

RE: Environmental Registry of Ontario Posting 019-6163– Proposed Planning Act and City of Toronto Act Changes (Schedule 9 and 1 of Bill 23)

From: Steve Ganesh, Commissioner (A) - Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

The City of Brampton (hereinafter referred to as ‘the City’) is supportive of efforts by the Province to address the housing affordability crisis. The City appreciates the opportunity to provide comment on the Proposed *Planning Act* and *City of Toronto Act* Changes (Schedules 1 and 9 of Bill 23) and offers the following comments to assist the Province. The City’s assessment of these proposed changes indicates that they will have far-reaching social, economic, environmental and financial impacts.

In many circumstances, the City is currently undertaking work to achieve the aims outlined in Schedules 1 and 9, including:

- Working to address missing middle housing typologies and supporting neighbourhood intensification, while considering the design and integration of intensification in a manner that respects the unique context and neighbourhood character. This work is being done through the Official Plan Review and Comprehensive Zoning By-law reviews.
- Supporting higher density around transit, which will be evaluated through the Major Transit Station Area studies being conducted by the City. However, staff have determined that completing a proper analysis will take more than the proposed one-year timeframe. .

Appendix 1 provides detailed comments and questions outlined in the table. There are a number of key comments summarized below:

- ***Proposal: Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).***

City Comments:

- Site plan control provides a key opportunity for the City to ensure that the design of new buildings integrates into the existing urban fabric and supports the goals and objectives of the community area. Site Plan also plays a critical role for the City to promote sustainable design (e.g., use of Green Development Standards) and enables the City to take a comprehensive approach to planning and designing sustainable communities.
 - The Urban Design Review Panel, a third-party review process, has been formalized in the City of Brampton to assist the City in its review of new developments. To communicate their role, a letter has been provided to the City of Brampton to submit with its formal comments on Bill 23, and is attached as **Appendix 2**.

- There are neighbourhoods within the City where site plan control plays a critical role, especially where zoning requires updating. Site plan control in Brampton has played an important role to support contextually appropriate gentle intensification in the existing neighbourhood context.
- With the aim to address the missing middle, site plan control ensures that the development of new missing middle housing typologies is appropriately integrated into the surrounding context, while protecting valued natural heritage assets.
- The City is working currently to achieve simplified, more strategic Official Plan policies and Zoning By-law regulation by using site plan control as a tool to protect against potentially negative impacts on the existing community.

City Recommendations:

- The City recommends that the Province not proceed with this proposal. Site plan control plays a key role in determining appropriate infill and gentle intensification in existing neighbourhoods.
- ***Proposal: Changes are proposed to remove the planning policy and approval responsibilities from certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel, Simcoe, Waterloo, York). These proposed changes would come into effect upon proclamation at a future date. The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister's decisions cannot be appealed.***

City Comments:

- The potential removal of upper-tier planning responsibilities places a large burden on local municipalities, with a significant administrative cost, staffing pressures to accommodate the increased workload, and requires local municipalities to overcome knowledge gaps. The coordination and collaboration between regional and local planners have been highly successful.
- While the City appreciates opportunities to streamline development related approvals, it is unclear how removal of Regional approval for Official Plans, plans of subdivisions, and consents to sever does not eliminate the need for Regional oversight and coordination of major planning issues given their ownership of assets across lower tier municipalities
- Incorporation of the Region's Official Plan into the Brampton Plan will cost time and money, delaying the implementation of the updated Brampton Plan policies.

City Recommendations:

- The City recommends the Province reconsider this proposal as an actual reduction in costs and time is unlikely given the potential unforeseen impacts and onus now placed on local municipalities.

More generally, the City has concerns about themes in this ERO posting around reduced public engagement, tight timelines to comply with proposed regulations, and the large financial burden



these proposals will place on the City. These administrative costs are compounded with other increased costs to municipalities identified in other Bill 23 registry postings.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ganesh".

Steve Ganesh, MCIP, RPP
Commissioner (A)
Planning, Building & Growth Management

Appendix 1: Proposed Changes to the Planning Act and the City of Toronto Act

General Proposed Changes	City Comments	Recommendations
Addressing the Missing Middle		
<p>Increased Gentle Intensification:</p> <p>Changes are proposed to strengthen the existing “additional residential unit” framework. The proposed changes would allow, “as-of-right” (without the need to apply for a rezoning) up to 3 units per lot in many existing residential areas.</p>	<p>The City is generally supportive of gentle density, however, is concerned about the proposed as-of-right zoning permissions and elimination of site plan control. The City is also concerned about infrastructure that may be deficient to support the resultant growth that would come as a result (roads, transit, parking, parks, schools, water/wastewater) and enforcement challenges.</p> <p>The City is aiming to further expand housing choice through gentle densification. However, there is no guarantee that adding to the supply of market units without controls will result in greater affordability. Upzoning detached housing neighbourhoods could lead to even further land price inflation. Increasing land values not only worsen housing affordability, they make it increasingly difficult for developers to produce housing that can be rented at affordable rates.</p> <p>The City is requesting clarification on what “many existing residential areas” means.</p> <p>As a component of its Additional Residential Unit work by the City in relation to Bill 108 and its regulations, consultation revealed significant public concern about allowing additional residential units as-of-right, as required by the amendments to the Planning Act. Implementation of these additional changes at the local level will be challenging (ongoing complaints from neighbours and challenges in enforcement), as experienced through conforming to the Bill 108 changes.</p>	<p>The City recommends the Province encourage municipalities to implement increases in the number of units per lot where determined appropriate through a fulsome zoning review, rather than requiring that it be allowed as-of-right. If the Province decides to pursue, the City recommends implementing a method/framework for achieving densification that ensures and preserves housing affordability and in locations supported by transit to reduce the parking concerns in existing neighbourhood areas of the city.</p> <p>Additional comments on this topic area is provided through the relevant ARU posting related to Bill 23.</p>
<p>The proposed changes would supersede local official plans and zoning to automatically apply province-wide to any</p>	<p>The City is concerned that further consideration beyond servicing is required, as zoning is meant to consider all relevant contextual factors to determine where a particular use is appropriate. Coordination</p>	<p>The City recommends the Province direct local municipalities to implement the ability to allow for up to 3 residential units per lot, where</p>

<p>parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands).</p>	<p>of growth to effectively manage the increased pressures of an additional 58,000 housing units has not been adequately considered in the development of this proposal.</p> <p>The City would like confirmation from the Province that the conversion of additional residential units in existing housing would count toward the 113,000 units Brampton is targeted to add in the next 10 years.</p> <p>The City is currently working through the Comprehensive Zoning By-law Review and has identified addressing missing middle housing typologies as a component of this review process. The City will be identifying appropriate locations for densification based on local conditions and where the relevant community services, parks, open spaces will ensure the health and well-being of residents. The City recognizes the unique context of Brampton, particularly students or low-income residents living in unsuitable or unhealthy living situations. The impacts to the increased workload on enforcement to register these new units and ensure the health and safety of its occupants is a significant issue. The large number of illegal, unsafe second units in Brampton is concerning and additional funding is needed to ensure residents are adequately housed.</p>	<p>appropriate, as per the City's comments on this proposal.</p> <p>The City recommends an increase in funding to support enforcement of safety standards and registration of additional residential units.</p>
<p>To remove barriers and incent these types of units, the proposed changes would also prohibit municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements (<u>Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges</u>), applying minimum unit sizes or</p>	<p>The Province should provide significant additional funding for public and active transportation options across the city to reduce car reliance and the need for parking. Even without provision of additional parking spaces being required, realistically it is possible that a significant number of new additional units will require the parking of a car. This will lead to an increased workload handling complaints from residents confronting illegally parked vehicles.</p> <p>Minimum unit sizes are important for the Zoning By-law to regulate to ensure the health and safety of residents, particularly as overcrowding has been a challenge in Brampton. It is important that minimum unit</p>	<p>As recommended in the Brampton Parking Plan, the Province should consider parking constraints arising from additional vehicles and how they will be addressed through on-street parking permits and significant improvements to transit and active transportation to encourage non-auto modes of transportation. Both require additional funding from the Province.</p> <p>The City recommends amendment of this to allow the Zoning By-law to identify a minimum unit size requirement.</p>

<p>requiring more than one parking space per unit in respect of any second unit in a primary building and any unit in an ancillary structure.</p>	<p>sizes be identified to protect residents from unhealthy living environments.</p> <p>Additional funding is also important to support the delivery of community services and ensure William Osler Health System (Brampton’s hospital system) has the necessary staffing to provide healthcare to this increased population.</p>	
<p>Higher Density Around Transit</p>		
<p>Changes are proposed to require municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit stations, known as “major transit station areas” (MTSAs), and “protected major transit station areas” (PMTSAs) that have been approved by the Minister.</p>	<p>The City supports this change.</p>	
<p>If passed, the changes would require municipalities to update their zoning by-laws to permit transit-supportive densities as-of-right within 1 year of MTSA or PMTSA approval; if zoning updates were not undertaken within the 1-year period, the usual protection from appeals to the Ontario Land Tribunal for PMTSAs would not apply.</p>	<p>The City is concerned that the one year may not be sufficient time to implement detailed zoning in all MTSAs, particularly if timing starts when the Regional OP was adopted (Oct. 2022).</p> <p>This process should be protected from appeal, especially if MTSA studies would need to be approved by the Minister and include relevant zoning in each PMTSA.</p>	<p>The City recommends the Province reconsider timelines to update zoning by-laws beyond 1 year to ensure that all PMTSAs can be effectively evaluated to plan to meet transit-supportive densities.</p>
<p>Streamlining Municipal Planning Responsibilities</p>		
<p>Changes to Ministerial Amendment of Official Plans:</p> <p>Changes are proposed to remove the planning policy and approval responsibilities from</p>	<p>The Region would still be required to provide technical input on planning applications as they relate to or may impact physical assets under Regional ownership (i.e., water/wastewater infrastructure and roads). As a result, the perceived efficiencies to the planning process may not be realized.</p>	<p>The City recommends the Province reconsider this proposal as deeming the Regional OP to be OP of the City will necessitate a planning exercise that will delay the adoption and implementation of Brampton Plan, and the Region plays a key role in the coordination of development and infrastructure across Peel.</p>

<p>certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel, Simcoe, Waterloo, York). These proposed changes would come into effect upon proclamation at a future date.</p> <p>The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister's decisions cannot be appealed.</p>	<p>Clarification of these changes and the transition is required, as this is a large undertaking to now be placed on local municipalities and may delay approval of local Official Plans.</p>	<p>The City recommends the powers of the Minister be limited and/or provide the ability to appeal the Minister's decision. The City recommends that the current process which allows the Minister to appeal municipal Official Plans, be maintained.</p>
<p>Future regulations would identify which official plans and amendments would not require approval by the Minister of Municipal Affairs and Housing (i.e., which lower-tier plans and amendments of the lower-tier municipality would need no further approval).</p>	<p>It is difficult for the City of Brampton to ascertain impacts or any administrative burden associated with the proposal without fully understanding the criteria of which OPA would be exempt from Ministerial approval.</p> <p>The ability for the Minister to be able to modify any Official Plan policy at any time when the Minister considers it to be likely to adversely affect a matter of provincial interest is incredibly broad, as anything in planning could be classified as a provincial interest. The City does not believe this action should be used often, as these decisions are based on local, contextual factors Clarification is required on limiting the scope of these actions, particularly as the Province's decision cannot be appealed.</p>	<p>The City is seeking clarity on the Province's role in identifying which official plans would not require Minister approval, and recommends further engagement be conducted on future regulation when more information is provided.</p>
<p>The proposed changes could also potentially be applied to additional upper-tier municipalities in the future via regulation.</p>	<p>N/A to Brampton</p>	
<p>Third Party Appeals</p>		
<p>Changes are proposed to limit third party appeals for all planning matters (official plans, official plan amendments, zoning by-</p>	<p>The City recognizes the important role that consultation has in the planning field, supporting an open and democratic process to decision making that provides the opportunity for the community to participate.</p>	<p>The City recommends an approach that does not limit third party appeals, providing criteria that define potential interests in the planning matter that would enable the individual to have appeal rights.</p>

<p>laws, zoning by-law amendments, consents and minor variances). Third party appeals are generally appeals made by someone other than the person who made the planning application.</p>	<p>Third party appeal rights:</p> <ul style="list-style-type: none"> • provide citizens with a voice in a political and regulatory field that can be challenging to navigate; • protect the public interest as it may relate to the environment, social circumstances of Bramptonians, and economic and cultural prosperity of the City; and, • Allow neighbouring residents and developers to protect their property rights. 	
<p>Appeal rights would be maintained for key participants (e.g., applicants, the Province, public bodies including Indigenous communities, utility providers that participated in the process), except where appeals have already been restricted (e.g., the Minister’s decision on new official plan) The proposed limit on third-party appeals would apply to any matter that has been appealed (other than by a party whose appeal rights are being maintained) but has not yet been scheduled for a hearing on the merits of the appeal by the Ontario Land Tribunal (OLT) on the day the bill is introduced.</p>	<p>The City recognizes that community members are key participants in the planning process and may wish to participate in the appeals process. The City is concerned that the list of those with appeal rights is too limited and should be expanded to provide opportunities for community members to be involved.</p>	<p>The City recommends that if the Province decides to pursue this approach, additional criteria should be provided to expand the list of stakeholders who are eligible for third party appeal rights, for example:</p> <ul style="list-style-type: none"> • Property owners/renters of adjacent properties or with properties within a certain vicinity of the site • Property owners/renters that are within the same planning study area (Secondary or Block Planning areas) • NGOs and Non-profits who may hold government accountable/represent the public’s interest.
<p>Public Meetings - Plans of Subdivision</p>		
<p>Changes are proposed to completely remove the public meeting requirement for draft plans of subdivision</p>	<p>Public meetings play an important role in providing residents and stakeholders an opportunity to share their opinions and have a role in the planning for their communities. Public meetings provide an opportunity for staff to engage and listen to deputations on a draft plan of subdivision, with this proposed change reducing the ability for the</p>	<p>Recommend maintaining the public meeting requirement for draft plans of subdivision.</p> <p>City staff recognize that public meetings for draft plans of subdivision provide an opportunity for comment on the layout of communities and distribution of</p>

	community to participate in the subdivision process.	amenities and roads, which should be in the public's interest to comment on and appeal, if required.
Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design		
<p>Site Plan Control Exemption:</p> <p>Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).</p>	<p>The City is concerned that site plan exemption for 10 units or less leads to reduced capacity to inform and guide the development of Brampton's communities, reducing utility coordination, streetlighting, municipal works, identify encroachments on right of ways/City owned land, identifying local improvements to sidewalks, controlling access, or acquiring land dedications, amongst others. This leads to an inability for the City to manage small, infill redevelopment and further reduces the ability for the City to protect the Natural Heritage System, which is vulnerable to non-mitigated impacts and even removal in many cases. This is in addition to the proposed reduced protections through other Bill 23 ERO postings. .</p> <p>The City has a number of questions:</p> <ul style="list-style-type: none"> • How does the Bill define "Landscape Aesthetics" and what exact limitations are staff facing with respect to commenting on landscape treatments on site plan submissions? • Can landscape requirements, such as landscape buffer widths and landscape coverage requirements be defined at the rezoning stage? • Can the City require a Tree Evaluation Report (TER) and Preservation Plan at the re-zoning stage or as part of the site plan submission? • How are 'Tree preservation & removal' permits issued if there is no TER? Will the City still be able to collect tree compensation cash-in-lieu? 	<p>The City recommends maintaining the current site plan control authority for all developments, as the number of units does not change the important role that site plan has in relationship to the land it is on and surrounding context.</p>

- Can sustainability metrics and scores still be required?
- Can the City request Community Design Guidelines/ Urban Design Briefs and can these be used as an enforcement tool with respect to landscape treatments?

If landscape plans become scoped, optional or not required, will there still be opportunity to comment on:

- Public facing streetscapes
- Boulevard trees in the public road allowance
- Community entry features
- Pedestrian circulation, accessibility and connectivity to municipal sidewalks and transit stops
- CPTED/ safety/ lighting/ security
- Fencing requirements adjacent to other uses (fencing by-law)

The issue with not collecting a landscape security is:

- The works not getting completed in full
- The applicant defaulting (ex. going bankrupt) and the need for the City (or a 3rd party) to access the security to complete the work

How Bill 23 limits the collection of Landscape Securities and the release process, if we still collect them. What can we collect securities for? Hard landscape, soft landscape, fencing, amenity areas?

The City recognizes the reduced capacity to guide applicants to plan for healthy communities The City recognizes that design components relating to pedestrian/vehicular circulation, accessibility, access to Transit Stops and sidewalks, CPTED, safety and lighting are essential to community-building.

New Exclusions from Site Plan Control:

Changes are proposed to limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design.

The City recognizes the impact these proposed changes have on regulating neighbourhood character and impacts the goals and objectives of creating vibrant, liveable communities.

Impact to Sustainable Design:

Over the last decade, Brampton, along with many municipalities across Ontario have developed and implemented green development standards that strive to deliver more sustainable, energy efficient, and climate-change ready homes and buildings. These standards are a well-established part of the planning process that happen concurrently with other review and approvals. Recent updates to the City's Sustainable New Communities Program (SNCP), unanimously approved by Council, integrate the goals and targets of our Community Energy and Emissions Reduction Plan (CEERP) to address Council's climate change emergency declaration in 2019.

Buildings represent a significant portion of greenhouse gas emissions (GHG) in Ontario. Our SNCP aims to enhance the performance and sustainability of new communities in Brampton while also ensuring new buildings achieve energy performance requirements and reduce GHG emissions.

Green buildings reduce energy costs, provide greater thermal comfort, improve the health of individuals (i.e., reducing health-related costs), help mitigate climate change, and helps us to adapt to a changing climate.

The Bill, as written now, would weaken Brampton's green development standards program and limit our ability to create sustainable communities through the site plan process. This would require significant

The City recommends the Province rescind this proposal in order to allow municipalities to continue implementing green development standards for site plans through the regulation of architectural details and landscape design. The green development standards are a critical component to ensuring municipalities meet their climate change targets and create healthy, sustainable communities and make communities attractive, desirable and liveable.

The City also requests the Province clarify the terms and definitions in the Bill, including if this is limited to residential or if it includes other uses.

time and resources from staff as it would require a redesign of the existing program and limit the City's ability to achieve City targets to combat climate change.

For example, site plans would no longer have minimum energy efficiency requirements, limiting our ability to achieve the targets outlined in the CEERP. Based on best practices, it is clear that energy efficiency rather improves affordability by ensuring quality homes are built at lower operating costs.

Additionally, landscape metrics such as tree planting to provide shade would also be impacted. Site plans would also see a lower threshold for the minimum Bronze score, limiting our ability to improve the sustainability of site plans in Brampton.

The SNCP has not been known to delay development in Brampton, and further, there hasn't been a building permit that has been denied based on municipal energy requirements that have gone above the building code. Therefore, it is unclear how eliminating these green building standards would accelerates the delivery of affordable and attainable housing in Ontario.

The issue with not collecting a landscape security is:

- a) the works not getting completed in full
- b) the applicant defaulting (ex. going bankrupt) and the need for the City (or a 3rd party) to access the security to complete the work

How Bill 23 limits the collection of Landscape Securities and the release process, if we still collect them. What can the City collect securities for? Hard landscape, soft landscape, fencing, amenity areas?

	<p>Impact to Streetscape: Beyond street trees, this also removes coordination of utilities with engineering requirements, impacting capital projects and the ability to deliver urban infrastructure required to create walkable, vibrant communities. To overcome the gaps from this removal, significant public funds would be required to complete and maintain a standard for the public realm.</p> <p>Impacts to Landscape Design Aesthetics:</p> <p>The City requests clarification on the definition for “Landscape Aesthetics” and identify what is in the scope for City comments. Many components of landscape design are beyond “aesthetics” and directly impact issues such as public safety, accessibility, recreational requirements, general health and fitness, a sustainable environment, heat sinking and global warming, etc. The City should be able to comment on these larger landscape concerns to support the creation of sustainable, healthy and vibrant communities.</p> <p>Preserving the existing mature tree canopy as much as possible is essential for a healthy living environment, as such existing valuable trees should be preserved as much as possible.</p> <p>That tree compensation in terms of planted compensation trees and/or cash-in lieu can still be collected as per current City guidelines. Cash-in-lieu payments will enable the City to provide tree canopy coverage elsewhere, without limiting the proposed development.</p> <p>Sustainability metrics and scores define the health and long-term social and environmental benefit of a development and</p>	
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	<p>does not get lost in details of “landscape aesthetics”. For that reason, staff should still be able to request and comment on these.</p> <p>Community Design Guidelines and Urban Design Briefs shall still be able to provide a high-level blueprint as to the character and functionality of a community. It is essential to maintain this level of design input and does not necessarily need to speak to detailed “aesthetics.”</p>	
Streamline Approval Process for Land Lease Communities (LLC)		
<p>Changes are proposed to allow LLCs to be approved through site plan control instead of plan of subdivision so that they can leverage a maximum lease period of up to 49 years (up from the maximum permitted of 21 years without a land division approval). This change would not apply in the Greenbelt Area.</p>	<p>The City does not have comments on this proposed change.</p>	<p>N/A</p>
Facilitating Aggregate Applications		
<p>Changes are proposed to remove the “2-year timeout” period for applications to amend new official plans, secondary plans and zoning by-laws in respect of mineral aggregate operations.</p>	<p>The City does not have comments on this proposed change.</p>	<p>N/A</p>
<p>Currently, the Act sets a 2-year period where changes to new official plans, secondary plans and new comprehensive zoning by-laws are not permitted, unless these changes are municipally-supported.</p>	<p>The City does not have comments on this proposed change.</p>	<p>N/A</p>
Conservation Authorities		

<p>Changes are proposed to re-enact provisions that are not yet in force but would limit conservation authority (CA) appeals of land use planning decisions. CAs would continue to be able to appeal matters where they are the applicant. When acting as a public body, CAs would only be able to appeal with respect to matters related to natural hazard policies in provincial policy statements.</p>	<p>The City is seeking clarification on a number of questions:</p> <ul style="list-style-type: none"> • How would the approvals process work for projects related to endangered species/ redbelt dace habitat? • Will the local conservation authorities (example Credit Valley - CVC, Toronto Region - TRCA) participate in the permitting process or would the applicant liaise directly with the Ministry – MECP for all permits? <p>Bill 23 as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. Municipalities work in tandem with the Conservation Authorities (CAs) to protect and enhance valuable natural heritage features. CA's have demonstrated that they can deliver these planning and ecological services efficiently without lengthening the approvals process. Through this partnership, the CAs have built the necessary Natural Heritage expertise and experience that services multiple municipalities and thus provide effective and efficient planning services to municipalities and developers.</p> <p>In addition, CAs work across municipal boundaries to ensure a consistent and effective watershed approach to planning and development that served to protect Ontario's natural heritage system.</p> <p>As such, removing Conservation Authorities from their traditional development review process will download a significant role onto municipalities that have neither capacity nor expertise in water resources engineering, natural heritage planning and regulatory compliance.</p>	<p>The City recommends amending Bill 23 to allow municipalities the option of entering into Memorandums of Understandings (MOUs) with CAs, with clearly defined terms, timelines and performance measures, as allowed under Section 21.1.1 (1) of the <i>Conservation Authority Act</i>.</p>
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	<p>Also, municipalities will now have to coordinate with neighbouring municipalities and the Province on a watershed basis, rather than taking advantage of expertise already available within many CAs.</p> <p>Finally, Bill 23 downloads onto a municipality the sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities, which is a significant and new responsibility that they have never had to manage.</p> <p>The process changes in Bill 23 will result in longer response times and increased municipal costs and impede the Provincial government's goal of making life more affordable.</p>	
<p>Obligations Regarding Land Disposition Changes are also proposed to broaden the ability of CAs to use an existing streamlined process to sever and dispose of land. Both of these changes are proposed to take effect January 1, 2023. Schedule 1 of Bill 23 would also make consequential amendments to the City of Toronto Act, 2006 related to proposed changes to site plan provisions</p>	<p>The City recognizes the protection of existing Conservation Authority land is critically important in delivering trails and green space for residents.</p>	<p>The City recommends the Province remove this proposed amendment and prioritize these lands for protection, as they play an important role in the community and in environmental protection.</p>
Analysis of Regulatory Impact		
<p>The proposed changes to the land use planning system would expedite development (time savings), remove barriers and reduce costs (e.g., application fees) for the</p>	<p>The City recognizes that the proposed changes have environmental, social and economic impacts to the well-being of communities, with reduced evaluation of site plan, consideration for design and loss of review from the Region, which diminishes the important role that each actor has in creating complete communities in Brampton. The decisions through this ERO</p>	<p>The City recommends the Province reconsider the proposed changes as they will cause significant long-term impacts to the function, design, health, and liveability of Brampton, with little appreciable benefit. This has significant environmental and other impacts,</p>

<p>development sector and private homeowners.</p> <p>There would be no annual administrative costs to businesses anticipated from these proposed changes.</p>	<p>have long-term impacts to residents and the community that outweigh the slight short-term procedural reductions, if any in fact result from downloading the various responsibilities to local municipalities.</p>	<p>as described in the City's comments.</p>
<p>Costs:</p> <p>There may be costs to municipalities as a result of these proposed changes. This would range from minimal direct compliance costs associated with municipal staff learning about the changes and adapting existing business processes, to significant one-time direct compliance costs for "upper-tier municipalities without planning responsibilities" and the lower-tier municipalities in those jurisdictions to revise administrative and financial processes and shift resources accordingly. It is expected that any additional costs associated with planning responsibilities would be taken on by lower-tier municipalities</p>	<p>The City recognizes there would be significant costs associated with:</p> <ul style="list-style-type: none"> • Servicing the additional population and housing units • Increased cost to incorporate urban design standards through other processes, as site plan control is removed for developments with 10 units or less, including increased costs to the City directly to pay for an attractive urban design/transition between developments • Strains on staffing and resourcing based on the scope of changes and increased administrative burdens on the City • A need to create new positions for staff with expertise previously provided by other authorities. <p>The City would have to raise taxes or cut services to meet these additional responsibilities, especially given the changes to financial tools proposed by other Bill 23 initiatives and previous amendments to the Planning Act.</p>	<p>As set out in recommendations above, the City recommends the Province reconsider many of the proposed changes.</p> <p>In the event that it does not, further consultation is required to assist municipalities to understand the additional costs associated with assumption of functions previously carried out by other authorities. Additional funding will be required in response to the proposed changes.</p>
<p>The Ontario Land Tribunal would have an interest in these proposed changes and would be expected to benefit from the resulting reduced caseload, which could also help expedite the resolution of other appeals These impacts</p>	<p>The City appreciates the importance of reducing the backlog for the Ontario Land Tribunal. However, the OLT serves an important role in supporting democratic decision-making, considering a variety of perspectives to identify the public good.</p>	<p>N/A</p>

<p>on the tribunal could also benefit municipalities, property owners and the development sector through faster decisions.</p>		
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Proposed Legislative Changes	City Comments	Recommendations
City of Toronto Act		
<p>1 Section 111 of the City of Toronto Act, 2006 is amended by adding the following subsection:</p> <p>Regulations (7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.</p>	<p>This proposed change will have negative impacts for renters and private-market affordable housing, making tenants more vulnerable to evictions/increase rate of evictions and will weaken the protections on the existing affordable purpose-built rental stock.</p> <p>Through Housing Brampton, Council has endorsed key actions with the objective to increase the supply of purpose-built rental housing. Toronto's approach was a key example of what the City was looking to use to maintain the supply of existing rental in Brampton. This proposed change will lead to housing instability for renters, the loss of tenant protections, and diminish the stock of purpose-built rental housing.</p>	<p>The City recommends the Province not move forward with this proposed change to Section 111, and instead, propose alternative measures to protect existing rental housing and to maintain affordable rentals that are at risk of demolition or conversion.</p>

Date: November 16, 2022

Subject: Bill 23, More Homes Built Faster Act, 2022

Brampton Urban Design Review Panel | Response to Bill 23 - Letter to the City in support of maintaining design oversight as indicated in Section 41 of the Planning Act.

Brampton Urban Design Review Panel.

Letter to the City of Brampton in support of design oversight of development without revision to Section 41 of the Planning Act as proposed through Bill 23.

This Letter, by the members of the Brampton Urban Design Review Panel (UDRP), supports protecting key sections of the *Planning Act*, which enables municipal design oversight related to the exterior function, appearance of buildings and landscaping such as Section 41.

The City of Brampton has invested heavily in advancing the urban design program as a means to support growth, as well as repair decades of auto-centric city planning approaches. The City has built a successful planning service to ready the City with intensification nodes and corridors that accept tall multi-storey buildings, and redevelopments of underutilized sites that are now transforming Brampton's skyline. The City is currently implementing the Brampton 2040 Vision – a bold new vision for the future of Brampton also called *Living The Mosaic*. This Vision recognizes the need for the City to evolve and provide a higher level of urban densification, expand the range and quality of housing, and support new transit infrastructure. Urban evolution of this magnitude requires careful consideration of design that must happen at multiple points in the planning process. In support of this, the City has assembled the Brampton Urban Design Review Panel (UDRP) to provide City Planners and developers with state-of-the-art urban design advice. Like other urban design panels throughout the GTA and other parts of Ontario, the UDRP relies on sections of the Planning Act, the Official Plan and other planning policies in its review of drawings and design studies related to planning applications.

The City of Brampton includes an Urban Design Review Panel within the planning approvals processes to provide - without bias - a non-binding list of potential urban design enhancements for the City and Applicant to consider. As a body comprising nine volunteer professionals, the UDRP agrees with the Province that there is a crisis of housing supply and affordability. However, this crisis cannot be addressed through omission of the important layers of planning and urban design oversight.

Much of the new housing will likely come through intensification and redevelopment of underutilized urban areas. To ensure long-term resilience (financial, environmental, social), it is important that new development contribute to healthy, complete, and attractive communities to offer a range of buildings forms that fit and enhance their surroundings. This challenge is being met by applying appropriate design standards and design review processes within the Ontario planning approvals framework to achieve successful, attractive, safe, and resilient communities with lasting value.

Housing in Ontario is a complex and multifaceted issue. The supply and affordability of housing units is fundamentally impacted by several challenges across the entire spectrum of housing – from inception to occupation. Serious challenges, outside of the planning approvals process, represent the vast majority of challenges to the supply and affordability of housing – for both developers and consumers. These

challenges may include the high cost of land, the limitation of housing diversity and forms, nimbyism, real estate sales processes, taxation, demographic changes such as multi-generationism, the slowdown in the transfer of housing from older generations to new families, high cost and short supply of building materials, and short supply of all levels of skilled labor– from framers to architects. Other critical challenges include stagnant or declining wages, high interest rates, and high inflationary costs, which affect the price of everything. Still more challenges include land speculation that generates approvals for thousands of new units that are not fulfilled or built. These serious challenges directly impact the supply and affordability of housing and cannot be remedied through the evisceration of the planning and design oversight processes as intended through Bill 23.

The value add provided through urban design review processes is well-established today. So much so, that the most successful communities contribute still to design over-sight through urban design review panels. Removing design oversight from municipalities across the board harms those municipalities, like Brampton, that have invested heavily in expediting development through progressive official plans, community plans like secondary plans, permissive and progressive zoning bylaws, development permit systems, and significant investments in transit and infrastructure. Brampton is structured to accept intensification that the development community is responsive to. Communities like Brampton should be rewarded for its pro-active facilitation of development that also delivers a high quality of design.

The development landscape today includes new housing forms, tall buildings, complex mixed-use developments with multiple forms, multi-levels of below grade parking, smaller sites, intensification abutting existing neighbourhoods and sensitive areas. This level of development requires a more nuanced regard for urban design – not less. The planning approvals stream uses an iterative design process to shape new development for the better. This iterative processes shapes taller buildings to mitigate shadows and overlook, ensures occupants enjoy reasonable levels of privacy and comfort, applies transitions for massing, ensures buildings accommodate cycling needs and accessibility. The process also looks to enhance community identity and character is part of the design, and evaluates the interface or relationship between developments and how these meet the public realm.

Brampton, like other cities in the GTA, are impacted by the hundreds of developments built in the 70s and 80s without design oversight. Buildings without appropriate massing, inefficient site design, minimal landscaping, and with poor relationships between buildings and the public realm. In addition, the regard by municipalities for urban design, architecture, and landscape architecture within the planning process is a means of addressing climate change. Design review of developments through a climate change lens ensures that buildings and green spaces can contribute to reducing harmful impacts of climate change. This is often most relevant for smaller developments. For example, design review by municipal staff allows smaller developments to harness design expertise where good urban design practices and sustainability contribute a net gain for the residents of these future buildings and to the community at large.

The Province should address the housing supply issue not through a dismantling of the planning processes. Removing the need for municipalities to review building form, exterior building design, landscape plans, and urban design studies, does not expedite approvals but instead results in other inefficiencies at building permit stages and even post construction. It also results in poorer designs, conflicts and incongruences between the interface of private and public realm, poor coordination between neighbouring buildings and uses, long-term livability and viability of communities, limited resiliency to climate change, and much more.

Tackling the shortages of housing in the Province should include provincial direction to require municipalities to invest in planning by updating official plans, zoning by-laws with zoning for missing middle forms, and updates to secondary plans that clearly demonstrate the scale and location where intensification is to occur and what infrastructure investments are required to get there. Development can happen much faster when most of the planning work – such as official plan designations and zoning – is done in advance. This requires more planning not less. In this way applications benefit from permissive planning frameworks that de-risk these developments and make development predictable and fair.

The Province should not devalue design rigor and repeat the urban planning blunders of the last seven decades which, created large areas of low density development that contributes to the housing crisis of today. Resilient, safe, attractive, and sustainable communities happen by design. When integrated throughout the planning approvals process, good design and effective planning save valuable land, resources, and money. Today, good planning cannot occur without good design.

The Members of the UDRP request that the City assert to the Province the primacy of urban design in shaping success for the people of Brampton who are Living the Mosaic.

Thanks!

Brampton Urban Design Review Panel

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