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STAFF REPORT ACTION REQUIRED

City Planning Division – Response to Request for Information on Work Program and Planning Process

Date:	November 14, 2007		
То:	Planning and Growth Management Committee		
From:	Chief Planner and Executive Director, City Planning Division		
Wards:	All		
Reference Number:	Pg070077		

SUMMARY

On September 5, 2007, the Planning and Growth Management Committee requested the Chief Planner to report on information respecting the City Planning Division's work program, including involvement in community consultation meetings and time spent on Ontario Municipal Board (OMB) hearings. The Committee also requested information on consultations that have taken place with community groups and other stakeholders respecting operational changes to improve the planning process.

The Planning Division's work program can be summarized under three main service areas: (i) Development Review, Decision and Implementation; (ii) Civic and Community Improvements; and (iii) City Building and Policy Development. Each of these service areas is briefly described in the text of the report in terms of work underway and forecast for 2008, with greater detail provided in Attachments 1, 2 and 3 that also list future challenges and opportunities where more planning resources may be needed. Broadly speaking, these three service areas span the range of City planning activities from policy formulation to implementation and enhancement. The workloads in these service areas are influenced by a number of factors such as the rate and magnitude of development applications, new Council policy directions, report requests and changes to provincial plans and planning legislation. The open-ended nature of the planning process, with its emphasis on consultation and rights of appeal, adds to the difficulties of workload forecasting.

Other sections of the report discuss the planning process as it relates to the engagement of the public and other stakeholders in the development review process; the involvement of planning staff in OMB hearings, and recent efforts to enhance the meaningfulness of the public consultation process through better information, outreach and education.

RECOMMENDATIONS

The City Planning Division recommends that:

The Chief Planner and Executive Director be directed to provide a status report for the end of 2008 that updates the progress made in addressing the challenges facing the delivery of City Planning services identified in this report.

Financial Impact

The recommendations in this report have no financial impact.

Executive Summary

Planning for change in an already largely developed, diverse, modern city of 2.6 million people will never be an easy or routine civic function. The Planning Division can be seen as having three primary and inter-related service areas: (i) Development Review, Decision and Implementation, (ii) Civic and Community Improvements and (iii) City Building and Policy Development. Section 1 of this report and the attachments provide a sense of the scope and complexity of the work program required to deliver these service areas.

The Planning Division's work program is conditioned by the need to meet certain legislated obligations or requirements, particularly those spelled out in the provincial Planning Act, the City of Toronto Act and the Ontario Heritage Act. Most notably, there are strict timeframes imposed for dealing with development applications, including those related to heritage properties. The planning process, including rights of appeal to the Ontario Municipal Board (OMB), is largely prescribed by the Province. However, the subject or substance of planning is considerably less fixed than the process. The planning agenda can vary with a number of factors such as the rate and magnitude of development applications, new Council policy directions, requests for reports and changes to provincial plans.

All three planning service areas include public consultation, both by tradition and by legal requirement. The former municipalities that now comprise the City of Toronto all had strong traditions of encouraging public involvement in the planning process that went beyond the minimum requirements of provincial legislation. It has long been recognized that the more the civic administration can engage the public in the planning process the stronger and more widely supported planning outcomes are likely to be. One of the major challenges in transforming to a new City of 2.6 million people has been to retain a true feeling of local government and, for the Planning Division, how best to maintain the tradition of strong neighbourhood planning in all its diverse forms.

Section 2 of this report describes the current public engagement process in City planning. It is anticipated that over 400 formal public meetings will have been held by planning staff in 2007. The public, in this context, is made up of a wide range of interests including residents, businesses, landowners, developers, tenants, industry groups, labour and other special interest groups. The Planning Division goes beyond the legislated requirements for public consultation by engaging the public through such means as workshops, design charettes, area study groups, review panels and other general forms of outreach and education. Particular attention has been given to public consultation in the Community Planning application process and this is the main topic of the "Improving the Planning Process" report adopted by Council in May, 2006. Section 4 of this report provides an update of recent changes and processes that are underway to enhance the public consultation process, including the impact of major changes recently made by the Province regarding the role and scope of the OMB.

Section 3 of this report comments on the impacts of OMB hearings on the City's planning function. When a planning application or decision is appealed, planning staff must respond to the OMB process in a timely fashion and in accordance with prescribed rules and legal procedures. OMB cases automatically take precedence and this often results in other planning tasks being set aside. OMB hearings are conducted in a formal, courtroom atmosphere and are of an essentially adversarial nature. The "burden of proof" for the City's planning cases is typically set high and, consequently, the preparations for OMB hearings are meticulous, lengthy and exhaustive. Most major planning issues are contentious and the greater the degree of controversy the more likely the issue is to land at the OMB for adjudication. This awareness affects the way planners go about their work, with the possibility of litigation always a threat at the end of the process.

Overall, the Planning Division finds itself dealing with a wide-ranging, dynamic, complex and challenging work program that has to have the flexibility to meet changing conditions and demands. Added to this is a planning process that has objectives that are difficult to meet all at once. The benefits of more and better public consultation, which will require longer process times and more staff resources, have to be balanced against the need for cost containment and the requirement that planning decisions be rendered in a timely fashion. Neither can public consultation, however effective, be expected to replace the role of the OMB whose continued presence will maintain a restraining influence on the form of planning debate. It is partly as a result of these conditions that the Planning Division experiences periods of above-average staff turnover rates.

At the risk of over-simplification, the major challenges facing the Planning Division in the successful delivery of its 2008 work program can summarized under 6 categories:

- 1. the need to raise service levels in dealing with development applications that are increasing in complexity.
- 2. the need to better respond to the increasing demand for more opportunities for the public to engage in the planning process, and to be more proactive about identifying and responding to issues.

- 3. the need to manage workloads to be better able to meet the demands of OMB hearings (which will only increase if items 1 and 2 above are not adequately addressed).
- 4. the need to take a more proactive role in Heritage Conservation and to catch up on the backlog of requests for heritage studies and property reviews.
- 5. the need to meet the increasing demands for transportation planning related to individual transit projects and city-wide initiatives such as Transit City and staff support to the GTTA.
- 6. the need to respond to new and emerging Council priorities, such as Climate Change.

Having said all this, it should be noted that in 2006, for example, the Planning Division dealt with 765 Community Planning applications, 3,389 Committee of Adjustment applications and 700 Heritage Reviews. Of these, the vast majority were resolved without recourse to the OMB. In general, the Planning Division has dealt effectively with planning development applications and has steered growth along the lines directed by the City's Official Plan. Notably, the City is on target to meet its population growth forecasts, with over 10,000 residential units having been built each year since 2001. Employment growth prospects are encouraging with applications (as of Dec. 2006) for 1,296,600 square metres of commercial and industrial development in the Employment Districts and 423,500 square metres of commercial office development in the Downtown. Substantial planning progress is continuing to be made in a number of other important fields including transportation, the environment and the beautification of the City's routes and places.

The Planning Division continues to contribute to innovations and improvements in the level of service delivery in the civic administration. For example, Council last year adopted the Green Development Standard and this year the Planning Division received an award from the Federation of Canadian Municipalities for the study of the benefits of Green Roofs. The Division was also recognized in the Ontario 2007 Public Sector Quality Fair for its part in winning awards of excellence for the Nathan Phillips Square Revitalization Design Competition and the Toronto Coordinated Street Furniture Program. In the transportation field, the Planning Division was a partner in the pioneering, region-wide Smart Commute Initiative that encourages the application of transportation demand management strategies to reduce single-occupant vehicle travel. In the future, the newly created Greater Toronto Transportation Authority will partner with the City and the regions to maintain the functioning of the Smart Commute Association and the related local transportation management associations. The Division seeks to continually review and improve business practices and enhance public access to the planning process and information through web-pages. Through these and numerous other means, the Planning Division continues to be at the forefront of creating a great City that is known around the world for its high standards and quality of life.

DECISION HISTORY

The Planning and Growth Management Committee, on September 5, 2007, requested the Chief Planner and Executive Director to report to the November 29, 2007 meeting of the Planning and Growth Management Committee, with the following information:

- City Planning Division Work Plan 2008
- outstanding Planning studies and reports
- community consultation meetings in 2007 to date
- budget from City Legal and other Divisions for OMB hearings
- break out budget for Planning at the OMB (staff time + associated costs)
- staff deployment at the OMB and Committee of Adjustment
- consultations that have taken place with community/resident groups and the development industry respecting the planning process in Toronto and changes that are currently underway.

COMMENTS

This report is in response to the recommendations of the Planning and Growth Management Committee adopted at its meeting of September 5, 2007.

The report is organized into four sections as follows:

- 1. City Planning Division Work Program in terms of work underway and forecast for 2008;
- 2. public engagement community consultation meetings respecting planning and development held in Toronto during the first three quarters of 2007;
- 3. City staff at the Ontario Municipal Board; and
- 4. the planning process past consultations with the public and stakeholders and steps being undertaken to improve the planning process.

1. City Planning Division Work Program

The mandate of the City Planning Division is to guide and manage the City's physical change and growth and the effects on the social, economic and natural environment while seeking to enhance the quality of life for Toronto's diverse residential and business communities.

Planning in an already largely developed, diverse, modern, dynamic City of 2.6 million people is a challenging task. The City Planning Division typically deals with over 4,000 development applications of various types a year and reports on a host of policy-related issues. Essentially, planners provide advice to Council within a legislated planning framework. In providing this advice, planning staff take into account the various, and sometime conflicting, views of all those affected by planning outcomes. The range of

interest groups includes residents, businesses, landowners, developers, tenants, industry groups, labour and other special interest groups. The outcomes of the planning process are not predictable, may not always lead to consensus and are subject to legal appeal. As such, urban planning is an activity in which there always seems to be room for further improvement and, with more resources, positive changes can be made. The challenge for the Planning Division is how best to deliver the City's planning function within the resources available.

To meet this challenge, the Planning Division divides its tasks into three main service areas:

- Development Review, Decision and Implementation
- Civic and Community Improvements
- City Building and Policy Development

These three areas together define the work program of the City Planning Division and are discussed in detail below. However, these service areas should be not be regarded in isolation as they are all inter-dependent components of the City Planning function. The Planning Division's organizational structure (which comprises four Community Planning District Offices; Policy and Research; Transportation; Urban Design, and Zoning By-law and Environment) is designed to deliver these services across the City.

1.1 Development Review, Decision and Implementation

The Development Review, Decision and Implementation Service area deals with development applications. The City Planning Division is responsible for applications under the Planning Act, the City of Toronto Act and the Ontario Heritage Act. There are two main types of application under the Planning Act: one comprises minor variance and consent applications to the Committee of Adjustment and the other comprises Community Planning applications related to official plan and zoning amendments; site plans; plans of subdivision; part lot control; condominium approvals; residential demolition control, and holding designation removal. City of Toronto Act applications under the Ontario Heritage Act for the demolition or alteration of heritage buildings.

The City Planning Division reviews applications to ensure the implementation of Council's policies as well as relevant provincial policies and plans. In undertaking this work, staff consult with other City Divisions, agencies, boards and commissions, the Councillors and the public. By incorporating public consultation within accepted timeframes for the review process, Planning staff ensure the orderly development of land in accordance with the applicable plans and policies.

In 2006, the City Planning Division received 3,389 Committee of Adjustment applications. In addition there were 765 Community Planning applications. Planning staff in Heritage Preservation Services reviewed over 700 building permit applications involving alterations to designated buildings.

In the first three quarters of 2007 there were approximately 2,500 Committee of Adjustment applications and 439 Community Planning applications. The applications numbers for 2007 seem to be somewhat below the applications received in 2006. In 2008, the projected number of applications is expected to fall in the range of the 2006 and 2007 figures.

The Planning Division's involvement in development applications also includes significant follow-up with respect to implementation, including OMB appeals that are outlined further in Section 3 of this report. Follow-up work is often required to ensure that various conditions of development approval are properly secured, most notably those related to site plan, subdivision, Section 37, and heritage agreements. The Division supports a number of teams, task forces and committees with respect to development applications.

As part of the development approval process, the Division has established and administers the City's Design Review Panel. This panel is being piloted in 7 areas across the City. The Planning Division also promotes and fosters the creation of public works of art through the developer Public Art Program.

Attachment 1 provides more description and discussion of the work of the City Planning Division with respect to Development Review, Decision and Implementation.

1.2 Civic and Community Improvement

The City's Civic Improvement Program supports the built form policies of the Official Plan and contributes to the achievement of Council's "Beautiful City" objectives. The Program provides limited capital funding to upgrade public and private projects that impact the public realm. The public realm comprises the City's system of streets, parks open spaces, public building and facilities. Typical civic improvement projects include streetscape improvements (special paving, widened sidewalks, tree planting, and landscaping), the creation of special features (plazas, fountains, gardens and interpretative displays) and naturalization programs. Civic improvements are often adjuncts to larger public infrastructure undertakings, such as major road reconstruction projects. The other major source of opportunities for civic improvements arises through the Planning Division's review of private sector development applications, a process that frequently results in securing streetscape improvements and other urban design enhancements. In addition, there can be community-based initiatives related to improving the public realm.

Planning staff have identified and mapped the locations of various classes of civic improvement projects (Places, Routes and Districts) and have developed a streetscape hierarchy and a supporting Streetscape Design Manual. Delivery of these projects requires coordination with other City divisions and with the private sector via the development process and the work of Business Improvement Areas (BIAs) and resident groups. The efficiencies gained by coordination and partnering enable the City's capital funding of public realm projects to be leveraged to maximum effect. Discussions are currently being held to establish the working relationship between the Planning Division's Civic Improvements Program and the Pedestrian and Street Furniture Programs which are to be located in the new Public Realm Unit in the Transportation Services Division.

Currently, the Planning Division is engaged in a number of civic improvement projects including the redesign of Nathan Phillips Square, the Western Waterfront Parks Master Plan exercise and various streetscape improvement initiatives such as the Queensway and Mc Nicoll Avenue. Planning staff are also engaged in two consultant studies of civic and community improvement opportunities. One study is looking at three "gateway" proposals aimed at creating memorable and pleasing arrival points in the City; the other study is investigating the enhancement of the public spaces surrounding eleven major cultural institutions. Joint opportunities for civic improvement projects are explored with the TTC, developers and BIAs in the preparation of the annual capital budget submission. Similarly, in 2008, Planning staff will continue to work with staff of Transportation Services to match the schedule of projects in the City's roadway and sidewalk annual capital works program with the established list of priority civic improvement projects to identify future opportunities for streetscape enhancements.

An important component of civic and community improvement is the preservation of the City's past. Heritage Inventory and Incentives programs are administered by the Planning Division. The listing and designating of Heritage properties has the beneficial effect of improving the quality of life for all Torontonians by preserving a sense of place. Heritage plays a critical role in creating a beautiful and sustainable City. The Inventory has grown substantially over the past 6 years, from 3,680 properties on the Inventory in 2002 to an estimated 9,060 by the end of 2007. The dramatic increase in the Inventory in recent years is directly related to the number of Heritage Conservation Districts (HCDs) that have been designated by Council (about 85% of new listings in the past ten years have occurred through HCDs). It is projected that the Inventory will increase a further 10% in 2008, to about 10,000 properties.

Heritage Incentive Programs are administered through on-going grant and tax rebate programs. The expanded Tax Rebate program (to cover about 150 properties) has been put on hold due to cost containment in 2007 but is expected to be launched in 2008. Planning staff are currently working on long-term funding strategies to provide greater preservation incentives.

Attachment 2 gives a fuller description of the elements of the Planning Division's civic and community improvement programs presented above.

1.3 City Building and Policy Development

The City Building and Policy Development service area seeks to achieve balanced, well managed and well designed physical change and growth; to maximize the beneficial affects of change on the social, economic and natural environments; and to enhance the

quality of life for Toronto's diverse residential and business communities. The Division supports Council's decision-making with the best possible advice for all matters related to the Division's city-building mandate. This includes responding to initiatives of Council as well as issues identified from the on-going monitoring of social, economic and environmental conditions in the City and the broader region. The Division works with: City Divisions; agencies, boards and commissions; other orders of government; adjacent municipalities; the development industry; interested stakeholders; residents and businesses on an on-going basis to:

- Provide excellent and timely city-wide and local policy advice
- Facilitate decision making and consensus building
- Continuously improve the quality of policy analysis
- Support sustainable city-building

The activities included in this service area, broadly speaking, are comprehensive long range planning; implementation plans, studies and guidelines; and surveys, monitoring and forecasting. These are briefly described below and presented in more detail in Attachment 3.

(a) Comprehensive Long Range Plans

The development, review and maintenance of the City's foundation planning documents, the Official Plan and the comprehensive Zoning By-law, is a key legislative activity of the Division. In 2008, the major activities in this area include:

- The disposition of the remaining 50 site specific appeals to the Official Plan (related to development applications) and the resolution of the outstanding major Policy appeal (related to Special Policy Areas).
- Completing the "conformity" exercise with the Province related to the Greater Golden Horseshoe Plan and recommending any resulting amendments to the City's Official Plan.
- Recommending OPAs related to the new City of Toronto Act and Planning Act powers.
- The Zoning By-law Project enters a critical final phase and a draft of the new Comprehensive By-law is expected by the end of 2008.

(b) Implementation Plans, Studies and Guidelines

This activity area makes up a substantial portion of the Division's work program. The various plans, studies and guidelines undertaken by the Division are intended to implement the City's long range vision. In 2008, this part of the work program comprises a diversity of types, including:

- Secondary Plans and Plan Reviews, such as the Parc Downsview Park Secondary Plan Review
- Avenue Studies (completing the six that are underway and initiating two new studies in 2008)
- Other area studies, including Zoning and Official Plan implementation studies.

- Environmental Assessments (EAs) conducting the transportation modeling for 24 EAs and taking the lead role in 2 of these transportation projects in 2008
- Phase 2 of the Heritage Management Plan is to be undertaken
- Heritage Conservation District Studies currently there are 16 HCDs identified for potential study (some with funding identified and others with no funding), some of these will commence in 2008, as resources permit
- Archaeological Master Plan (a multi-year program to identify areas within the City where archaeological potential exists) will assess specific areas of the City in 2008
- Community Improvement Plans in 2008 includes CIPs for the Centres and other priority areas
- Community Services & Facilities Studies and Strategies 7 expected in 2008 (ongoing plus new)
- Urban Design Guidelines including finalization of the guidelines for surface parking lots and follow-up work on the Mid-rise Symposium/Avenues implementation
- Green Development Standards and Guidelines 7 related report requests are slated for 2008
- Transportation Planning Initiatives including support to implement the Spadina Subway Extension, the "Transit City" initiative and the activities of the GTTA
- Development of a long-term Sustainable Transportation Implementation Strategy as part of the City's "Climate Change, Clean Air and Sustainable Energy Action Plan"
- Waterfront precinct planning and implementation (including OMB hearings).

(c) Surveys, Monitoring & Forecasting

Good decision-making depends on the availability of relevant, reliable and accessible information. Our business includes the development, maintenance and continuous enhancement of a variety of data sources and monitoring activities. We also monitor the effectiveness of the City's plans, policies and guidelines and assess the changing urban conditions within the City and the region to identify the need to review or revise planning frameworks. The scope of this work in 2008 includes:

- Analytical reports arising from the 2006 Census
- The 2008 Employment Survey
- 5 transportation travel surveys
- Monitoring development activity across the City, as well as in adjacent municipalities

2. Public Engagement – Community Consultation Meetings

Staff recognize the need to achieve improvements to the planning process which better fit the challenges faced by the growing complexity of growth and change in Toronto. The various interests with a stake in building Toronto – residents, businesses, land owners, developers, tenants, industry groups, labour and others – want more from the process and progress on more meaningful public engagement is being made.

Staff are also involved in the Development Application Review Project (DARP) which is an interdivisional initiative dedicated to improving, harmonizing and coordinating processes and policies for building permits, planning applications and engineering reviews amongst all divisions. DARP coordinates consultation with the development industry and maintains the Developing Toronto web-page. A quarterly newsletter has recently been launched (Developing Toronto E-News) to respond to the development industry's desire to be aware of changes at the City as they relate to the development process. The Developing Toronto web-page has been re-designed to improve access to information about the City's development requirements, policies and procedures. In addition, the "Building Toronto Together: A Development Guide" document (available on-line) assists staff, developers and constituents in navigating the development review process and obtaining City of Toronto approval documents.

The community process and development review process both implement the legislative direction from the Planning Act which frames the overall planning process stating that the Act "provide(s) for planning processes that are fair by making them open, accessible, timely and efficient" and "encourage(s) co-operation and co-ordination among various interests". The Act also recognizes the decision-making authority and accountability of municipal councils in planning.

Planning staff are required to provide objective, independent advice and opinions based on a balanced and fair evaluation of planning issues. The evaluation process takes into consideration all available relevant information and the viewpoints of all parties involved in or affected by the planning decision

Consultation and engagement enhance the ability of staff to form opinions but also help shape planning outcomes. There is a long tradition of many forms of community participation in the planning process and it has always been a clear expectation of the public in all former municipalities now comprising Toronto. There are many recent examples of non-traditional community processes across the City at both the level of individual development applications and at the broader level of area-wide or district studies. These processes typically involve working groups, workshops and charettes where the aim is to break away from the more conventional question and answer meetings to a format that is more inclusive and open to creative discussion. Recent examples of the successful use of these formats can be found in the multiple stakeholder discussions of:

- Cherry Street transit alignment charette conducted over several meetings to determine how to best integrate a proposed streetcar facility within the right-of-way given various alternatives and perspectives, resulting in consensus on a preferred alignment for environmental assessment purposes
- Goodwill site at Adelaide and Jarvis working group to sort through issues of height, massing, traffic and Section 37 over a series of meetings resulting in broad support with no appeal to the OMB
- Mimico 2020 all day community workshop to work through ideas for revitalizing the community and key actions that need to be considered to move forward
- York University regarding development of a secondary plan

- Willowdale Plaza Open Space full day charette and workshop to consider options for design
- West District Design Initiative looking at three sites over three all day sessions to identify opportunities, constraints and options for redevelopment scenarios best configured to achieve Official Plan objectives
- Birchcliff Quarry Lands Study working group to discuss issues of height, massing, traffic, and community facilities to create a new mixed use neighbourhood.
- Kingston Road Revitalization Study work group to develop and analyze ideas for revitalizing Kingston Road between Victoria Park Avenue and Birchmount Road.
- Local area committees (LACs) related to Avenue studies

Public education, awareness and collaboration can be enhanced through more regular meetings and contact with community groups, business associations and industry groups especially outside the immediate pressure related with development applications. The aim is to build the capacity or ability of communities to engage more meaningfully in the planning process so that they play a stronger role in shaping planning outcomes. Use of communication materials and documents and enhanced use of the internet and email can further enhance and strengthen public consultation.

In dealing with Community Planning applications, City staff organizes, along with the Ward Councillor, local community consultation meetings. Notice is sent out to owners and tenants within 120 metres of the site. This notification area is often expanded by Community Council to capture a broader area. A minimum of one community consultation meeting is held per application. Depending on the nature of the application and the issues identified, further community meetings can be warranted. This can lead to working group meetings with representatives from the community and the Councillor's office and further public consultation meetings. Increasingly, Councillors' offices are requesting staff attendance at pre-application meetings that have been organized by the Councillor's office or a potential applicant. These meetings can be effective in hearing community opinions early in the process.

Consultations around secondary plans, avenue studies, heritage conservation district studies and other area studies often include meetings for the general area, advising panel meetings and community association presentations. As an example, the recently completed Warden Woods Secondary Plan in south Scarborough included 7 community meetings, 2 visioning charettes/workshops, 5 association meetings and 6 advisory panel meetings in 2004/2005. Such an extensive level of consultation is not uncommon for secondary plans.

Staff also conduct community consultation meetings around City-wide policy changes, heritage conservation studies and environmental assessments. City staff also engage the public through requests to attend general meetings of resident associations and business associations.

A summary of the number of formal community consultation meetings held in 2006 and the first 3 quarters of 2007 is set out below:

	No. of Meetings	Approx. No. of Notices Sent Out	Approx. No. of persons attending meetings
2006	414	180,000	14,000
2007 (Jan Sept.)	364	195,000	12,500

The busiest months of the year for community meetings are generally May and June. During these months, City Planning staff attend over 70 meetings a month. In the slowest months (July and August) there are an average of 13 meetings per month.

3. City Staff at the OMB

The Ontario Municipal Board is a quasi-judicial tribunal that, among other things, considers appeals on planning applications. The bulk of the City of Toronto planning applications that are appealed to the OMB are Official Plan and Rezoning applications and Committee of Adjustment decisions. Development applications and policy changes adopted by Council as changes to the Official Plan and Zoning can be appealed to the Ontario Municipal Board by right. The planning practices followed by the City including community engagement typically result in no appeals to the OMB. Alternative dispute resolution pratices - both formal and informal - and planning outcomes that have satisfactorily addressed the issues raised or that have resulted in revised projects and policies, all reduce the chances of an appeal.

The number of cases and hearing days, as reported by City Legal for 2006 and so far this year, are:

2006 – 165 OMB Cases 348 hearing days

2007 (as of September) - 141 OMB cases - 416 hearing days

The OMB has an impact on the City Planning Division and other Divisions in a number of ways. When an application is appealed, staff must respond to the OMB process in a timely fashion in accordance with OMB rules and process. OMB-related work, therefore, takes priority and often means that other planning tasks have to be put aside. OMB work is typically undertaken through a combination of regular work hours and overtime. It is difficult to predict the number, scope and frequency of OMB appeals and the type and intensity of staff response required. A typical hearing involves planning staff, a City lawyer and, occasionally, staff from other divisions. The Planning Division does not directly budget for OMB hearings and the costs of these hearings are absorbed into the Division's annual operating budget. Five examples of actual OMB hearings are selected below to illustrate the range and complexity of OMB cases and the intense demands they place on planning staff resources.

3.1 Committee of Adjustment Minor Variance Application, 560 Warden Avenue

This was an application for permission to establish three dwelling units within a singledetached unit within a neighbourhood district.

The Committee of Adjustment refused the application at its meeting on May 2, 2007. This decision was appealed to the OMB and City Council, at its meeting of July 16 and 17, 2007, directed the City Solicitor to attend the OMB in support of the Committee's refusal.

The OMB hearing was held for one day, on September 4, 2007. Planning staff provided expert testimony in defence of the Committee of Adjustment's refusal. The decision of the OMB was to uphold the Committee of Adjustment refusal.

This was a relatively small OMB event with a positive outcome for the City. But even for a small hearing, the staff commitment is considerable. In this case there was approximately 40 hours of planning staff time involved by the Planner, the Manager and Graphics staff. The bulk of this time was spent on preparation for the hearing in order to present a convincing case.

3.2 City-wide Drive Thru By-law

This OMB hearing originated with a proposal for a McDonald's restaurant with a drive thru feature on St. Clair Avenue West at Christie Street. Significant community and planning opposition resulted in a Council direction in January, 2002 to report on amendments to the Zoning By-law for the former City of Toronto to restrict or ban drive thru restaurants. Staff were directed to consult with representatives of the restaurant and fast food industry. Follow up reports from City Planning presented a large scope of issues and presented draft by-laws for enacting a city-wide amendment which involved amending each individual zoning by-law. Council adopted these by-laws in October, 2002. These by-laws were appealed and a hearing commenced in September, 2003.

The OMB hearing on the city-wide by-law regulating drive thru establishments was an extremely important event for the City and a milestone event in planning terms. It demonstrated the importance of "urban values", pedestrian movement and the necessary control of car-oriented facilities in an urban environment. It has been widely recognized as a positive decision that reinforces good urban planning and the value of our main streets.

The cost in staff time to accomplish this was considerable, particularly because it was a city-wide issue. Preparation of evidence and the collection of existing and potential site information had to be done. Time was spent on preparing graphic displays and preparing the case with City lawyers. The hearing alone was six weeks in length. The total time involved for all Planning staff was in the order of 340 days of staff or the equivalent of 1.3 full time staff positions.

3.3 Rezoning Application, 56 Grovetree Road

The application was for construction of seven single-detached dwellings on a common elements condominium road. The application was appealed to the OMB prior to its consideration by Council. Council, at its meeting in February, 2005, directed the City Solicitor and staff to attend the OMB in opposition to the proposal. Although the proposal was for a small number of units, it involved complex issues such as the intrusion of development into a natural heritage area and concerns identified by the Toronto Region Conservation Authority, who were represented at the hearing.

The process included a pre-hearing conference and 8.5 day hearing. Total planning staff time including community planning, policy and graphics was 272 hours or the equivalent of 39 working days. In addition, given the environmental expertise required for this matter, City Legal coordinated evidence from Urban Forestry, the TRCA and an outside ecological consultant, all requiring preparation and hearing time.

3.4 371-379 King Street

This application was for permission to redevelop the site for a 32-storey residential condominium with commercial on the lower levels. It was appealed to the OMB in June 2006 and City Council approved the direction to oppose the application at its September, 2006 meeting. The main issue was the height of the building that was substantially different from the planned context. The height had impacts deemed to be unsupportable. The process at the OMB was unusual in that the first hearing did not result in a decision and a second hearing was required. There was also considerable time spent on mediation and the whole process proved very lengthy. The total amount of planning staff time expended on this OMB case, including the two hearings, was 400 hours or about the equivalent of 57 working days.

3.5 Parkway Forest

The application was for a major development to permit 3,568 new residential units and demolish and replace 332 rental units in a series off buildings ranging from 17 to 49 storeys in height. In February, 2005 City Council adopted the recommendations to refuse the development proposal in the form presented and to develop a community consultation strategy with the local residents and the developer. In March, 2005 the applicant appealed the Council decision to the OMB.

What ensued was a very involved process that dealt with significant revisions to the application and a number of community consultations including a series of workshops. The result was a City Council and subsequent OMB approval of a settlement for 2200 new units, in a range of building types, the replacement of 322 rental units and 3,500 m2 of non-residential uses including community agency space. The settlement included significant community benefits.

The total planning staff commitment included community planning, urban design, policy and research and transportation planning staff. The total hours devoted to this exercise by all planning staff was in the order of 6,111 hours or 873 days. It should be noted that the applicant appealed this application immediately following City' Council's refusal of this proposal. The subsequent review and refinement of the proposal, including community consultation, represents the actual time spent by staff preparing for the resulting OMB hearing. However, this commitment was necessary to achieve the desired planning result for what amounts to a new community.

3.6 Other Divisions

The efforts to defend City positions may sometimes involve other Divisions and always involves staff of City Legal.

Over the period of 2005, 2006 and 2007, Parks Recreation and Forestry estimate that the equivalent of approximately 250 works days have been committed to OMB hearings. Also, Transportation Services estimates a time commitment for the OMB of 250 to 400 working days.

City Legal advises that the demands placed on their staff resources for OMB hearings are considerable .The Legal Division uses a ratio of about 2 days preparation for every hearing day, so that the total number of days for 2006 would be in the order of 348 plus 696 for a total of 1044 staff days or 4.35 full time positions.

In summary the time commitment to prepare and appear at the OMB can be considerable and has an impact on City operations. It is difficult to be completely precise because time would have been spent on applications in any event in the absence of the OMB. Furthermore, it is important to note that the majority of applications are dealt with without OMB involvement and are resolved satisfactorily. Perhaps the biggest impact of the OMB pertains to the integrity of the planning process for residents of the City and the ability of a mature City such as ours to control its planning future.

4. The Planning Process – Recent Consultations with the Public and Stakeholders and Changes Underway

As noted earlier in this report the Planning and Growth Management Committee requested that the Chief Planner and Executive Director, City Planning, report back on consultations that have taken place with community/residents groups and the development industry respecting the planning process in Toronto and changes that are currently underway.

City Council identified "improving the planning process" among its priorities for the 2003-2006 term. The former Planning and Transportation Committee established a subcommittee to work on this issue. Public consultations including outreach to the development industry were held in June 2005 in each of the four community council districts with a wrap up consultation in September 2005.

City Council adopted a report in May 2006 with a range of recommendations for improvements to the planning process and practices.

At the same time, the Province was in the process of making the most significant reforms to the land use planning process since 1983. The thrust of these reforms was to redefine the role and scope of the Ontario Municipal Board and to shift greater responsibility for land use planning decisions from the Board to municipal councils. This shift in responsibility and powers also recognized that municipalities required new tools to address challenges associated with growth management, intensification and redevelopment.

In establishing requirements for complete applications, adjusting timeframes, enshrining the right of an applicant to pre-consultation, and limiting certain appeal rights, the Province set a higher standard for decision-making at the municipal level. While this "front-end" loading of the planning process enhances a municipality's control over the decision-making process and reduces the ability of applicants to race to the OMB before Council has been able to fully consider an application, it also raised expectations for improved and more fulsome public involvement in the planning process and enhanced transparency. Since the enactment of amendments to the Planning Act and the City of Toronto Act and the release of related regulations in December 2006, staff has been working on the implementation of changes.

Overall, "Improving the Planning Process" (IPP) changes and many of the legislative changes emphasized earlier, improved and more meaningful public participation, greater collaboration and enhanced communication, accessibility, transparency and accountability. Timely and thorough staff response to applications, balanced with an informed and engaged community is a critically important goal of these initiatives, which staff embrace. It is noted, however, that to date, the Planning Division has been responding to the greater expectations of IPP and the robust changes in the legislative

environment without additional resources. Maintaining this important balance becomes increasingly difficult under these circumstances.

Making changes is an on-going process and the introduction of changes has taken place in a measured way taking into account the priority need to roll out the administration of new, provincial legislative requirements. Interdivisional issues have also been accommodated through the ongoing DARP team as noted earlier in this report.

Directions and Enhancements:

Summarized below are directions and enhancements implemented to date or under development. Existing and unchanged aspects of the planning process that address these themes have not been summarized (e.g. existing Councillor notification procedures regarding new applications).

(a) Earlier Information and Consultation:

- Pre-application consultation information disclosed in Preliminary Reports as part of background to application; pre-application consultation as permitted under the amended Planning Act and complete application Official Plan Amendment currently under consideration with community input
- Community consultation meetings are currently held either after the Preliminary Report is tabled with Community Council or, at the request of the local Councillor, prior to applications being filed or prior to the submission of a Preliminary Report
- New options for standard practice of holding community meetings prior to Preliminary Report under development
- Additional community meetings and working groups at the request of the local Councillor especially after major revisions to applications or for complex applications
- Newly filed applications with key information are published in a monthly report posted to the Division's web site
- Complete Application Submission Requirements process in accordance with new legislation rolled out with further enhancements proposed in draft Official Plan Amendment
- In accordance with the new planning legislation, Public Notice of Complete Applications filed with the City are now published every two weeks in the newspaper
- Common Element Condominium Applications now require notice of complete application and Statutory Public Meeting notice and meeting at Community Council
- DARP/Industry Semi Annual Consultation Meetings continuing and new on-line newsletter being published

(b) Accessibility to information

- Public access to application information has been enhanced with the approval of Divisional Routine Disclosure Guidelines
- "Clear Language" training undertaken by all staff and use of the Clerk's new report format; further enhancements to Planning report format and content planned
- Building Toronto Together Guide (application submission requirements) revamped including DARP Web Site enhancements
- Equity and human rights: annual staff training continues to incorporate City guidelines
- Staff submissions to 311 office in preparation for roll out
- Revised development application form to capture more information

(c) Public Outreach and education

- City Planning Division internet site has been revamped with improved links, main pages, contact information, a site map and improved organization for posting information about studies and major applications
- The use of planning charettes, (e.g. Cherry Street transit alignment), public forums (e.g. mid-rise and tall buildings symposia) and community workshops (e.g. Mimico 2020) continues to increase every year
- The Design Review Panel Pilot Project is underway in seven areas
- World Town Planning Day presentations by planning staff in schools across Toronto annually
- Staff training continues annually developing consultation skills, effective facilitation and presentation skills

(d) Notification improvements

- Notice of Refusal new statutory requirement implemented
- Harmonization and better coordination of notification practices with Clerks using new One Address Repository (OAR) and the Division's IBMS system underway capturing all owners and tenanted residential units

(e) Accountability

- Site Plan Technicians hired to follow up on site plan landscaping installations in accordance with approvals prior to release of letters of credit
- Standardized Subdivision and Site Plan Agreements to achieve greater clarity and consistency

(f) Other

- Adopted and implemented new Harmonized Residential Rental Demolition Prohibition and Conversion By-law
- Launching two-phases of changes to internal business system (IBMS) to streamline workflow management and allow greater performance measurement

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ATTACHMENTS

Attachment 1: Development Review, Decision and Implementation [attachment name]Attachment 2: Civic and Community ImprovementsAttachment 3: City Building Policy Development

Work Underway and Forecast for 2008

Attachment 1: Development Review, Decision and Implementation

Description

To implement the official plan policies through the timely review of development applications to ensure desirable developments. This service area incorporates public consultation, stakeholder input and design review panel input. The work program also includes preparation and attendance at Ontario Municipal Board hearings to defend Council's decisions. Applications include:

- amendments to the official plan and zoning by-law, site plan approvals, plans of subdivision and condominium and part lot control
- Committee of Adjustment minor variances, consents
- alterations to heritage buildings

The work program involves negotiation and follow-up to facilitate the construction of approved developments.

2008 Challenges and Opportunities

- enhanced community engagement/consultation and requests for additional local area studies continue to add significant pressure on existing resources
- implementing new practices resulting from legislative changes (e.g. Planning Act, City of Toronto Act) and taking other steps to improve the planning process demands more staff resources
- responding to the growing number of properties on the Heritage Inventory
- pursue new initiatives in support of Council's "Beautiful City" objectives such as the introduction of the Design Review Pilot Project and enhanced urban design standards and guidelines
- implement the Toronto Green Development Standard
- manage workloads to be better able to meet the demands of Ontario Municipal Board hearings and the increasing complexity of developments applications as urban development pressures grow.

2008 Work Plan

Committee of Adjustment - Minor Variance & Consent

- processing applications for consent and minor variances in a legislated timeframe while accommodating community input
- 2,950 variance and 439 consent applications evaluated annually (based on 2006 totals)
- implementation of harmonized practices
- comprehensive planning review of all Committee of Adjustment applications, including other legislated requirements (e.g. archaeological and heritage)

Planning Act & City of Toronto Act Applications (Official Plan Amendment; Zoning Amendment; Condominium Amendment; Interim Control By-law; Part Lot Control; Site Plan Approvals; Plans of Subdivision, and Rental Demolition and Conversion applications).

- evaluating development applications in keeping with the policies of the Toronto Official Plan and other relevant guidelines in a timely manner
- incorporating meaningful consultation with communities, relevant city divisions and agencies
- preparing for and attending Ontario Municipal Board hearings on appeals
- number of applications evaluated on annual basis, based on 2006 totals, are as follows:
 - official plan/zoning amendments 138
 - site plan approvals 486
 - plans of subdivision 15
 - condominium approvals 103

- other approvals (interim control by-law, residential demolition control applications, rental demolition and conversion control, part lot control, etc.)
- graphics and presentation materials to facilitate information exchange
- legislative mapping to accompany by-laws
- Urban Design, Transportation, Policy and Research and Heritage input into all applications as appropriate with enhanced input on complex development applications

Public Engagement and Information

- engaging the public through attendance at information meetings with business and residential groups
- providing information to individual residents, businesses and associations
- graphics and presentation materials to facilitate information exchange
- maintaining monthly reporting on applications received on City's web-site.

Teams, Task Forces & Committees Internal & External

- participation in interdivisional teams, task forces and committees respecting development applications
- staff support for the Toronto Preservation Board

Development Implementation

- negotiate and follow up on various agreements and conditions of development approval, including site plan, Section 37, Section 111 and Heritage agreements, to allow for the construction of approved developments
- release of landscape and heritage letters of credit

Developer Public Art Implementation

- on-going program to promote and foster public art as a component of all major developments. As the program has expanded to include all Districts, a major goal of the program is to increase the number of public art projects outside of the Downtown.
- 52 public art plans/projects projected to be under review/implemented

Design Review Panel

• recently established two-year pilot project operating in 7 pilot areas across the City (at least one in each District). The Panel, made up of 12 independent design-profession volunteers, provides design advice to Planning staff on all major public and private developments. The Panel has reviewed 11 projects to date.

Heritage Demolition & Alteration Approvals (or refusals)

- review and make recommendations for projects with heritage components (over and above Heritage input to Community Planning applications noted earlier):
- review approximately 720 building permit applications of various complexities for properties that are listed or designated under Parts IV and V of the Ontario Heritage Act
- monitor, comment and advise on all development activity in existing Heritage Conservation Districts (13 HCDs and a total of 3,810 properties in 2007)
- review applications for possible impacts on archaeological resources (Interim Screening for Archaeological Potential first launched in 2005). From January to September 2007 staff reviewed approximately 140 applications/projects.

Work Underway and Forecast for 2008

Attachment 2: Civic and Community Improvements

Description

- increase the number of visually attractive routes and places in the City and to align street improvements with road reconstruction investments to ensure implementation of the streetscape manual
- provide ongoing heritage incentives to property owners to encourage and facilitate heritage conservation for all eligible properties within the City.

2008 Challenges and Opportunities

- working with Transportation Services Division on the implementation of the City's "Public Realm" unit
- addressing the backlog of requests for Heritage Conservation District Studies and the related need for the designation and listing of individual properties under the Ontario Heritage Act

2008 Work Plan

Design Service for Infrastructure Improvements

- urban design support for private redevelopment initiatives in various areas of the City
- design review services provided city-wide for infrastructure and other public realm improvement initiatives including streetscape; working with BIAs; infrastructure projects; cultural projects; street furniture; PUCC sign-off, and Council directed special projects (e.g. Nathan Phillips Square, Union Station)
- incorporation of transit, pedestrian and cycling connections including planning, analysis and design to balance the use of the public realm

Routes and Places Improvement / Infrastructure

- Routes and Places 2008 capital budget provides for civic improvement projects on and along sections of 10 major City streets; in addition there are carryover projects from 2007
- involvement in area public realm studies and initiatives undertaken by the City and in response to private sector development to integrate urban design and transportation official plan objectives within the recommended physical plans (e.g. Western Waterfront Parks Master Plan with Waterfront Secretariat)
- Sustainable Sidewalk pilot project

Public Engagement and Information

- Bi-annual Toronto Urban Design Awards program, the winners of which are entered in the biannual Royal Architectural Institute of Canada's national urban design awards competition
- Consultation on Routes and Places and infrastructure improvements

Teams, Task Forces & Committees (Internal & External)

• Participation in interdivisional teams, task forces, and committees, including the PUCC and the Toronto Preservation Board

Heritage Listing and Designation

- Inventory of Heritage Properties projected to add approximately 900 properties to the Inventory in 2008
- nominate properties and districts and defend Council's designations before the Conservation Review Board and refusals for demolitions to the OMB, as required
- increase heritage designations/listings through thematic listings approach
- develop a brochure to address the most common questions asked about Heritage Preservation Services and related heritage legislation and processes
- provide staff support to the Toronto Preservation Board

Heritage Incentives

- administer the Heritage Property Tax Rebate Program and Heritage Grant Program. As part of Toronto Heritage Grant Program, develop and participate in an annual public workshop designed to provide heritage property owners with advice and information on building restoration and preparation of grant application
- report to Council with recommendations on changes in grants program administration, budget increase for 2009 and long-term funding strategy
- develop new financial models to assist in restoration work
- investigate new taxation measures for heritage properties and additional incentives

Work Underway and Forecast for 2008

Attachment 3: City Building and Policy Development

Description

The development of City plans, policies, guidelines and implementation strategies respecting City building to:

- create sustainable neighbourhoods
- ensure the built environment including public realm, buildings, public art, heritage resources are of the highest quality
- improve the integration of land use and transportation
- foster partnerships with planning agencies within the Greater Golden Horseshoe
- improve the quality and accessibility of human services
- improve Toronto's economic health

2008 Challenges and Opportunities

- meeting the increasing need for official plan implementation studies, including area studies, secondary plan reviews and heritage conservation district studies
- addressing the substantial increase in demand for transit implementation and planning studies, including the development of a long-term Sustainable Transportation Implementation Strategy.
- accommodating the desire for more opportunities for the public to engage in the planning process

2008 Work Plan

Public Engagement and Information

- engaging the public on an on-going basis through attendance at information meetings with business and residential groups
- providing information to individual residents, businesses and associations, including continual enhancement of the City's web-site.
- responding to requests and proactive consultation
- graphics and presentation materials to facilitate information exchange

Teams, Task Forces and Committees (internal & external)

City building and policy input / participation in teams, task forces and committees (internal, ABC's and external government and private) including the following major categories:

- asset management and planning (e.g. West District Yard Study, Scarborough Civic Centre cityowned lands)
- heritage (e.g. Toronto Preservation Panel and community panels)
- interdivisional teams (e.g's Tower Renewal Project; Access and Equity, Development Charges Review Steering Committee)
- corporate indicator projects and research (e.g. OMBI, MPMP, PCT)
- Conservation Authority Liaison Committee
- Region-wide Smart Commute Association and two local Transportation Management
 Associations
- Staff resource to City Cycling Committee
- participate in a number of forums to co-ordinate responses to planning activities/initiatives of other orders of government in the GGH (e.g. GGH transportations Model, GGH Employment Lands Study)

- Priority Neighbourhoods Action Teams (13)
- environmental (e.g. Humber Watershed Plan Municipal Review)

Official Plan Policies – City-wide & Local (urban structure, land use, transportation, built environment, human environment, natural environment, economic)

City wide (Official Plan) policy development including:

- resolution of outstanding major policy appeal (SPA)
- settlements and modifications to the Official Plan
- resolution of 50 site specific and development appeals to the Official Plan
- complete "conformity" assessment with GGH Plan and propose amendments as required
- Natural Heritage 5 year program implementation to identify ESAs and incorporate by OPA into the Official Plan
- new Planning Act and City of Toronto legislative amendments to Official Plan (e.g. complete application OPA, new site plan powers, zoning with conditions)

Comprehensive Zoning By-law (Development & Maintenance)

- zoning by-law project has entered its final phase. A draft of the overall bylaw is expected by the end of 2008. Key features include: an internet based public version; GIS based search engine; live updates; instant printing
- GIS based mapping of former municipal by-laws

Zoning By-law Studies and Amendments (City-wide & Local)

- implement new standards (e.g. parking space dimensions with 33 appeals that will be heard at the OMB in 2008)
- city wide and local conformity issues (new Toronto zoning changes; places of worship in employment areas)
- other zoning issues as required (e.g. zoning amendments for renewable energy designs)

Implementation Plans, Studies & Guidelines

- City wide and local implementation plans, studies and guidelines including major categories
 - Secondary Plans (e.g. Downsview Park, Yonge/Eglinton, U of T, York University)
 - Avenue Studies (6 underway and 2 new studies proposed in 2008)
 - Avenues implementation strategy
 - Area studies (e.g. Lawrence Heights, Living Downtown, Quarry Lands, Mimico 2020, Bloor-Dundas Vision)
 - Environmental Assessments and Transportation Master Plans (transportation modeling for 24 EA's and taking the lead role in two of these transportation projects)
 - developing long-term Sustainable Transportation Implementation Strategy as part of the City's "Climate Change Plan"
 - Zoning for renewable energy
 - Heritage Management Plan Phase 2 and Archaeological Master Plan
 - heritage conservation district studies (16 potential areas)
 - Archaeological Master Plan
 - Community Services & Facility Studies and Strategies (8 under development, including East District, York University and Lawrence Heights)
 - Urban Design Guidelines (e.g. Surface Parking Lot Guidelines and Mid-Rise Buildings symposium follow-up work)
 - Green Development Standards implementation
 - Development Charges Review
 - policy tools (e.g. Parkland Dedication, Alternate Rate, Section 37 Business Process)
 - development and implementation of community improvement plans.

Inter-regional / Inter-governmental – Legislative Change, Provincial Plans & Policy, Transportation

- significant work related to the implementation of provincial planning policy and ongoing provincial planning initiatives. In 2008 this will include:
 - report on conformity of Official Plan with Places to Grow Growth Plan for the Greater Golden Horseshoe (GGH)
 - GGH Employment Lands Study
 - GGH transportation model development
 - analysis and detailed mapping of Urban Growth Centres and Built Boundary
- Spadina Subway Extension Implementation
- GTTA support to City appointees

Program, Policy & Practices

• internal continuous improvement initiatives to achieve training, education, communication, harmonization and business process changes

Surveys

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- demographic analysis arising from 2006 Census data releases
- employment surveys (2007 analysis and conduct 2008 field survey)
- 5 surveys of travel patterns and behaviour
- community surveys and facilities surveys

Monitoring and Forecasting

- refine employment projections
- develop small area population projections given GGH Plan conformity and Census release