

Consolidated Clause in Planning and Transportation Committee Report 5, which was considered by City Council on July 20, 21 and 22, 2004.

5**Public Consultation for the New Zoning By-law Project**

City Council on July 20, 21 and 22, 2004, adopted this Clause without amendment.

The Planning and Transportation Committee recommends that:

- (1) City Council adopt the staff recommendations in the Recommendations Section of the report (June 7, 2004) from the Commissioner of Urban Development Services;**
- (2) any future staff reports on this subject highlight any proposed changes arising during any stage of the process; and**
- (3) all Councillors and ratepayer associations be specifically advised of any proposed changes to zoning by-laws affecting their communities.**

The Planning and Transportation Committee submits the following report (June 7, 2004) from the Commissioner of Urban Development Services:

Purpose:

The objective of the zoning bylaw project is to produce a single, comprehensive zoning by-law for the entire City. This report provides an overview of the Project approach and discusses a recommended consultation strategy to engage the public as the project proceeds.

Financial Implications and Impact Statement:

Stakeholder consultation is a part of the work program for the New Zoning By-law Project, which is included in 2004 Capital Budget for Urban Development Services.

Recommendations:

It is recommended that:

- (1) the public consultation strategy outlined in this report be endorsed; and**
- (2) this report be forwarded to the Community Councils for their information.**

Executive Summary:

The Zoning By-law Project will create a single zoning by-law for the entire City, replacing the existing 41. The Project began last year and has a projected completion date of 2007. The task, at least initially, is largely an effort to create a by-law that allows the existing zoning provisions to “speak the same language”. This ‘harmonization’ effort is needed because: (1) most of the City (75 percent) is considered stable in the new Plan and no substantial change is expected; and (2) before changes can be made to some zones or zone provisions, we have to first understand what we are changing from, and that is vastly easier to do when there is only one by-law.

Consequently, the Project approach focuses on finding and comparing similar provisions in the existing by-laws and replacing them in a new By-law with a single, new provision. This concept of a ‘common language’ for zoning across the City will capture the intent of existing by-laws. In this process, the existing ‘standards’ governing matters of height, density and other measurable quantities will be incorporated without substantive change. Once a new By-law that represents a single “translation” is constructed, changes to zone standards can be addressed, where these are needed. Such changes, and the need for these changes, will be identified through the public consultation process as well as flowing from city-wide changes requested by Council.

Public consultation is an important part of the process of building the new Zoning By-law. However, the complexity and enormity of the task presents significant challenges to meaningful input. Due to the nature of zoning regulations, a tremendous amount of information must be distributed in digestible pieces to large numbers of people. The recommended approach would have public input being provided as each section of the new by-law is prepared.

A major challenge for consultation is that participation will be extended over an estimated two year period, which is the anticipated length of time it will take to produce the various sections of the new by-law. To overcome this challenge, a stakeholder style of public involvement using the Internet to distribute the information and collect comments is being proposed. The advantage is that sustained input from representative groups of stakeholders will provide continuous direction for the by-law work.

In identifying stakeholder groups, staff have sought to ensure a good cross section of public interest, including residents associations, business associations and professional associations. Such groups could also help ensure representation from all parts of the City. Distribution of material via the Internet will permit the Project Team to share more information about existing zoning as well as the new zoning provisions.

Other residents, not affiliated with the identified stakeholder groups, will be able to participate by visiting the Project’s website.

Four initial public meetings will be held to announce the Project, describe the work plan and explain how people can participate. A periodic newsletter will be produced and a phone number with voice mail initiated.

Parking standards will be developed as a separate stream and will have a separate consultation strategy. This strategy will be reported on separately.

Background:

At its meeting held on April 19 to 28, 2004, City Council approved the Urban Development Services Operating and Capital Budget and in so doing continued to authorize funding of the New Zoning By-law Project. The following reports on the work plan were submitted previously:

- (1) February 10, 2002, to the Budget Advisory Committee on the subject of the Urban Development Services 2002 Capital Budget Submission; and
- (2) December 5, 2002, to the Planning and Transportation Committee on the subject of the Revised Zoning By-law Project Resourced with City Staff.

The Zoning By-law Project's design, approach and workplan are based on Council's decision to use mainly staff instead of consultants to complete the work. Currently, the project design contemplates completion in 2007.

Consultation is an integral part of the work plan and continues throughout the Project. The volume and type of comments received during public consultation is the largest factor that could influence the Project's completion date.

Comments:

- (1) Introduction:

The zoning by-law is one of the most important instruments affecting the day-to-day operations of the Urban Development Services Department. With amalgamation, the new City inherited a patchwork of zoning by-laws. Working with and maintaining the multiple zoning by-laws has proven to be challenging, time consuming and resource intensive, affecting service delivery in the Building Division, the Municipal Licensing and Standards Division, and in City Planning.

"One window" access to zoning information is virtually impossible under these circumstances. The new Community Council boundaries have further complicated the delivery of services related to the zoning by-law, as the boundaries of the existing by-laws follow the boundaries of the former municipalities. Some individual Wards are affected by a number of different by-laws.

Zoning regulates every property in the City and every City Department, Agency, Broad or Commission dealing with property-related matters is affected by zoning. At present, however, information on zoning is complex to maintain and access. Only the Etobicoke Zoning Code (one of 41 By-laws), for example, can be viewed on the City's web site. A single, comprehensive zoning by-law will allow for on-line service that is easily up-dated and accessible to both staff and the public. Integrating zoning information with GIS capability will also help create a seamless interface between zoning information and other property related data.

The expected benefits of the new Zoning By-law are several:

- (a) a single, simplified zoning by-law will enable the public to obtain information and assistance at any of the District offices from any staff that regularly work with zoning;
- (b) the licensing by-law can be aligned more closely to the zoning by-law, ensuring more efficient service delivery and enhancing regulatory effectiveness;
- (c) the new zoning by-law will also eliminate redundancies and address obsolete requirements resulting in fewer minor variance applications;
- (d) efficiencies can be realized in the processing of planning and building applications. Turnaround times in the various steps of the development approval process can be improved and less time would be spent reviewing all types of applications;
- (e) down-time and training costs associated with staff transfers within UDS to different parts of the City can be reduced. Staff from any part of the City will be able to work on any application without the need to spend time training to become familiar with the provisions of a different zoning by-law;
- (f) savings can be achieved in administering and maintaining only one by-law compared to 41 different existing by-laws;
- (g) efficiencies can be achieved in implementing city-wide zoning amendments; and
- (h) the creation of a single new zoning by-law provides an opportunity to produce an electronically based by-law, improving access to zoning information, linking with other business systems within the City, and allowing for quicker and more effective of up-dating of the by-law.

(2) Project Approach:

The existing 41 comprehensive zoning by-laws in the City have the same basic purpose but use many different ways to express their intent. In other words, most zoning by-laws are the same in what they regulate, the differences lying mainly in format, the language used and the standards found in the various zones. The aim of the project is to focus on the underlying similarities and develop a 'common language' for expressing the provisions found in the various zoning by-laws. Although the objective sounds simple, the process of getting to a single by-law is very complex.

The concept of a 'common language' for zoning across the City requires that the new by-law first accurately reflect the intent of the existing by-laws. A sound understanding and thorough review of existing provisions is therefore a necessary first step in the Project. Staff drawn from all the Divisions in UDS is conducting that work. The multidisciplinary team, for example, has recently taken 1550 existing definitions, compared and contrasted them and written 200 new replacement definitions, which are now under review by each Division in each District office.

The existing regulations governing matters of height, density and other measurable quantities will be incorporated without substantive change in stable areas of the City. In residential zones the basic regulations would not be changed unless it is determined, through the public consultation process, that some adjustment is warranted, for example, to strengthen features protecting neighbourhood character. Similarly with other zones, standards may be revised, for example, in employment areas to enhance economic activity and to improve compatibility among industrial zones.

Involving and consulting the public is key to achieving acceptance of a single zoning by-law for the City. The objective, and greatest challenge, of the consultation program is to ensure that members of local communities, professional associations, local business and industry associations and the building industry all have adequate opportunities to offer their own perspectives on the existing by-laws and that they are satisfied the new 'common language' adequately reflects existing provisions.

Parking and loading standards are being reviewed separately as they are, for the most part, based on technical analyses related to demand or vehicle requirements, including vehicles for non-ambulatory people. Review of such standards will require expert help. The first phase, targeted for completion in June, will recommend the issues related to parking and loading standards that should be addressed in detail. The results of the first phase will be reported to the Committee prior to engaging a consultant for a second phase. The second phase will then study only those issues where the need for new standards had been identified in phase one. Given that this could be the one area of substantive change to existing standards, a more focused public consultation process may be required to address the concerns of various stakeholders.

(3) Public Involvement and Consultation – Challenges and Methods:

The Zoning By-law Project is a large, complex and in many respects highly technical exercise. The potential for zoning changes to affect every property in the City means that public involvement is necessary early on and throughout the Project. Because of the complexity of the material and the steep "learning curve" associated with informed discussion of that material, it is important to engage a consistent yet broad spectrum of stakeholders and to keep them involved at all stages.

Everyone in the City of Toronto has a stake in how the new Zoning By-law may affect them. With over 455,000 private properties in the City, even a small percentage of appeals to a new by-law (one percent = 4,500 appeals) would be cause for concern. While the need for public involvement in the new Zoning By-law Project is self-evident, the difficulty is determining the most effective method of engagement given the nature of the project. The complexity of the subject matter, the detail of the existing zoning, and the length of time to complete the Project, make meaningful public involvement a challenge. Despite the challenge, the likelihood of a positive outcome will be greatly enhanced with public involvement beginning in the early phases of the project.

Challenges of Consultation:

Part of the challenge of this type of complex project is ensuring that the information and work product needed for informed discussion is “digestible”, helpful and available prior to launching consultation. To this end, two levels of quality assurance have been incorporated in the Project work plan. First, Urban Development Services staff involved with zoning (Planning, Buildings and MLS) review new provisions and revisions are then made, as appropriate. The new by-law provisions are then circulated to staff in all the Departments that might have an interest in zoning. Again, revisions will be made, as appropriate. Only then would these new provisions be considered consultation “ready”.

Aside from this need to generate information that will be of value for public consideration, the major challenges facing the project are:

(a) Efficient and effective distribution of large amounts of detailed information:

Collectively, the existing zoning by-laws contain huge amounts of information. As the Project unfolds it will be creating new, replacement provisions, adding yet another layer of complexity. Both the “old” zoning information and the “new” provisions must be distributed to participants for meaningful consultation to occur. Interactive consultation is therefore constrained by our ability to provide all necessary information in digestible quantities and form.

(b) Ongoing exchange of information:

The creation of the new zoning by-law is a continuous process much like an assembly line production. As each section of the new by-law is produced, it will be moved along first to UDS staff, then the staff in other departments and finally the public participants. For this reason, it is estimated that the consultation exercise for building the by-law will take approximately two years to complete. This demand will limit the methods of public consultation that will be effective and therefore can be considered.

(c) Potentially large numbers of participants:

Every property owner plus numerous business associations, professional associations and interest groups could potentially be interested in commenting on the Project work. The combination of the long-term nature of participation and the large number of people affected, rules out irregular, intermittent or isolated consultation methods as a meaningful approach to public involvement.

(d) Retrieval and analysis of comments:

For meaningful consultation to occur, comments need to be retrieved and considered by the Project Team. The number of participants, the distribution of relevant and useful information and the long-term nature of participation, makes this aspect of consultation an even greater challenge.

(e) Geographic representation is necessary:

Zoning by its nature is different in many parts of the City. Some methods of consultation permit only a random sampling of residents. This would mean that commentary on provisions of some zones within the City might be missed. Consultation methods that ensure ongoing representation from all parts of the City are clearly preferred.

(f) Maintaining a ‘comprehensive’ focus:

Because the Project is about developing a single, comprehensive zoning by-law, it is important to seek participants that are willing to comment on the provisions at the zone or area level. While some individual participants may be inclined to focus only on how changes might affect their specific property alone, the challenge is to get involvement from people who are prepared to, and can, take a broader perspective.

Methods of Consultation:

There are numerous methods for reaching large numbers of people. The list below covers a range of methods from less formal to formal and from non-interactive to interactive. A good consultation strategy includes elements of all these methods, as people may want to participate in varying degrees and at varying points throughout the Project.

(a) Information Notices, Brochures, Newsletters:

The objective of this method is to inform people. It is one-way style of communication or non-interactive. For this reason, it can be argued that is not true consultation. Nevertheless, it can be used to direct the public to other consultation avenues.

(b) Telephone or Mail-out surveys, Questionnaires, Interviews:

These methods provide for interactive feedback. However, they are difficult to design, time-consuming to conduct and not very useful given the long-term nature of participation required in the Project work.

(c) Open Houses, Charette Sessions, Brainstorming:

These are informal meetings where information is displayed or handed out. In some cases informal discussion is encouraged. The individuals at the charettes, or “brainstorming” sessions, may be placed into smaller groups and facilitators would lead the groups in discussions. This type of method was used in the ‘Listening to Toronto’ budget discussion meetings. It is a very good and effective approach for visioning or direction setting exercises. The ‘Listening to Toronto’ approach is a viable and desirable approach to launch the project and will be used initially at four public meetings, held around the City. However, the Zoning By-law Project is a very detailed-level harmonization exercise and not conducive to this kind of approach. In addition, the Project will be a sustained, iterative effort, requiring consistent and reliable feedback on each new section of the Zoning By-law.

(d) Community or Public Meetings:

Community or public meetings are venues where information can be disseminated and comments received. This method has the potential for genuine dialogue although it is possible to get side-tracked on a specific issue of interest to a specific person or group. This method presents two difficulties for the Project. First, the audience will likely be different from one meeting to the next. Given that the Project will be gathering comments on different sections of the new Zoning By-law at each meeting, consistent participation is needed. The second problem relates ensuring a reasonable geographic representation across the City. There is no way of ensuring a good geographically based cross section of the City at public meetings.

(e) Advisory Committees, Steering Committees, Working Groups, Roundtables:

Composed of representatives from specific key groups or stakeholders, these committees or groups are organized to deal with both visioning exercises and complex project situations. This method presents a couple of advantages to the Project. A consistent group committed to participating can be organized and stakeholders or groups representing all parts of the City could be invited. The major drawback with this method is that this format generally works best with relatively small numbers. This constraint may be overcome through the use of electronic engagement tools.

(f) Statutory Public Meetings and Hearings:

While technically part of public consultation, the statutory meeting should not be relied on as the key part of public involvement in a complex project.

(4) The Consultation Strategy:

A multi-channel approach to civic engagement is the focus of the strategy. This will involve several methods of access services including telephone, fax, mail, e-mail, website, Internet, and in-person contact. These methods will provide for a range of consultation from formal to informal, from interactive to non-interactive. In addition, methods for reaching the City's multi-lingual and disabled communities will be offered including wheelchair accessible public meeting rooms, sign language interpreters, and explanation of the Project's purpose and progress in a variety of languages.

Newsletter/Website/Voice mail:

This informal and non-interactive consultation is aimed at residents interested in knowing about the Project and/or observing its progress. Many people who take an interest in the zoning by-law project may want to be informed, but may not want to take the time to provide detailed comments. They may want to fill out a general survey or feedback form and may contact staff for further information. Others however, will take a keen interest in the project and will want to access project data, perhaps on their own rather than through a stakeholder group, to provide their comments. At initial public information meetings, such options will be outlined. A Project website will be developed and

launched and will include an e-mail address and phone number with voice mail for providing comments. People can be involved throughout the life of the project by just receiving information in the mail or on-line as they wish.

Public Meetings:

Conventional public meetings will not be the mainstay of sustained public input as there are limitations to this form of public consultation as discussed earlier. However, initial meetings will help gauge the interest in being involved with the Project and will provide a good balance to the stakeholder style consultation. A 'Listening to Toronto' approach will be used to understand, in general terms, the issues or concerns the public has with the existing zoning by-laws. The first public announcement of the zoning by-law project will be in the community and local newspapers, advertising a public information meeting located in each of the four Community Council areas. The purpose of the initial meetings is to give people the opportunity to see and hear a presentation about the zoning by-law project in general; the consultation program in particular, to ask people to identify what level of involvement they want to commit and identify general issues and concerns with the existing by-laws. The information meeting is a good starting point to build a mailing list so that brochures, newsletters and/or surveys can be sent out, as well as notice of future meetings.

Stakeholder Group Consultation:

The stakeholder group consultation method helps to address many of the challenges facing the Project with respect to public involvement. The stakeholder groups can commit to a long-term process and can better fulfill such commitment through rotation of different members. Stakeholder groups are more likely to provide comments throughout the course of the Project. The issue of ensuring fair geographic representation can be handled through the invitation of area-based groups such as, residents and ratepayer groups, local business associations including business improvement areas, and area based industry associations. And finally, stakeholder groups are more likely to comment more generally as opposed to focusing on a specific site issue.

A public consultation approach engaging a wide spectrum of stakeholder groups in the City best suits the objective of the zoning by-law project because it:

- (a) is an inclusive consultation approach since all stakeholder groups with an interest in the new zoning by-law can be engaged;
- (b) makes wise use of the City's resources as it allows staff to structure consultation techniques to convey detailed information and respond quickly to a reasonable amount of comments, directed at key issues;
- (c) allows for sustained and reliable two-way communication between staff and stakeholder groups having an interest in remaining engaged in the project over the long-term; and

- (d) encourages groups with similar perspectives to organize, share information and engage the City with a common viewpoint, reducing duplication on the part of the groups and staff.

Electronic Engagement:

The stakeholder style of consultation deals with some of the challenges but not all. Distribution of the information needed to provide comments along with the retrieval of comments remains a significant challenge for the Project. It is essential to use an electronic means, the Internet, to interact with stakeholder groups.

Active stakeholder involvement will result in extremely large amounts of information being input. At full participation, it is anticipated that over 200,000 comments could be collected, with potentially up to 1000 responses to a single survey question. Once comments are assembled, each response will require a comparative analysis with other responses and a reply to each stakeholder group.

To ensure the extensive input can be identified, documented, sorted and responded to, it is intended to consult with stakeholder groups by using “web-based electronic engagement” technology that will enable remote, interactive access and collection of data. A controlled access portal will be on the City’s Internet web site to serve this project.

This mode of data collection provides numerous benefits, including:

- (a) cost-efficient consultation process widely accessible to the public;
- (b) centralized source of current information on the Zoning By-law Project;
- (c) effective means to distribute large amounts of information, communicate information and collect comments in a prescribed format and within a defined time frame;
- (d) formalized means of contacting or submitting comments to the project team; direct input of data by the stakeholder group;
- (e) elimination of staff time required to document comments;
- (f) cost-effective mechanism for evaluating stakeholder responses;
- (g) time-effective and cost-efficient means for responding to stakeholders;
- (h) automated documentation of comments, responses and amendments; and
- (i) easy access through computers in libraries, community centres and schools, in addition to home computers.

For those people who prefer to not take an active role in the stakeholder group consultation process, the web-based system will still permit individuals to view the work of the Zoning By-law Project as it unfolds, and send comments to the zoning project team.

Criteria for the Selection of Stakeholder Groups:

Stakeholder groups are composed of persons with a shared perspective, or representatives of smaller groups with a shared perspective. For instance, a ratepayer association is an example of a group comprising of property owners who have an interest in their residential neighbourhood.

Members of a stakeholder group might live or conduct business in a local area of the City. Or, a stakeholder group might be established to advocate for a set of people with a focused interest, such as a trade association, or for a particular viewpoint that might be affected by zoning, such as an environmental coalition.

The critical factor for the selection of stakeholder groups engaging in the zoning by-law project is that their mandates directly relate to land use or development regulation. For example, a group should have an interest in, or be affected by, matters such as location of uses, parking standards, the height, mass and setback of buildings, and intensity of development.

Description of the Stakeholder Groups:

Based on the selection factors, the following types of stakeholder groups will be contacted:

(a) Ratepayers and Tenants Associations:

Associations representing residential property owners and/or tenants residing generally in contiguous neighbourhood areas of the City.

(b) Community Associations:

Associations advocating particular social or land use issues, such as housing, heritage or the environment, directly related to zoning control. The preference is to consult with Toronto/GTA chapters of national or provincial associations.

(c) Business Improvement Area Associations:

Associations recognized by the City of Toronto as a BIA, and/or by the umbrella organization, TABIA.

(d) Local Business and Industry Associations

Associations composed of commercial property owners and/or tenants located generally in contiguous areas of the City in which the retailing of goods and services is a primary activity. Also, associations composed of industrial property owners and/or tenants located generally in areas of the City in which manufacturing or warehousing of goods is a primary activity.

(e) Professional Associations:

Service and product associations representing firms or individuals conducting a business or in professional practice, whose primary activities relate directly to zoning and development of land, ranging for example from designers to builders. The preference is to consult with Toronto/GTA chapters of national or provincial associations.

A list of known stakeholder groups in each category has been prepared. These include Residents and Ratepayer Groups, Tenant Associations, Community Associations, Business Improvement Area Associations, Local Business Associations and Professional Associations. The number of groups on the preliminary list has been broken down by category, as shown on the following table.

Type of Stakeholder Group	Number
Ratepayers Associations	337
Tenants Associations	16
Community Associations	54
Business Improvement Areas	45
Local Business Associations	21
Professional Associations	58
Total	531

Conclusions:

The objective of the project is to develop a single city-wide zoning by-law for administrative efficiencies, long term cost savings and improved public service. The 41 comprehensive or area-specific zoning by-laws of the City's former municipalities represent a patchwork of regulations that has been very difficult to work with, for both staff and the public. The existing by-laws will form the underlying basis for the structure and direction of the new by-law; so a sound understanding and thorough review of existing provisions is a necessary first step. The work will be enhanced with public involvement starting early and continuing throughout the project.

A public consultation approach engaging a wide spectrum of stakeholder groups will best suit the aim of ensuring parties with a vested or high degree of interest in zoning will be able to inform staff of their own perspectives on the existing by-laws and be satisfied they are adequately reflected in the new by-law. An electronic engagement methodology is being established, whereby information will be sent to the stakeholder groups via the Internet, and responses will be submitted on-line directly to the project team through the City's web site. There will also be opportunities for other interested individuals to contribute.

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