

Date: 2020-10-07

Subject: Recommendation Report – Request to Exempt 2719 Bovaird Drive West from Interim Control By-Law 306-2003

Contact: Jeffrey Humble, Manager of Policy Planning
Jeffrey.humble@brampton.ca
(905) 874-5179

Report Number: Planning, Building and Economic Development-2020-251

Recommendations:

1. **THAT** the report from Jeffrey Humble, Manager of Policy Planning, Planning and Development Services, dated October 28, 2020, to the Council Meeting of October 28, 2020, re: **Recommendation Report – Request to Exempt 2719 Bovaird Drive West from Interim Control By-Law 306-2003** be received;
2. **THAT** the City Council authorize the enactment of the Exemption By-law attached hereto as Appendix E.

Overview:

- The purpose of this report is to recommend an exemption for the City-owned lands located at 2719 Bovaird Drive West (the Siemens lands). Apart from an unused former industrial building, the subject lands are presently vacant.
- A potential tenant has approached the City with an interest in leasing a portion of the subject lands for the purpose of film production and construction of temporary set structures for filming. The lease is contemplated for roughly a one year period (Fall 2020 to Fall 2021). All structures will be removed by the tenant prior to the termination of the lease.
- An exemption to the ICBL is required in order to facilitate pursuing planning approvals and building permits for construction of a temporary town on the subject site, which requires building permits.
- ICBL 306-2003 was enacted to facilitate planning for a future transportation corridor in North West Brampton. The ICBL is still in

effect because Zoning By-law 300-2005, to implement corridor protection policies, remains under appeal at the LPAT.

- **Staff supports the proposed exemption to ICBL 306-2003 based on a set of exemption criteria that Council approved in March 2010.**

Background:

On October 15, 2003, City Council enacted an Interim Control By-Law (306-2003) to protect lands in West Brampton so the Ministry of Transportation could undertake a Needs Assessment Study for a proposed Greater Toronto Area (GTA) West Corridor. The Ministry's Strategic Directions report of January 2003 identified a potential north-south highway link in Brampton's west end, confirming the City's earlier finding that there was a need for a "North-South Transportation Corridor" in the Halton-Peel boundary area. In September 2004, City Council extended Interim Control By-law 306-2003 for another year.

In 2005, Council adopted an Official Plan Amendment and Zoning By-law to implement corridor protection provisions. OP93-255 and Zoning By-law 300-2005 were subsequently appealed to the Ontario Municipal Board (now LPAT) by a number of parties. The final disposition of these appeals has not yet been determined by the LPAT. Therefore, in accordance with Section 38 (6.1) of the *Planning Act*, Interim Control By-law 306-2003 remains in effect.

In 2020, the MTO released the GTA West Corridor Study Focused Analysis Area, which further scoped the lands under investigation and released other areas that are not encumbered for the purpose of the study. The subject lands at 2719 Bovaird Drive West are not located within the Focused Analysis Area but, do partially infringe on the buffer the surrounds the FAA (see Appendix A). Notwithstanding, the lands subject to ICBL 306-2003 have not been scoped to a smaller area as there is a need to factor future transportation needs and demands as it applies to the larger area. As such, the ICBL applies to the subject lands and an exemption is required in order to secure the necessary building permits.

Exemption Criteria

In March 2010, Council approved a staff report recommending that future requests for exemptions to the Interim Control By-law 306-2003 (ICBL) must be evaluated under the following considerations:

- that requests should relate to uses that are temporary or transitory in nature;
- that any new buildings proposed are to be temporary, non-permanent, structures requiring minimal capital investment or are re-usable;
- that any addition to existing buildings must be minor in scale and intended to facilitate only current activity/use of the building;
- that consideration be given for the existing settlement pattern; and,

- that consideration be given for existing environmental or physical constraints on or within the vicinity of the subject lands seeking the exemption as it related to the proposed potential transportation corridor.

These criteria are not mutually inclusive and are intended to be applied as appropriate, recognizing the unique context of individual situations. Also to be considered is whether proposed uses would constrain the long-range planning for the surrounding area.

Current Situation:

A potential tenant has approached the City with an interest in using a portion of the subject lands for the purpose of film production and construction of temporary set structures for filming, for roughly a one year period (Fall 2020 to Fall 2021). The “exclusive area” to be leased and utilized by the potential tenant is identified in green on Appendix B. The intended use of the subject site is to create a temporary town (see preliminary concept plan, attached as Appendix C) that will use the existing access from Bovaird Drive. All structures will be removed by the tenant prior to the termination of the lease. Staff note that the preliminary concept remains to be finalized and this may result in the need for future planning approvals specifically, variances to the zoning by-law, as well as, a site plan. The extent of the site to be used by the potential tenant and preliminary concept plan is provided as Appendix B and Appendix C, respectively.

Building permits are required to facilitate the construction of a temporary town for filming at the subject site. An exemption to Interim Control By-law 306-2003 is required in order to allow the potential tenant to secure the building permits. All planning approvals must be secured before building permits can be issued.

Staff has reviewed the request for exemption in the context of the Council approved exemption criteria and are support the proposed exemption because it is temporary in nature, with no long term impact to the subject lands. The portion of the subject site that is being considered for lease by the potential leasee, is entirely outside of the GTA West Focused Study Area buffer and will not negatively impact future transportation planning efforts. Further, an exemption to the ICBL to allow the potential tenant to lease a portion of the subject lands and, will provide the City with an opportunity to utilize these lands for a one-year period, whereas they are otherwise vacant. The by-law granting an exemption to ICBL 306-2003 is attached hereto as Appendix E.

Should the exemption By-law be adopted by Council, the parties who have indicated an interest and are part of the LPAT proceedings on the City’s corridor protection planning amendments will be informed of Council’s decision to exempt the subject lands from Interim Control By-law 306-2003.

Agency Comments:

The exemption request was circulated to the Ministry of Transportation, who confirmed that the property was located within the buffer of the 2020 Focused Analysis Area (FAA)

and, may be impacted by the Preferred Route and/or ancillary uses (See Appendix A and Agency correspondence in Appendix C). The MTO provided that they do not object given to the temporary use on this site, noting the end date of 2021. Staff note, that the lands within the buffer will continue to be owned by the City, as the potential tenant intends only to lease the exclusive area, shown in Appendix B. As such, there is no potential conflict between the potential tenant or the MTO needing to access different areas within the subject lands. The MTO may require site access to the lands identified within the buffer of the FAA for the purpose of field work. When this access is required, the City would continue to grant access as per delegated authority, which is present process.

The Region of Peel has also provided support for the exemption request, as provided in Appendix C.

The exemption request was circulated also to Halton Region, and the Town of Halton Hills. No comments from these Agencies was received as a result of this circulation.

Corporate Implications:

Financial Implications:

There are no financial implications associated with this report.

Term of Council Priorities:

This report and proposed amendments are consistent with the “A City of Opportunities” theme as it supports livability and prosperity by focusing on employment opportunities and job investment strategies.

Conclusion:

It is recommended that Council enact an exemption to Interim Control By-law 306-2003 to allow the potential tenant to pursue the necessary approvals for the purpose of film production and construction of temporary set structures for filming in the exclusive area within 2719 Bovaird Drive.

Authored by:

Reviewed by:

Jeffrey Humble, MCIP, RPP
Manager of Land Use Planning,
Planning, Building & Economic
Development Department

Bob Bjerke, MCIP, RPP
Director, Policy Planning, Planning,
Building & Economic Development
Department

Approved by:

Submitted by:

Richard Forward, MBA, M.Sc., P.Eng
Commissioner, Planning, Building &
Economic Development Department

David Barrick,
Chief Administrative Officer

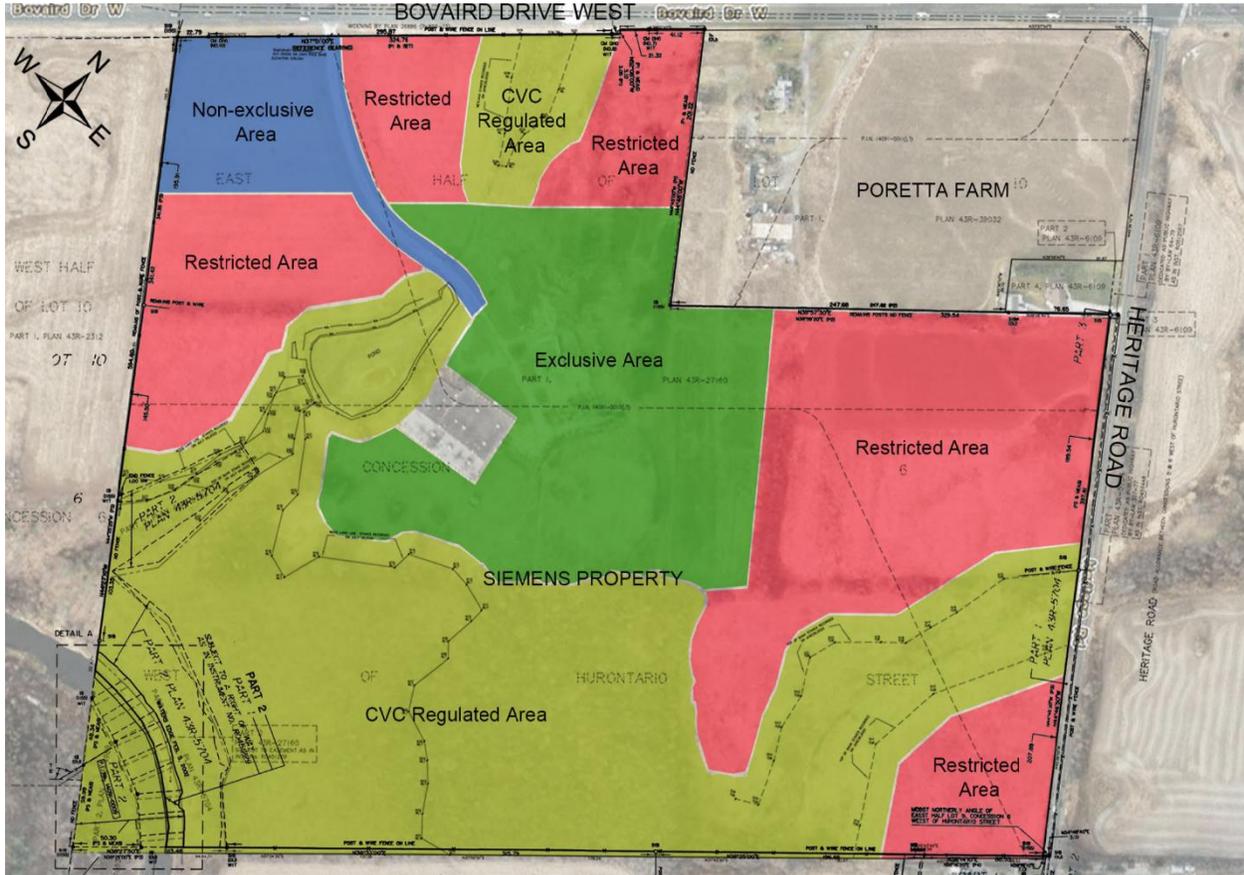
Attachments:

- Appendix A: 2719 Bovaird Drive West in relation to the GTA West Corridor Study Focused Analysis Area
- Appendix B: Extent of the site to be used by potential tenant, shown as “exclusive area,” in green
- Appendix C: Preliminary Concept Plan
- Appendix D: Agency Correspondence – MTO, dated October 6, 2020; Region of Peel, dated October 7, 2020.
- Appendix E: Proposed Exemption By-law

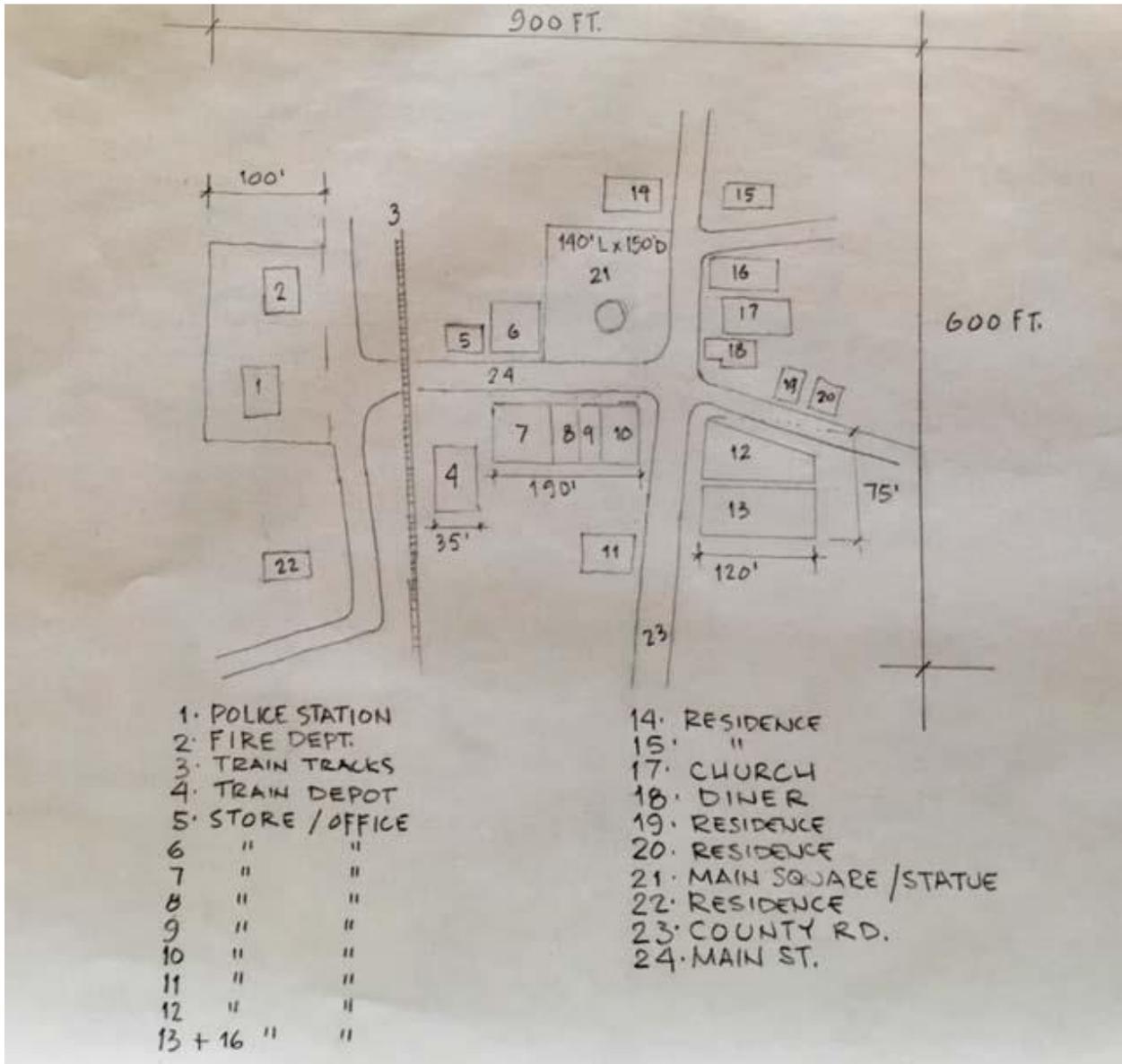
Appendix A: 2719 Bovaird Drive West in relation to the GTA West Corridor Study
Focused Analysis Area



Appendix B: Extent of the site to be used by potential tenant, shown as “exclusive area,” in green.



Appendix C: Preliminary Concept Plan



Appendix D: Agency Correspondence
MTO, dated October 6, 2020

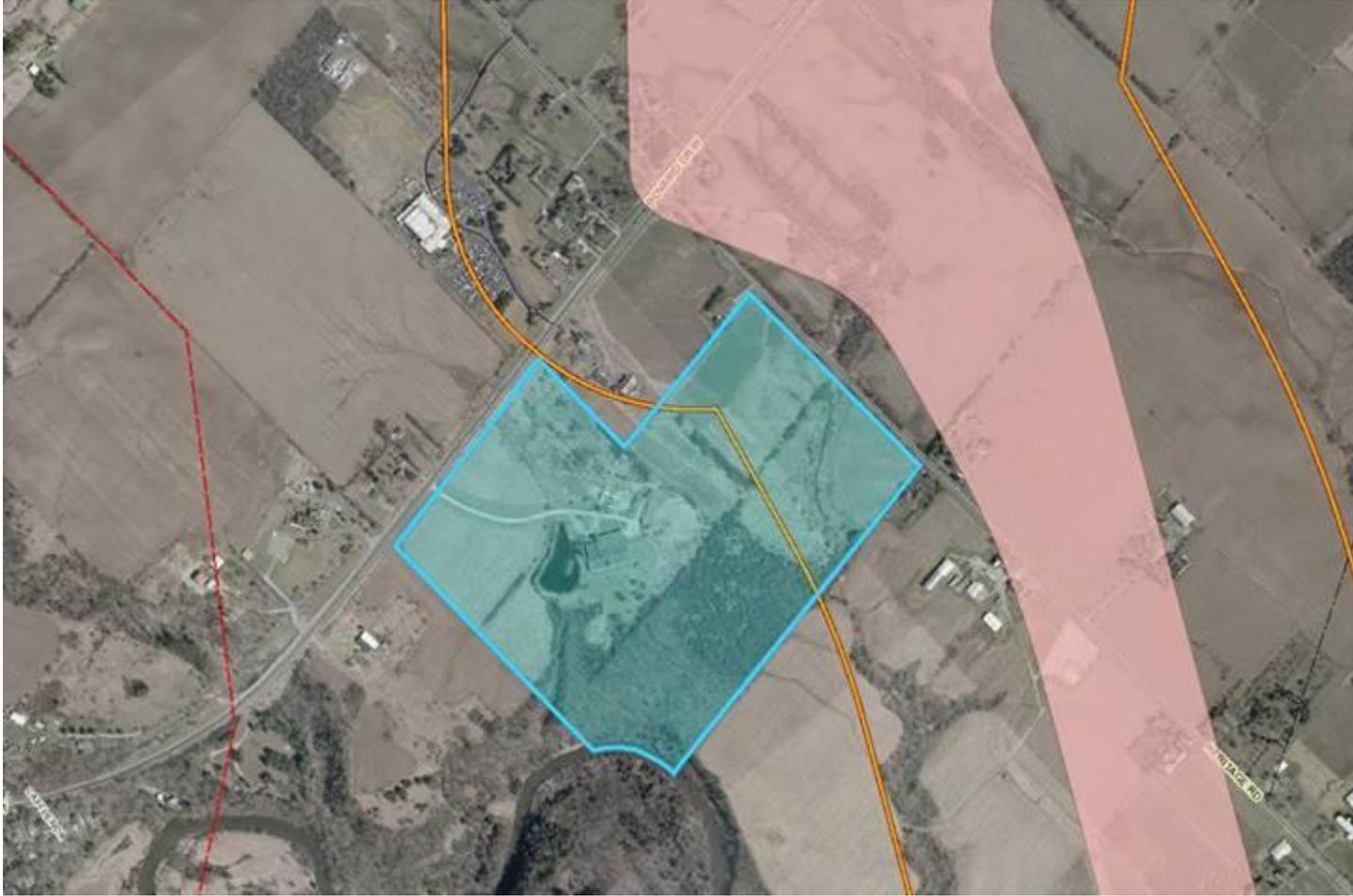
From: Grobel, Lukasz (MTO) <Lukasz.Grobel@ontario.ca>
Sent: 2020/10/06 4:56 PM
To: Rea, Natasha <Natasha.Rea@brampton.ca>
Subject: [EXTERNAL]RE: Request for comments: exemption to ICBL 306-2003 (2719 Bovaird Drive West) - Brampton

Hi Natasha,

We have reviewed the property located 2719 Bovaird Drive West and note that is located within the GTA West Study Area and within the 2020 Focused Analysis Area. As such the property can be impacted by the Preferred Route and/or ancillary uses. See map below.

In this case, since this is for a temporary use on this site until the end of 2021, the GTA West Project Team does not object. We recommend that you also advise the property owner against making substantial improvements to the property during this period of time. I assume that the proposed temporary town would be removed following filming?

Since we are currently in the process of undertaking fieldwork to support our preliminary design, I would request that a provision be added to the approval that would still allow MTO access for fieldwork through a mutually agreed upon procedure (we had previously obtained a permission to enter from the property owner and will be seeking another one in the near future).



Thanks,

Lukasz Grobel, P.Eng.
Senior Project Engineer
Route Planning and Transit Initiatives
Planning and Design Section
Ministry of Transportation
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Toronto, Ontario, M3M 0B7
T - 647.248.2155

Region of Peel, dated October 7, 2020

From: Dave, Richa <richa.dave@peelregion.ca>
Sent: 2020/10/07 2:20 PM
To: FarouqueAlthaf <althaf.farouque@peelregion.ca>; Rea, Natasha <Natasha.Rea@brampton.ca>
Subject: RE: [EXTERNAL]FW: Request for comments: exemption to ICBL 306-2003 (2719 Boviard Drive West) - Brampton

Hi Natasha,

Thanks for circulating this application to the Province. According to the development protocol letter received from the Province, applications within the Route Planning Study Area for the GTA West Transportation Corridor should be circulated to the Province for their review however applications outside the Focused Analysis Area will likely be able to proceed (as is the case with this application).

Just for my understanding, is this request the actual interim control by-law exemption request or is the applicant just seeking our preliminary comments like a pre-consultation application? The hand drawn plan and the location map did not provide much intel on the nature of the proposal (the scale of the new buildings proposed or whether any extension to existing buildings are being proposed).

If the following are met, I would have no objections from my end:

- Province has cleared the application,
- all proposed uses are temporary or transitory in nature, any buildings proposed are temporary, non-permanent, and involve structures requiring minimal capital investment or are re-usable
- any addition to existing buildings must be minor in scale

Warm regards,

Richa Dave
Principal Planner
Sustainable Transportation & Strategic Initiatives, Transportation Division
Region of Peel
10 Peel Centre Drive, Suite B, 4th Floor



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Appendix E: Proposed Exemption By-law