

Clause embodied in Report No. 10 of the Planning and Transportation Committee, as adopted by the Council of the City of Toronto at its meeting held on October 29, 30 and 31, 2002.

**5a****Further Report Development Approval Process -  
File: UDOZ-DRA - All Wards**

*(City Council on October 29, 30 and 31, 2002, amended this Clause by deleting Recommendations Nos. (4) and (5) of the Planning and Transportation Committee, and inserting in lieu thereof the following new Recommendation No. (4):*

*“(4) if an Official Plan or Zoning Bill is amended in the time between the Community Council meeting and the enactment of the By-law, the Ward Councillor be provided with an opportunity to review the Bill prior to its enactment by City Council.”)*

*(City Council on October 1, 2 and 3, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on October 29, 2002.)*

**The Planning and Transportation Committee recommends that:**

- (1) City Council instruct that no proposed Official Plan Amendment be brought forward for adoption, or Zoning By-law for enactment, without the opportunity for public review of its specific content;**
- (2) the applicant, and potentially affected third parties who so request, be provided with equal opportunity for comment on draft legislation during the development review process;**
- (3) draft Official Plan Amendments and Zoning By-laws recommended by staff be brought forward in a timely manner, in their entirety, together with the related final reports, so as to be available to Councillors, applicants and potentially affected third parties at the statutory public meetings at which they are considered;**
- (4) if any changes are proposed subsequent to the statutory public meeting, the local Councillor and public meeting deputants who so request, be so notified and provided with a copy at least five days prior to commencement of the City Council meeting at which bills are presented for enactment; and**

- (5) the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on the implementation of the foregoing recommendations.**

**The Planning and Transportation Committee submits the following report (August 23, 2002) from the Commissioner of Urban Development Services:**

Purpose:

To report on matters brought forward in Clause No. 7(a), Report No. 7 of the Planning and Transportation Committee Meeting held on May 27, 2002, relating to the Development Approval Process.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) The Commissioner of Urban Development Services continue to explore ways to improve and streamline the development approval process as part of the ongoing Business Process Review and Development Approvals Task Force; and
- (2) The Commissioner of Urban Development Services, the City Solicitor and the City Clerk be requested to review relevant City procedures and submit a report to the appropriate Committee, on the establishment of revised procedure(s), if recommended, for dealing with the determination of further notice as required under Section 34(17) of the Planning Act.

Background:

City Council, at its meeting held on July 24, 25 and 26, 2001, referred Motion J(30) "Process for Development Review Applications" to the Planning and Transportation Committee. In addition, at that same meeting, Council also received for information Clause 26(j) contained in Report No. 6 of the North York Community Council titled "Availability of Draft Official Plan Amendments and Zoning By-laws for Public Comment". These motions relate to the availability of and opportunity to comment on draft official plan and zoning by-law amendments by the public and interested third parties, prior to their consideration for adoption and enactment by City Council.

The Planning and Transportation Committee, at its meeting held on May 27, 2002, considered the report (April 18, 2002) from the Commissioner of Urban Development Services outlining current City practices for the preparation and availability of draft official plan and zoning by-law amendments as part of the development approval process and the statutory requirements of the Ontario Planning Act. The Committee referred the report, together with all related matters, back

to the Commissioner of Urban Development Services for a further report, to be prepared in consultation with the City Solicitor and the City Clerk for the September 9, 2002 Planning and Transportation Committee meeting on the concerns raised by the deputants as captured by the motion made by Councillor Moscoe in Clause 7(a), Report 7 of the Planning and Transportation Committee. The Commissioner was also requested to review her report with affected City Councillors prior to the submission to Planning and Transportation Committee.

A copy of the clause (No. 7(a), Report 7) from the May 27, 2002 Planning and Transportation Committee, which was considered by City Council at its meeting held on June 18, 2002, is attached.

### Comments:

As listed in Clause No. 7(a) of Report 7 of the Planning and Transportation Committee, Councillor Moscoe made a motion on four matters. Each of these four matters has been re-stated below as it appeared in the motion and a discussion of each follows:

- (1) “that City Council instruct that no proposed Official Plan Amendment be brought forward for adoption, or Zoning By-law for enactment, without the opportunity for public review of its specific content.”

As required by the Planning Act, the current practice of the City requires draft official plan amendments to be made available to the public at least 20 days prior to the scheduled statutory Public Meeting. Copies of the draft official plan amendments are available, either separately or as part of the Final Report, at the respective District Office. The first opportunity for public review of the draft legislation is at the time of notice of the statutory public meeting.

Every possible effort is made to ensure that draft zoning by-law amendments are attached to the Final Report. These Reports are made available to the public when the Community Council Agenda is published, usually one week prior to the Community Council meeting. On some occasions, however, due to scheduling deadlines and/or outstanding information from applicants, it is sometimes not possible to have the by-law published with the Final Report. It is important to note that a copy of the draft by-law is always available at the statutory public meeting.

Prior to City Council’s enactment of Bills, the public has had sufficient opportunity to review the draft legislation. A further opportunity for review of draft bills could significantly lengthen the development approvals process. This would be contrary to Council’s initiatives to streamline development approvals and I am not recommending such a practice.

- (2) “that the applicant, and potentially affected third parties who so request, be provided with equal opportunity for comment on draft legislation during the development review process.”

Applicants and interested third parties are currently provided with an equal opportunity to provide comments on draft legislation during the development review process. Draft legislation is prepared by City staff, based upon an evaluation of the development proposal in light of City Council approved policies and regulations (ie. official plans and zoning by-laws); technical comments received as a result of formal circulation from departments and reporting agencies; and comments provided by the public and interested third parties during the community consultation process.

- (3) “that draft Official Plan Amendments and Zoning By-laws recommended by staff be brought forward in a timely manner, in their entirety, together with the related final reports, so as to be available to Councillors, applicants and potentially affected third parties at the statutory public meetings at which they are considered.”

Current City practices relating to the availability of draft official and zoning by-law amendments, as outlined in the following paragraphs, satisfy the intent of this motion and meet or exceed the requirements of the Planning Act.

Official Plan Amendments:

In keeping with the requirements of the Planning Act, draft official plan amendments are made available to the public at least 20 days before the required statutory public meeting is held. A copy of the draft official plan amendment is also attached to the related Final Report which is available when the Community Council Agenda is published, approximately one week prior to the Community Council meeting.

Zoning By-law Amendments:

Every effort is made to ensure that draft zoning by-law amendments are attached to the Final Reports which are generally available for public review when the Clerk Administrator distributes the Community Council agenda, typically seven days prior to the Community Council date. As mentioned previously, on some occasions, due to scheduling deadlines or outstanding information from applicants, it is not always possible to have the by-law published with the Final Report. A copy of the draft by-law is available at the statutory public meeting. This practice exceeds the requirements of the Planning Act which requires that “sufficient information is made available to enable the public to understand generally the zoning proposal.”

- (4) “that if any changes are proposed subsequent to the statutory public meeting, the local Councillor be so notified and provided with a copy at least five days prior to commencement of the City Council meeting at which bills are presented for enactment;

or, in place of the foregoing Recommendation (4):

that between Community Councils and City Council meetings, Councillors and registered third parties (eg., deputants at meetings), be provided the opportunity to review the draft by-law and that Councillors be given the right to bump the report back to Community Council if deemed necessary.”

As previously noted, draft legislation is typically attached to the Final Report to be considered at Community Council and always available at the statutory public meeting. Final Reports contain a standard recommendation authorizing the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment and/or official plan amendment as may be required.

The practice of notifying Councillors of proposed changes to draft legislation, with the exception of those changes that the City Solicitor has been authorized to make as being technical or stylistic in nature, prior to consideration for enactment at City Council is reasonable. This modification to current practice can be addressed by examining City procedures and establishing a reporting procedure which enables the City Solicitor and Commissioner of Urban Development Services to identify in a report any further changes made to a draft by-law and, if warranted, the need for further notice of the by-law. Further review of this matter, between the City Solicitor, City Clerk and Urban Development Services, is required in order to determine how this reporting process may be implemented.

In terms of the second component of matter (4), I do not recommend that this option be adopted since it would effectively permit one Councillor to affect or modify a majority decision of a Community Council after it approved the recommendations of a report and accompanying by-laws. I am advised there could be legal difficulties in implementing this option, given the relationship between Standing Committees and City Council arising from statute and the Procedural By-law and their respective role in the planning process.

Conclusions:

Current City practices relating to the preparation and availability of draft official plan and zoning by-law amendments adequately address matters (1), (2) and (3) in the motion as reviewed in this report.

Matter (4) in the motion, which requests that Councillors be notified of proposed changes to draft legislation made after the statutory public meeting, is reasonable. The Commissioner of Urban Development Services, the City Solicitor and the City Clerk should be requested to review City procedures and report to the appropriate Committee, on the establishment of a procedure for dealing with the determination of further notice under Section 34(17) of the Planning Act, however, the City Solicitor should continue to have the authority to make stylistic and technical changes to a draft official plan amendment and or a draft zoning by-law amendment.

Contact:

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(Extract from Clause 7 of Report No. 7 of the Planning and Transportation Committee, headed "Other Items Considered by the Committee", which was before City Council at its meeting held on June 18, 19 and 20, 2002)

(City Council on June 18, 19 and 20, 2002, received this Clause, for information.)

(a) Development Approval Process - File: UDOZ-DRA - All Wards

The Planning and Transportation Committee reports having referred the report (April 18, 2002) from the Commissioner of Urban Development Services, together with all related material and the following motions, to the Commissioner of Urban Development Services for report back, in consultation with the City Solicitor and the City Clerk, to the September 9, 2002 Planning and Transportation Committee meeting on how the concerns of the deputants can be implemented, and also requested the Commissioner to review her report with affected City Councillors prior to its submission to Planning and Transportation Committee:

“Moved by Councillor Moscoe:

- (1) that City Council instruct that no proposed Official Plan Amendment be brought forward for adoption, or Zoning By-law for enactment, without the opportunity for public review of its specific content;
- (2) that the applicant, and potentially affected third parties who so request, be provided with equal opportunity for comment on draft legislation during the development review process;
- (3) that draft Official Plan Amendments and Zoning By-laws recommended by staff be brought forward in a timely manner, in their entirety, together with the related final reports, so as to be available to Councillors, applicants and potentially affected third parties at the statutory public meetings at which they are considered; and
- (4) that if any changes are proposed subsequent to the statutory public meeting, the local Councillor be so notified and provided with a copy at least five days prior to commencement of the City Council meeting at which bills are presented for enactment;

or, in place of the foregoing Recommendation (4):

that between Community Councils and City Council meetings, Councillors and registered third parties (eg. deputants at meetings), be provided the opportunity to review the draft by-law and that Councillors be given the right to bump the report back to Community Councils if deemed necessary.

- (April 18, 2002) from the Commissioner of Urban Development Services outlining current City practices for the preparation and availability of draft official plan and zoning by-law amendments as part of the development approval process and the statutory requirements of the Ontario Planning Act, and recommending that:

- (1) the Commissioner of Urban Development Services continue streamlining the development approval process as part of the ongoing Business Process Review and Development Approvals Task Force; and
  
  - (2) the Commissioner of Urban Development Services, the City Solicitor and the City Clerk be requested to review Chapter 27, Council Procedures, of The City of Toronto Municipal Code, and report directly through Administration Committee to Council on the establishment of an appropriate procedure for dealing with the determination of further notice as required under Section 34(17) of the Planning Act.
- (April 26, 2002) from William deBacker, President, Edithvale-Yonge Community Association supporting the development approval process motion of Councillor Filion;
  - (May 8, 2002) from George S. Belza endorsing the development approval process motion proposed by Councillors Filion and Moscoe; and
  - (May 16, 2002) from George S. Belza, obo Edithvale-Yonge Community Association supporting the development approval process motion proposed by Councillors Filion and Moscoe.

Mr. George S. Belza appeared before the Planning and Transportation Committee in connection with the foregoing matter.

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