-(iii), b-(ii), b-(iii), c-(iv), c-(v))

The revised draft OPA 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 ²	45,000 m ²	88,000 m ²

DH49

2) *Monitoring of GFA and Unit Caps*

(Reference: Page 3 of Provincial Letter, Appendix A Item: 11)

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

Response:

(Reference: Draft Policy 5.6.3.7)

Wording has been added to the revised draft OPA to require that the City monitor growth to ensure development conforms to the growth policies.

3) *Provincial Approval Requirement For Rezoning and Amendment to Official Plan*

(Reference: Page 4 of Provincial Letter, Appendix A Item: 42)

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

Response:

(Reference: Draft Policy 5.6.3.6 viii)

The revised draft OPA requires that where a development application proposed to exceed the development limits, Provincial approval is required.

4) *Restrictions on Institutional Uses in SPA*

(Reference: Page 4 of Provincial Letter)

Some of the Secondary Plan designations and zone categories permit institutional uses. The Province is recommending that within the SPA, new institutional uses set out in Section 3.4.1 a) of the Provincial Policy Statement (PPS) be prohibited. The PPS cites hospitals, nursing homes, pre-schools, school nurseries, day cares and schools, where there is a threat to the safe evacuation of sick, elderly, young, persons with disabilities during an emergency as uses not permitted in hazard lands. While several of these uses legally exist within the SPA now, the Province sees this an opportunity to add policies for the future to conform with the PPS. The Province has also asked for the prohibition of uses set out in section 3.4.1 b) and c) of the PPS. These include essential emergency services such as police, fire, ambulance as well as the disposal, treatment, manufacture or storage of hazardous substances (toxic, corrosive, etc.)

Response:

(Reference: Draft Policy 5.6.3.4)

Wording has been added to the revised draft OPA that puts a restriction on new institutional uses where there is a threat to the safe evacuation of sick, elderly, young, persons with disabilities during an emergency as uses not permitted in

hazard lands. This would still allow other institutional uses such as a secondary school or post-secondary institution.

5) *Floor Space Index Provisions in Secondary Plan*

(Reference: Provincial Letter Appendix A Item: 10, 45, 51)

Similar to the concern regarding the number of residential units, a concern was raised that there were no caps on non-residential development or development in general outside of the 3A area and that the originally drafted Secondary Plan would allow the FSI limits to be exceeded without amendment to the Plan subject to appropriate planning rationale. The inclusion of a provision requiring an Official Plan Amendment with approval by the Province was recommended. A concern was also raised with wording in the proposed policies that allow for additional height and density to be permitted. The Province sees this as added certainty that the population and employment limits identified in the technical submission would be maintained.

Response:

(Reference: Draft Policies 5.6.3.3 a-(ii), a-(iii), b-(ii), b-(iii), c-(iv), c-(v))

Staff recommends that 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. 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.

6) *Prohibition of New Residential in the Main Street South and Rosalea Areas*

(Reference: Provincial Letter Appendix A Item: 27)

The Province is seeking policy direction that would prohibit new residential development (including lot creation) in these areas beyond what currently exists, to implement the reduction in risk set out in the submission.

Response:

(Reference: Draft Policy 5.6.3.3 d-(i))

A policy has been added in the revised draft OPA for these areas (labeled as sub-areas 3D), that prohibits new residential dwellings (or lots) unless access to flood-free lands from the dwelling entrance can be provided. Given the existing lot fabric in these areas, the potential for new residential dwellings (or lots) that can achieve this requirement, is limited, however the proposed policy would allow the opportunity should there be a situation where the access requirement can be achieved. The existing Secondary Plan policies intend to preserve the stable, low density neighbourhoods within the Plan.

7) ***Urban Design Principles in Conflict with Technical Floodproofing Requirements***
(Reference: Provincial Letter Appendix A Item: 29)

There are proposed policies in the OPA that indicate that technical requirements for flood-proofing must also meet urban design objectives. The Province is concerned that wording appears to imply that urban design requirements would override the technical floodproofing measures for a building and is seeking that the provisions related to urban design be removed.

Response:

(Reference: Draft Policy 5.6.3.3 a-(vi), b-(vi), c-vii))

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. That is 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.

8) ***Other Lands With Flood-Free Access outside 3A***
(Reference: Provincial Letter Appendix A Item: 30)

The Province identifies 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.

Response:

(Reference: Draft Policy 5.6.3.3 b))

The revised draft OPA recognizes the potential for residential in sub-area 3B and includes a residential unit cap in this regard. Within sub-area 3C, the revised policies allow for existing residential units to continue, however no further units be added.

9) ***Underground Parking Garages***
(Reference: Provincial Letter Appendix A Item: 31)

The Province advises that underground parking garages should be discouraged in SPA's, and the City should indicate why alternatives are not practical. It requests inclusion of a policy which discourages underground parking garages, that development seek other options and that entrances to such garages be above the regulatory storm elevation.

Response:

(Reference: Draft Policy 5.6.3.2 xi))

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 inefficient from a land perspective, in particular on the tighter lot fabric within the downtown core.

Staff propose 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 is not recommended and is not included in the revised OPA. The revised draft OPA has been revised to encourage underground parking garage entrances to be located above the regulatory storm elevation.

10) *Emergency Management Plans in Conjunction with New Development
(Reference: Provincial Letter Appendix A Item: 32)*

It was recommended that a policy be added requiring the submission of a building-specific emergency plan in conjunction with a development application.

Response:

(Reference: Draft Policy 5.6.3.2 viii))

A policy requiring an Emergency Measures Plan to the satisfaction of the City and TRCA policy already existed in the draft OPA.

11) *Correlation of proposed Policies to Risk to Health and Safety due to Water Flows
(Reference: Provincial Letter Appendix A Item: 33)*

Clarification was sought as to how new development under the proposed regime corresponds with the existing policy that prevents development where water flows pose a hazard to life.

Response:

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 result of the comprehensive review is that a set level of development is established for the SPA, which, subject to achieving certain technical requirements, is generally assumed to be able to occur.

Section 5.6.3.2-(iv) addresses those extreme, unforeseen circumstances, which, following the required detailed site-specific analysis necessary for all new

development, have an unacceptable level of risk to life or structural stability as a result of a flood event. In those rare cases, the proposal would not be permitted to proceed.

12) *Location of Building Systems*

(Reference: Provincial Letter Appendix A Item: 40, 42, 47)

Additional wording was requested be inserted into the provision that specifies the location of building systems such as electrical wiring, fuse boxes, furnaces, air-conditioning and elevators not be located below the regulatory flood line.

Response:

(Reference: Draft Policy 5.6.3.2 x))

It is acknowledged that the major power systems should be above the storm elevation, however, not all electric wiring can or needs to be above the flood elevation

The revised policy uses language to define the major building systems taken from the MNR River and Stream Systems Technical guide (service units and panels). In addition, the wording has been revised to state that the location for major building systems be at the regulatory flood level where technically feasible, but in no case below the 1:350 storm flood line.

13) *Numerical References for Regulatory Flood Level*

(Reference: Provincial Letter Appendix A Item: 42, 47)

It was also requested that the numerical elevations for the regulatory flood level not be included in the policies.

Response:

The revised draft OPA has removed references to specific elevations for the regulatory flood level. The wording is now expressed in general terms given that the flood elevations will vary from site to site.

14) *At-Grade Storefronts along Queen Street and Main Street*

(Reference: Provincial Letter Appendix A Item: 49, 52)

The policies propose to allow entrances to be kept at-grade as per the existing conditions for properties fronting onto Queen Street and Main Street North, within sub-area 3C. The Province has concerns in relation to the increase in risk to health, safety, property damage and potential means for evacuation such a policy would pose. They feel the policy should be deleted as any development must be flood-proofed, where feasible to the regulatory storm, and in no case less than the 1:350 storm.

Response:

(Reference: Draft Policy 5.6.3.2 xiii))

The identified area is already built-out with entrances essentially at grade (in particular along the street frontages). 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, there are considerable implications to trying to attain a requirement for raised entrances that 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.

15) Ongoing Initiatives

(Reference: Provincial Letter Appendix A Item: 50, 56)

One of the policies encourages senior levels of government and the TRCA to fund longer term solutions to eliminate the flood land from downtown Brampton. Comment 56 states that the policy should be modified to include the City has a partner in funding a longer-term solution to eliminate the SPA.

Response:

(Reference: Draft Policy 5.6.3.8)

A permanent solution which could contain the regulatory storm flows will require multi-governmental assistance.

All levels of government have a responsibility in flood remediation and should assist in funding such a project. Wording that the City is a partner in funding a long-term solution has been added.

16) Provincial Approval for Removing SPA

(Reference: Provincial Letter Appendix A Item: 55)

It was requested that the policies clarify that should new technical work or flood remediation remove all or part of the area from flood risk, that a change to the SPA boundary to reflect this would require Provincial approval.

Response:

(Reference: Draft Policy 5.6.3.9)

The requested wording has been added. It is understood that the process to remove all or part of an SPA requires Provincial approval.

- 17) *Minor Technical Wording Changes*
(Reference: Provincial Letter Appendix A Item: 34, 35, 36, 37, 38, 41, 43, 46, 53, 54, 57, 58)

There are a number of requested wording changes that are minor in nature and do not raise a concern from staff. It was requested that the SPA mapping be updated to reflect the new floodlines.

Response:

These have been implemented in the revised draft OPA.

Appendix 2

Detailed Response to Provincial Comments on Zoning By-law Amendment (App. 4)

- 1) *Amendments to Zoning By-law Amendment to Ensure Reduction in Residential Development and Limits on Development Is Achieved*
(Reference: Page 4 of Provincial Letter, Appendix A Item: 9)

The Province is seeking that the overall policy direction with respect to development limits as set out in the proposed OPA be carried through to the Zoning By-law Amendment (ZBA). A number of suggestions were provided in their letter, including limits on FSI, building heights, addition of "Holding" zoning to area.

Response:

(Reference: Revised Draft ZBA Section 20.9 a))

The revised ZBA as attached to this report (Appendix 4) provides caps on new residential units. In the Rosalea and Main Street South area, no new residential units will be permitted unless access to lands outside the SPA can be obtained. No additional restrictions on FSI and building heights are proposed outside of the limits that already exist in the underlying zoning designations. This approach allows the City flexibility in determining heights/density on an individual site basis, while working within an overall cap that gives the Province certainty that the assumed levels of risk will not be exceeded.

- 2) *Restrictions on Institutional Uses in SPA*
(Reference: Page 4 of Provincial Letter)

The Province is seeking that the restrictions on sensitive institutional uses as set out in the OPA also be implemented in the zoning by-law; this includes restrictions in relation to essential emergency services and uses which involve the disposal, treatment, manufacture or storage of hazardous substances (toxic, corrosive, etc.)

Response:

(Reference: Revised Draft ZBA Section 20.9 c))

A provision has been added to the revised by-law with that prohibits those institutional uses where there is a threat to the safe evacuation of the sick, elderly, persons with disabilities or the young during an emergency. Other institutional uses as secondary schools, technical schools and post-secondary institutions would continue to be permitted.

- 3) *Emergency Access Provisions in By-law*
(Reference: Page 4 of Provincial Letter, Appendix A Item: 61)

The proposed by-law had a requirement for emergency access for residential development. The Province indicated that emergency access should be provided for all new development.

Response:

(Reference: Revised Draft ZBA Section 20.9 b-i))

The City proposes to retain the requirement for emergency access only for residential development. It was never intended that non-residential uses require emergency access, as they have a lesser degree of risk due to flooding in terms evacuating people.

4) At-Grade Entrances along Main Street and Queen Street

(Reference: Provincial Letter Appendix A Item: 63)

There is a provision that indicates that properties along Main Street and Queen Street can maintain an at-grade relationship for entrances and not meet the otherwise minimum requirement of an elevation above the 1:350 storm event, as described in the OPA. The Province is requesting that this provision be removed as the requirement is to provide flood proofing measures to the highest level technically feasible or practical and to a minimum of the 1:350 storm level.

Response:

(Reference: Revised Draft ZBA Section 20.9 c))

The response to this matter is addressed under point 15) in the Revisions to the Official Plan Amendment section of this report.

5) Timing of Approval of ZBA and Other Technical Comments

(Reference: Provincial Letter Appendix A Item: 59, 60, 62)

The Province notes that the Zoning By-law Amendment should be approved concurrently with the OPA. In addition, comments with respect to other technical wording was also provided.

Response:

The City would approve the ZBA at the same time as the OPA. The identified wording changes are minor and have been incorporated into the revised draft by-law.

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Appendix 3
Draft Revised Official Plan Amendment

D-59

Appendix 4
Draft Revised Zoning By-law Amendment

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Appendix 5

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

D1-661

**Ministry of
Municipal Affairs
and Housing**

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Central Ontario
777 Bay Street, 2nd Floor
Toronto, ON M5G 2E5
Phone: 416-585-6226
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**Ministère des
Affaires municipales
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June 10, 2013

Janice Given
Manager, Growth Management and Special Policy
Planning, Design and Development
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

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

Dear Ms. Given,

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

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

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

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

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

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

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

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

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

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

Floodplain Modelling

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

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

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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

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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

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

Assurance of Access by City's Emergency Measures Office

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

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

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

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

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

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

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

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

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

- final draft versions of the Secondary Plan and Zoning By-law amendment which reflect all revisions requested by the Province;
- notice of statutory public meeting for both the Secondary Plan and the Zoning by-law amendment;
- Council resolution from the City supporting the proposed changes to the SPA boundaries and 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 A

General Comments

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

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

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

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

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

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

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

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

Comments on Comprehensive Flood Risk Analysis

12. Executive Summary (Page E-3)

In the 5th bullet point under the "Goals of the Comprehensive Flood Risk and Management Analysis", it is indicated that one of the goals of the analysis is to remove the need for Provincial approval for rezoning applications. In order to ensure that rezonings do not result in an increase in density beyond what is agreed upon by the Province, it is recommended to insert the words *"provided an increase in residential development beyond what is permitted is not proposed"* at the end of the sentence.

13. Executive Summary (Page E-6)

The section titled "The Proposed Official Plan Policy Approach Reduces Risk" indicates that "opportunities exist for a reduction of approximately 5000 people and jobs across the SPA, from what is currently allowed under existing policies". The figure of "5000" does not appear to be accurate and should be revised. In addition, the proposed cap of 1,300 residential units for subarea 3A in the draft Secondary Plan does not match the proposed residential units shown in the Development Potential Summary Table provided by the City on April 24, 2013. It is recommended to revise the background material to ensure units, population, and employment figures are consistent throughout the document.

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

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

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

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

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

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

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

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

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

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

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

Comments on Secondary Plan Amendment (Appendix D)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58. **Page 23**

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

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

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

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

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

Comments on Standard Operating Procedure (Appendix I)

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

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

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

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

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

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Appendix 6

Letter from Ministry of Natural Resources, dated August 30, 2013

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Ministry of
Natural Resources
Regional Resources Section
Southern Region
300 Water Street
Peterborough, Ontario K9J 8M5

Ministère des
Richesses naturelles
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August 30, 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: Proposed Revisions to the Brampton Special Policy Area
City of Brampton**

Dear Ms. Given:

On August 19, 2013, this ministry received an email from the Toronto and Region Conservation Authority (TRCA) which included copies of the following documents:

- 1) Letter, dated August 13, 2013, from TRCA (Laurian Farrell) to MNR (David Johnston);
- 2) Letter, dated May 22, 2013, from Environmental Water Resources Group Ltd. (C. Doherty) to TRCA (M. Liu); and,
- 3) Letter, dated August 9, 2013, from Greck and Associates Limited (Brian Greck) to TRCA (Laurian Farrell).

This Ministry has reviewed these documents and is pleased to advise that all of our floodplain modelling concerns, related to the above reference matter, have now been addressed.

Please contact the undersigned if you have any questions.

Sincerely,

Denis LeMoire
Municipal Planning Advisor
Southern Region, Regional Resources Section

cc : Laurie Nelson, TRCA
Dan Ethier, MMAH
Jackie Burkart, MNR
Kathy Woeller, MNR