

## Appendix 2 – Details of Process Changes

The following process changes are proposed to meet the legislative timelines and improve the efficiency of the development review process.

### 1. *Pre-Consultation Application*

The *Planning Act* authorizes municipalities to require development proponents to consult with them before submitting Official Plan and Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium and Site Plan Applications. In Brampton's Official Plan, Pre-Consultation Applications are mandatory on all such applications.

The Pre-Consultation Application review is not subject to the timelines for refunds prescribed by Bill 109.

The purpose of Pre-Consultation is to:

- Confirm the appropriate planning approvals required for the development of a site;
- Identify the drawing and studies required in support of the application; and
- Provide feedback on applicable planning policies, processing timelines and potential areas of concern.

To improve process efficiencies and manage the legislated review timelines for formal development applications, staff proposes to enhance the pre-consultation process by two-stage process to be applied at staff's discretion pending the nature of the application.

Stage 1
<ul style="list-style-type: none"><li>• Determine the list of required plans, studies, information and material that must be submitted with the application to deem it complete</li><li>• Identify potential areas of concern and work with applicants on resolving issues, particularly for those applications for which a second stage is not required</li><li>• Stage 1 may be the only stage required for some applications</li><li>• Identify need for Stage 2 Pre-Consultation</li></ul>
Stage 2
<ul style="list-style-type: none"><li>• Additional meeting(s) to collaborate with applicants on a development proposal to achieve agreement on critical design elements</li><li>• Critical design elements could include land use, street network design, community infrastructure, park size and location, limits of development and/or constraints, and key built form elements</li><li>• Applies to development proposals deemed significant because of their scale, location, or other matters to the development of an area</li><li>• Will involve staff across departments and from external agencies</li><li>• More detailed information and additional material from the applicant may be required</li></ul>

The goal is to ensure the efficient delivery of good planning decisions that continue to respond to the needs of Brampton residents and stakeholders in addition to responding to legislative changes of Bill 109.

To address Pre-Consultation Applications completed before January 1, 2023, a transition policy is proposed where staff may:

- a) amend the formal Pre-Consultation requirements; or
- b) require a new Pre-Consultation Application.

This will help to ensure that all applications subject to Bill 109 will be best positioned to meet Bill 109 timelines.

Staff is currently developing a standard operating procedure related to the proposed new two-stage Pre-Consultation process, which will be available to development proponents and consultants in January 2023.

## 2. *Changing our Complete Application Requirements*

Under the *Planning Act*, municipalities can require certain information and material be provided as part of most application types in order for the applications to be considered a complete application.

A municipality may only require information and material as part of a complete application if related Official Plan policies have been implemented.

The purpose of complete application submission requirements is to ensure:

- All relevant and required information pertaining to a development application is available at the time of submission to assist planning staff in providing a recommendation on the application;
- City Council can make informed decisions within the prescribed period of time; and
- The public and other stakeholders have access to all relevant information early in the planning process.

Staff proposes to strengthen the complete application requirements for development applications and add them for Site Plan Applications to help meet Bill 109 timelines.

In an effort to improve commenting timelines, staff is proposing to add a policy requiring an applicant receive written clearance from applicable internal department or external agencies on threshold matters before deeming an application complete. The required approvals could include:

- Confirmation from the Region that servicing requirements and capacity are present or have been committed to;
- Confirmation from either the Region or province that road access is acceptable;
- Confirmation of the limits of development from the applicable Conservation Authority;
- Confirmation of the requirements for parks and other community infrastructure have been satisfied (e.g. fire halls, community and recreation centres); and
- Where land for schools is applicable, confirmation that the parcel size, location and configuration is acceptable by the applicable School Board.

Note there is flexibility in the policy so if the specific circumstances warrant that an approval is not required, it can be waived.

To strengthen the 'complete' application requirements and set a clear expectation of the type and quality of application material, staff is also proposing to amend the City's complete application policies in the Official Plan as follows:

- Prescribe complete application requirements for Site Plan Applications, including:
  - Zoning By-law compliance
  - Satisfying the Sustainable New Communities program scoring requirements;
- Update the list of studies that can be required as part of a complete application;
- Add a requirement that all reports/studies satisfy approved Terms of Reference; and
- Add a requirement that all plans and reports/studies shall be signed off by a qualified, registered, and/or licensed professional.

Consistent with the overriding goal of having a streamlined, expeditious development review process, staff is proposing that there be flexibility to begin the processing of an application while it is incomplete if the circumstances warrant. For example, this would allow staff to begin the review of a Site Plan Application even though there may be minor variances associated with the development proposal.

The proposed changes for complete application requirements will help ensure that when applications are submitted, they will include the material needed for staff to make or recommend a decision within the required timelines.

On Monday, November 30, 2022, Bill 23 received Royal Assent. Staff will need to examine the impact to our overall processing timelines given changes to the Region of Peel and Conservation Authority commenting ability.

### *3. Improved Public Engagement*

Public engagement is a fundamental part of the planning process. Part of the work on responding to Bill 109 was to look at ensuring the public is well engaged in the review process with the proposed changes. The proposed changes move much of the work on refining applications to the pre-consultation stage before a public meeting is held. It is beneficial to have this work informed by public input. There is also an opportunity to create better dialogue with residents on applications by engaging them in formats other than statutory public meetings, such as workshops or town halls. Finally, early engagement should assist in improving the efficiency of the review process by identifying issues early.

Staff considered two options for improving public engagement:

1. Encourage it, or
2. Require it (this was the option presented at the public meeting on the draft Official Plan Amendment).

Staff recommends that Council proceed with option 1 that will be implemented by adopting a policy that will encourage public engagement during the Pre-Consultation process, especially for significant or sensitive development proposals. This option can achieve much of the

benefits described in the first paragraph. It also helps ensure the engagement will be authentic and is in keeping with the intent of creating a more efficient approval process.

Engagement would likely occur when an applicant is working on preparing the studies and materials for making a full application. In this way, conducting engagement is not expected to add to approval application timelines.

#### 4. *Holding (H) Provisions*

Under the *Planning Act*, Council can apply a “Holding (H)” symbol to a Zoning By-law to limit the permitted uses of a site until the H symbol is removed. The Zoning By-law identified the conditions that must be met before the “H” symbol is removed.

Holding provisions may be applied for a variety reasons, including:

- Achieve orderly staging of development;
- Ensure adequate infrastructure and community services and facilities are or will be available;
- Adopt measures to mitigate negative impacts; and
- Satisfy policies of the Official Plan.

With the prescribed decision timelines in Bill 109, staff envisions that “Holding” will be used more frequently to address matters that may still be outstanding at the completion of the application process.

The City’s Administrative Authority By-law was amended in 2022 to delegate authority to the Commissioner of Planning, Building and Growth Management, or their delegate, to pass by-laws for the removal of a holding “H” symbol. Therefore, no further actions are needed to minimize the impact of their more frequent use on the efficiency of the development review process.

#### 5. *Site Plans*

The Bill 109 timelines for site plans are very tight - only 60 days before refunds start to be required. The changes described in this report to the pre-consultation process and to add a completeness requirement for Site Plan Applications are two of the key actions proposed to work to meet the timelines.

Staff is also recommending two additional measures:

- *New “Approval in Principle” Step:*

Staff is proposing adding a new “approval in principle” step to the site plan process, which will identify conditions to be fulfilled by the applicant including prior to building permit submission. This step will be considered to constitute approval of the Site Plan Application in accordance with Bill 109. The owner will have 180 days, unless extended by the Director of Development Services, to satisfy the “approval in principle” site plan conditions. If the conditions have not been satisfied within 180 days, the

applicant may be required to submit a new Pre-Consultation Application (if applicable) and Site Plan Application.

Policies are needed in the Official Plan to support this new “Approval in Principle” step. This report recommends that Council provide direction for staff to hold a public meeting on an Official Plan Amendment for those policies.

- *Not Allowing Concurrent Processing of Site Plan Applications*

Development projects that require more than one *Planning Act* approval, including Official Plan Amendment, Zoning By-law Amendment and/or Site Plan Applications, are often processed concurrently in Brampton.

Staff is proposing to no longer allow for concurrent Site Plan Application processing for Site Plan Applications as continuing that practice could affect staff’s ability to process applications within the required timelines because of staff capacity issues. Work will need to be focused on an application at a time to move it forward within the required timelines. It is the opinion of staff that this will not likely result in significant lengthening of the overall development approval timelines because the Official Plan and Zoning By-law Amendment application timelines will be significantly shorter with the Bill 109 changes. Staff still plan to allow for the submission of Pre-consultation Applications for Site Plan while an Official Plan or Zoning By-law Amendment Application is under review.

6. *Option for Applicants to Withdraw Development Applications to Allow for Further Work with City Staff*

There will be some applications where staff will identify a need for further refinement before staff considers it appropriate to approve or recommend approval.

For Official Plan or Zoning By-law Amendments, staff may recommend that Council adopt what they consider to be the appropriate policy or zoning regulation despite it not being what the applicant proposed. For example, if staff believes a lower height than what the applicant proposed is appropriate, staff may recommend that Council adopt a by-law with that lower requirement.

In situations where the above approach is not possible, staff is proposing a withdrawal and resubmission option. If further work is needed on the application, the applicant would have a choice to withdraw their application so they could continue to work with staff to address issues and then resubmit their application for a nominal fee. This would avoid the need to issue refunds. The applicant may choose this option because the alternative may be a refusal report or decision.

7. *Timing of Recommendation Report vis a vis Statutory Public Meeting*

Currently, the Official Plan requires that Council not adopt a proposed Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision until at least 30 days after the date of the Public Meeting. Staff recommends this requirement be deleted.

Removing the 30 day requirement will allow staff more flexibility in the timing to forward a Recommendation Report. To give a hypothetical example using real 2023 Committee dates, if a public meeting were held on February 13, ideally staff would be in a position to bring forward a recommendation report to the following meeting on March 6. However, the 30 day requirement would prevent this. The Bill 109 timelines are tight enough that delaying a report by a few weeks to the next meeting could result in the City being required to provide refunds.

Removing the requirement also allows the flexibility for staff to bring a Recommendation Report to the same Planning and Development Committee meeting as the public meeting, where considered to be appropriate, such as where no issues/concerns from the public are identified with a development application. This change could help meet Bill 109 timelines. Staff will consult with Planning Committee before making such a change.

Staff recommends that Council provide direction for staff to hold a public meeting on an Official Plan Amendment to those policies.