



STAFF REPORT ACTION REQUIRED

Amendment to the Official Plan regarding Complete Applications

Date:	December 13, 2007
To:	Planning and Growth Management Committee
From:	Chief Planner & Executive Director, City Planning
Wards:	All
Reference Number:	Pg070084

SUMMARY

New provisions to the *Planning Act* came into effect on January 1, 2007. Among these provisions include the ability for a municipality to determine what studies are required to properly evaluate an application. In order to implement the new policy direction found in the Act an amendment to the Official Plan is required.

This report recommends an amendment to the Official Plan to address the minimum complete application requirements for Official Plan, Zoning By-law Amendment Applications and for Plan of Subdivision, Plan of Condominium, Consent to Sever and Site Plan Control applications.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 1; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

Financial Impact

This report has no financial impact.

DECISION HISTORY

A report dated May 10, 2007 was forwarded to the May 31, 2007 meeting of Planning and Growth Management. The online link to that report is:

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-3913.pdf>.

That report contains a more detailed history regarding this matter. Planning and Growth Management Committee directed staff to hold four consultation meetings with the public, in order to facilitate discussion surrounding complete application policies in the Official Plan.

On May 23, 2006, Council adopted various information reports from the Chief Planner advising Council of the contents and implications of Bills 51 and 53 as they pertain to land use planning matters. The online link to that report is:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060523/pltc1001a.pdf>.

ISSUE BACKGROUND

New provisions to the *Planning Act* came into effect on January 1, 2007. Changes in the *Planning Act* allow Council to require that an applicant provide, at the time a development application is made, any and all information Council determines is needed to make an informed decision. The Act requires that policies outlining what is meant by a “complete application” are to be set out in the Official Plan for all levels of the application process, including official plan amendments, zoning by-laws, plans of subdivision, condominiums and consents.

The Province has revised the minimum standards for a complete application in its existing regulations dealing with these requirements. Any additional municipal requirements beyond this new minimum must be spelled out in the form of official plan policies, which can be appealed to the OMB.

Once the proposed Official Plan policies are in effect, applicants will be required to provide all information or materials that Council considers necessary in order to process the application. Council may refuse to accept or further consider the application if it is not complete. Until Council is satisfied that complete information and fees have been received, the legislated timeframes for processing the application will not commence.

In the case of a dispute regarding application requirements, the applicant or Council will be able to make a “motion for directions” to have the OMB determine if the information and material required by Council has been provided or whether the requirement is reasonable.

In the coming months, Staff will be bringing forward additional amendments (i.e. enhanced Site Plan Control powers and zoning with conditions) to the Official Plan to capitalize on additional powers granted to the City through changes to the *Planning Act* and *City of Toronto Act*.

COMMENTS

As directed by Council, Staff held four public meetings in the month of September. A total of 8 people attended these meetings. Detailed discussions were also held with members of the Development Industry and Ratepayer organizations previously involved in the Ontario Municipal Board hearing on the Official Plan. The Ratepayer organizations are supportive of the proposed policy and the Development Industry indicated their general support of the policy.

In order to address the changes to the *Planning Act*, staff is recommending an amendment to the Official Plan to identify what Council deems to be a complete application. While the Official Plan identifies the need for planning studies (i.e. Heritage Impact Statement, Transportation Demand Study, Natural Heritage Impact Study and Environmental Impact Study) when evaluating a development application, a comprehensive policy is required to establish what may be required in order to determine if the application is complete.

The amendment would have the effect of adding a policy in the Official Plan that identifies that applicants submitting applications to amend an Official Plan or Zoning By-law, or submitting applications for Plans of Subdivision, Condominiums, Consents to Sever or Site Plan be required to refer to a new Schedule in the Official Plan that identifies by application type all of the possible studies that are required when submitting an application.

It should be noted that the requirement to require specific studies for a Site Plan Control application is not a statutory requirement in the *Planning Act* but rather has been the practice of Council through the Development Guide to require certain studies to be submitted to support the evaluation of a Site Plan Control application.

CONCLUSION

Staff recommend that the Official Plan be amended to add a policy in the Implementation section of the Official Plan that will identify what Council deems to be a complete application, in accordance with changes to the *Planning Act*.

CONTACT

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SIGNATURE

Ted Tyndorf
Chief Planner & Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Proposed Official Plan Amendment

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ATTACHMENT 1

Authority: Planning and Growth Management Committee Item, as adopted by City of Toronto Council.

Enacted by Council:

CITY OF TORONTO

BY-LAW No. _____

To adopt Amendment No. 21 of the Official Plan

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 21 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this ___ day of ___, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

**AMENDMENT NO. 21 TO THE OFFICIAL PLAN OF THE CITY OF
TORONTO**

All lands within the City of Toronto

The following Text constitutes Amendment No. 21 to the City of Toronto Official Plan.

OFFICIAL PLAN AMENDMENT:

The Official Plan is amended as follows:

1. Chapter 5, Section 5.5, The Planning Process is amended by renumbering and adding a title to Policy 1 so that it reads “5.5.1 Public Involvement Process”.
2. Chapter 5, Section 5.5, The Planning Process is amended by adding the following sub-section:

“5.5.2 Complete Applications

The *Planning Act* enables Council to require an applicant to provide, at the time a development application is made, information Council determines is needed to make an informed decision. Regulations under the *Planning Act* prescribe minimum complete application requirements. The Act also provides for a municipality to identify additional requirements, beyond the prescribed minimum, by having complete application policies in the Official Plan. Council may refuse to accept or further consider an application until all such materials have been received.

The Act permits an applicant to pre-consult with the municipality regarding their application and enables Council, by by-law, to require an applicant to consult with the municipality. Applicants are encouraged to consult with the City prior to formal submission of their application. During this consultation, the City will determine which studies and information are required by Council to evaluate an application.

Policies

1. Applications to amend the Official Plan, Zoning By-law and applications for Plan of Subdivision, Condominiums, Site Plan Control or Consent will comply with the statutory complete application submission requirements of the *Planning Act* and the requirements identified on Schedule 3.

3. Chapter 5, Section 5.5, The Planning Process is amended by adding the following sidebar:

“Schedule 3 outlines the City requirements for complete applications. When seeking development approvals from the City, applicants should also refer to “*Building Toronto Together – A Development Guide*” which outlines the City’s development review processes. In addition to the prescribed requirements of the *Planning Act*, the City may require additional information to properly evaluate an application. The requirement for additional information should be determined during pre-application consultation. The City will consider an application to be complete if it is accompanied by the prescribed requirements identified in the *Planning Act* and by the required information identified during pre-application consultation. The City will identify what information will be required in order to determine if an application is complete within a reasonable timeframe. Council will use this information to make an informed decision.”

4. Chapter 5, Section 5.6, Interpretation, is amended by deleting Policy 5.6.2 and replacing it as follows:

“Maps 2, 3, 4, 5, 6, 8(C) inclusive and Maps 11-23 inclusive and Schedules 1, 2 and 3 are part of the Official Plan. Maps contained in Chapters Six and Seven are part of this Plan with the exception of Maps 24-35 inclusive. All other mapping is provided for information and is not part of this Plan.”

5. By adding Schedule 3 – Application Requirements, as follows:

SCHEDULE 3 - APPLICATION REQUIREMENTS

	Official Plan and Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
PRESCRIBED REQUIREMENTS OF THE <i>PLANNING ACT</i> and Regulations	x	x	x	x	x
OTHER REQUIREMENTS <i>In addition, to the prescribed requirements of the</i>					

	Official Plan and Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
<i>Planning Act, the following additional information will be required to properly evaluate an application, unless it is determined through pre-consultation that certain studies, drawings, reports are not applicable.</i>					
Planning Rationale Report	x	x	x		
Appropriate Plans/Drawings	x	x	x	x	x
Transportation Impact Study	x	x	x		x
Servicing Report, including stormwater management considerations	x	x	x	x	x
Arborist/Tree Preservations Report	x	x	x	x	x
Green Development Standards Checklist	x	x	x		x
Accessibility Design Standards Checklist		x	x		x
Community Services and Facilities Study – for large sites	x	x			
Housing Issues Report – for an application that seeks to demolish existing rental residential properties, to intensify existing rental sites, convert existing rental housing to condominium or proposing residential development in excess of 5 hectares	x		x		
Building mass model, physical model or computer generated model	x				x
Pedestrian Level Wind Study - for buildings six storeys (20 metres) or greater in height	x				x
Loading Study - if the proposal is seeking to amend existing City By-law loading standards	x			x	x
Parking Study - if the proposal is seeking to amend existing City By-law parking standards	x		x	x	x
Contaminated Site Assessment – if any portion of a property is to be conveyed to the City i.e. parks, roads or lanes	x	x		x	
Natural Heritage Impact Study – if the proposed is likely to have impacts on the natural heritage system shown on Map 9 of the Official Plan	x	x		x	x
Environmental Impact Study – if the proposal is likely to have impacts on aspects of the natural environment not considered in a Natural Heritage Impact Study	x	x			x
Archaeological Assessment – if the property is on the City’s database of lands containing archaeological	x	x		x	x

	Official Plan and Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
potential					
Heritage Impact Statement (Conservation Strategy) – if the property is on the City of Toronto’s Inventory of Heritage Properties, which includes both listed and designated properties	x	x		x	x
Noise Impact Study	x	x			
Vibration Study	x	x			
Geotechnical Study - including a hydrological review where necessary	x	x		x	x
Architectural Control Guidelines – if appropriate for the scale or nature of development	x	x			x
Urban Design Guidelines – if appropriate for the scale or nature of development	x	x			x
Sun/Shadow Study – if proposal is for buildings six storeys (20 metres) or greater in height	x				x
Traffic Operations Assessment – if proposing significant development	x	x			x
Avenue Segment Review	x				