

Guidelines for Identifying and Processing Planning Matters of City-wide Interest and Cross-Boundary Issues

Date:	January 28, 2007
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	pg080004

SUMMARY

Planning and Growth Management Committee at its meeting on January 10, 2008 deferred consideration of the report entitled 'Guidelines for Identifying and Processing Planning Matters of City-wide Interest and Cross-Boundary Issues' to enable staff to give consideration to the submissions received on this item at the meeting and to report back to the Committee at its meeting on February 13, 2008.

Following review of the submissions received on this item and further consultation with ratepayer representatives staff recommend modifications to the Guidelines to address some of the concerns raised by the ratepayers. The attached Guidelines (see Attachment 1) have been revised to reflect recommended changes resulting from these discussions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt the modified Guidelines contained in Attachment 1 which set out a process for dealing with City-wide planning matters.

Financial Impact

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

BACKGROUND

Committee initially considered this report at its May 31, 2007 meeting. Following consideration of this matter, Committee deferred consideration of this report to enable staff to consult with Committee members to devise a solution which would protect overall City planning interests without unnecessarily removing jurisdiction from Community Councils.

A subsequent report addressing these matters was presented to Planning and Growth Management Committee at its meeting of January 10, 2008. Committee in considering this matter received a number of communications pertaining to this matter. Committee deferred consideration of this item and referred the report back to staff with the request that staff consider the submissions received on this item and report back to Committee at its February 13, 2008 meeting.

The online link to the respective reports is:

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-3912.pdf>
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9434.pdf>

These reports contain additional history regarding this matter.

This report contains staff's comments and recommendations arising from consideration of the submissions to Planning and Growth Management Committee.

COMMENTS

Staff reviewed the submissions received at the January 10, 2008 Planning and Growth Management Committee meeting and subsequently met with two of the ratepayer representatives to discuss their suggested revisions to the Guidelines. It is staff's understanding that the foundation for the suggested changes are based on the following three principles:

1. Planning matters should be treated as local except for certain issues that are clearly city-wide;
2. The grounds for finding a planning matter to be of city-wide interest should be compelling; and
2. While staff should have the responsibility of identifying city-wide issues, councillors must be involved in the decision making process.

Principle of City-Wide Significance

Each of the submissions raised the concern that planning matters should be presumed to be predominantly local. The Guidelines are rooted in the principle that a matter is local unless it meets the criteria generally established in the Guidelines. The Guidelines describe only those matters that have a city-wide interest and recognize that the majority of applications will be of local interest and as a result will be processed through

Community Council for a decision. The Guidelines set out what matters are of city-wide interest and reflect the type of planning matters that have generally been dealt with by Standing Committee since amalgamation. Point 1 of the Guidelines, provides examples of matters that will be generally considered to be of city-wide interest.

The ratepayers suggested the addition of the word “compelling”. It is staff’s opinion that adding the word “compelling” is unnecessary. The examples provided in the Guidelines clearly establish the type of matter that is of city-wide interest. This includes planning matters that would have an impact on the structural elements of the city and that would require amendments to Maps 2, 3, 4 and 5 of the Official Plan. Other examples identified such as the Tall Building Guidelines, the creation of a new comprehensive zoning by-law, amendments to the Ontario Heritage Act and Public Art Incentive Program involve matters of city-wide impact which are appropriately dealt with by Planning and Growth Management Committee.

The ratepayer representatives expressed concern that the introductory paragraph in Clause B, Guideline for Determining City-Wide Interests states the attached list of identified planning matters is for illustrative purposes only. They are of the opinion that this clause would allow the Chief Planner to interpret the scope of planning matters broadly and lead to many planning matters being determined to be of city-wide interest. This is not the intent of the Guidelines. These Guidelines have been prepared using examples as a means to provide clarity to staff, the public, the development industry and Council as to which type of planning matters are considered to have a city-wide impact.

Consultation with Ward Councillor

The ratepayers suggest that in instances where the Chief Planner identifies a matter as having city-wide significance, the local Ward Councillor should be notified of this decision. They request that the Ward Councillor be able to request that the processing of the decision on whether the issue is of city-wide interest be made by City Council prior to substantive consideration of the matter.

Staff routinely consult the Ward Councillor on planning matters. However, to add clarity to the guidelines, staff support a modification to the Guidelines which requires that the Ward Councillor be advised and consulted in the determination as to whether a matter meets the intent of the Guidelines and has city-wide interest. To reflect this modification a statement has been added to Clause C, Process, Section A under sub-section 1(a) to clearly identify that the local Ward Councillor be consulted by planning staff when making decisions on whether a planning matter is deemed to have city-wide interest.

Planning and Growth Management Committee recommendations are forwarded to Council for ratification. The Ward Councillor has the opportunity to address the Planning and Growth Management Committee directly and in the event the Councillor does not concur with Committee’s decision, to address Council.

Creation of New Secondary Plans or Changes to Existing Secondary Plans

The ratepayers suggest that the creation of new Secondary Plans and changes to the boundaries of a Secondary Plan be dealt with by local community councils and not by Planning and Growth Management Committee.

Policies in the Official Plan state that Secondary Plans are intended to establish local development policies to guide growth and change in a defined area and to stimulate and guide development in keeping with the Plan's objectives. Secondary Plans guide the creation of new neighbourhoods and employment districts while ensuring adequate public infrastructure and environmental protection policies are in place. Secondary Plans will generally be prepared in areas where:

- there are large areas of vacant or underutilized land which would benefit from comprehensive planning; and
- development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, blocks, public works, open space or other public services or facilities.

With this in mind and the concerns raised by the ratepayers, staff have revised the Guidelines to clarify that the local Ward Councillor will be consulted prior to staff preparing a Request for Direction report to Planning and Growth Management Committee. The Request for Direction report would determine whether a study should be undertaken to expand the boundary of a Centre Secondary Plan or determine whether a study should be undertaken to create a new Secondary Plan.

Undertaking a study to create a new Secondary Plan or amend its boundaries has staffing and budget implications (i.e. construction of new roads or community centre). As a result, the determination of whether a new Secondary Plan should be undertaken or the boundaries of an existing Secondary Plan be amended, should be vetted by a Standing Committee. Upon determination by Planning and Growth Management Committee that a study to create a new Secondary Plan or to expand the boundaries of an existing Secondary Plan is appropriate, subsequent reports, including the Final Report would generally be sent to the appropriate Community Council for its consideration, including the holding of the statutory public meeting.

One exception to the revised approach would be when lands to be added to a Secondary Plan are shown on Map 2 as an Employment District and/or are designated as an Employment Area. Committee has already determined that any conversion of lands from Employment Districts/Employment Areas has city-wide significance and is to be dealt with by Planning and Growth Management Committee. Another exception would be a Secondary Plan that straddles two Committee Councils or a Secondary Plan, such as the Waterfront, which would be considered to have city-wide significance.

Consultation with Community Councils When a Matter is of City-wide Significance

The ratepayers suggest that Clause C, Process, Section A, sub-section 2(c), be changed to indicate that consultation with Community Council(s) be determined by the Planning and

Growth Management Committee or, upon request of a Community Council, by City Council. Staff recommend that the Guidelines be amended to delete the reference to the ‘Chief Planner’ and insert ‘Planning and Growth Management Committee’ so that the second sentence in sub-section 2(c) would read “Consultation with Community Council(s), will be determined by the Planning and Growth Management Committee.” The decision to determine whether additional consultation should occur with Community Councils on city-wide matters should rest with Planning and Growth Management Committee.

Statutory Public Meeting Location

The ratepayers suggest that in Clause C, Process, Section A, sub-section 2(d), that Planning and Growth Management Committee hold the Statutory Public Meeting and that this meeting be held in one of the affected communities, in the evening, upon the request of the Councillor of an affected Ward. Staff is of the opinion that the existing wording which states that Planning and Growth Management Committee hold the Statutory Public Meeting and that it may consider holding the Statutory Public Meeting in one of the affected communities, is sufficient to address this concern and no further changes are proposed. The existing provision provides Planning and Growth Management Committee flexibility to determine where a meeting should be held.

Conclusion

Following meetings with the ratepayer representatives and consideration of the submissions to Committee, staff recommend modifications to the Guidelines to address some of the concerns raised by the ratepayers. The attached Guidelines (see Attachment 1) have been revised to reflect recommended changes resulting from these discussions.

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ATTACHMENTS

Attachment 1 – Guidelines for Identifying and Processing Planning Matters of City-wide Interest and Cross Boundary Issues

ATTACHMENT 1

Guidelines for Identifying and Processing Planning Matters of City-wide Interest and Cross-Boundary Issues

Purpose:

These Guidelines describe the type of planning matters of City-wide interest and set out a process to route these planning matters primarily through the Planning and Growth Management Committee structure to City Council. The Guidelines are rooted in the principle that a planning matter will be considered to be of local interest and will be processed through Community Councils unless identified by the Chief Planner (through these Guidelines) as having a City-wide interest.

In general, the majority of development applications will be of local interest and will be processed through Community Councils to City Council for a decision.

In cases where a City-wide interest is identified for a development application, Community Councils may be consulted in accordance with these Guidelines.

A. Application

The application and interpretation of these Guidelines will be at the determination of the Chief Planner.

1. The Guidelines apply to planning applications which involve:
 - amendments to the Official Plan; and/or
 - combined applications that involve an amendment to the zoning by-law and related applications (e.g., subdivisions) as identified by the Chief Planner;
2. The Guidelines also apply to all planning policy and research work including transportation and infrastructure projects; and
3. All administrative matters of the City Planning Division.

B. Guidelines for Determining City-Wide Interests

In order for a planning matter to be considered as having a City-wide interest, it must meet at least one of the following considerations, (examples are provided for illustration purposes only):

1. Major planning policy and research of interest to the entire City.

Examples include amending structural components of the Official Plan:

- Map 2, Urban Structure
 - any Official Plan Amendment within an Employment District including a change to the boundary of an Employment District,
 - the determination of whether a study should be undertaken to expand the boundary of a Centre Secondary Plan,
 - the determination of whether a study should be undertaken to complete a major review of a Centre's Secondary Plan,
 - adding new Avenues, and
 - amendments to the Green Space System
- Map 3, Right-of-Way Widths Associated with Existing Major Streets – including the designation of a new Major Street or a change in the width of a designated Major Street;
- Map 4, High Order Transit Corridors – including amendments to expansion elements to a Transit Corridor;
- Map 5, Surface Transit Priority Network – including amendments to expansion elements to a designated Surface Transit Route;
- Establishing a comprehensive zoning by-law;
- Amendments to the Ontario Heritage Act (i.e. demolition of 'Listed' Heritage Properties);
- Applications that do not comply with the Provincial Growth Plan
- Community Improvement Plans with city-wide implications (i.e. Community Improvement Plans involving financial incentives such as Tax Increment Financing);
- Toronto Heritage Grant Program;
- City-wide Official Plan or zoning by-law amendments;
- Harmonized Residential Demolition Control By-law;
- Household and housing stock issues such as a City-wide condominium conversion policies;
- Tall Building Design Guidelines;
- Site Plan Control and infill townhouse guidelines;

- Toronto Green Development Standards;
 - City-wide issues arising from research and monitoring (i.e. Toronto Office Market Bulletin, Residential Front Yard Parking Standards and Parking Space Dimension Review); and
 - Public Art Incentive Program.
2. Any amendments for conversion of land designated Employment Areas on the Lands Use Maps.
 3. Changes to key infrastructure, transportation, and open space systems and publicly-owned property which would affect the City as a whole, including Environmental Assessments (EA's). Examples include:
 - Waterfront trail expansion;
 - The determination of whether a new Secondary Plan should be created;
 - Pearson Airport transit link;
 - St. Clair streetcar improvements;
 - Union Station Master Plan;
 - Rouge Park; and
 - Don Mills Road Transit Improvements.
 4. A site or area specific planning matter straddling more than one Community Council boundary. An example would include:
 - the O'Connor Avenue Planning Study.
 5. An external government and agency initiative and/or jurisdictional issue affecting the entire City. Examples include:
 - reviews of provincial initiatives such as Places to Grow, Bills 51 and 53;
 - changes to federal legislation;
 - changes to Regional Official Plans; and
 - creation of a GTA Transportation Plan.
 6. A City Planning Division administrative matter. Examples include:
 - changes to applications fees; and
 - budgets/work program.

C. Process

- A. Process for dealing with planning applications to amend the official plan and/or zoning by-law(s):
1. Upon receipt of a complete application:
 - (a) application is circulated as per the established process, which includes consultation with the local Ward Councillor;
 - (b) the Chief Planner evaluates the application against the Guidelines to determine if a City-wide interest exists. In balancing all the issues associated with the application, if both City-wide and local interests are identified the application is considered to be of City-wide interest; and
 - (c) the Status/Preliminary Report on the application will indicate whether a City-wide interest exists and the recommended routing through the Committee structure to City Council.
 2. If a City-wide interest is identified in respect to the application:
 - (a) the Planning and Growth Management Committee is the Committee of Record responsible for convening the Statutory Public Meeting and making recommendations to City Council on the application;
 - (b) a Community Information Meeting will be held prior to the preparation of the Status/Preliminary Report;
 - (c) all Reports including the Status/Preliminary Report and Final Report from staff will be sent to the Planning and Growth Management Committee. Consultation with Community Council(s), will be determined by the Planning and Growth Management Committee; and
 - (d) The Planning and Growth Management Committee will hold the Statutory Public Meeting however, it may consider holding the Statutory Public Meeting in one of the affected communities. The Planning and Growth Management Committee forwards its recommendations to City Council.

- B. Process for dealing with planning policy and research work of the City Planning Division identified to be of City-wide interest:
 - (a) the Planning and Growth Management Committee will be the Committee of Record responsible for convening any public meetings and making recommendations to City Council; and
 - (b) reports to City Council will be routed through the Planning and Growth Management Committee, with consultation and input from Community Council(s) as determined by the Planning and Growth Management Committee.

- C. Process for dealing with transportation related matters of the City Planning Division for planning matters identified to be of City-wide interest:
 - (a) The Planning and Growth Management Committee will be the Committee of Record responsible for convening public meetings and making recommendations to City Council, except for system wide infrastructure type projects (e.g. Steeles Avenue widening) which may be directed to the Public Works and Infrastructure Committee which would then become the Committee of Record. Instances may arise where a joint report would be prepared involving the TTC which would be forwarded to Planning and Growth Management Committee and the Toronto Transit Commission for recommendations to City Council. All reports to City Council will be routed through the Planning and Growth Management Committee or the Public Works and Infrastructure Committee as determined by the Chief Planner.

- D. Process for dealing with City Planning Division administrative matters.
 - (a) For City Planning Division administrative matters to be considered by City Council, the Planning and Growth Management Committee will be the Committee of Record responsible for making recommendations to City Council. Reports to City Council will be routed through the Planning and Growth Management Committee, with consultation from Community Council(s), as determined by the Planning and Growth Management Committee.