

Mandatory Pre-Application Consultation: Recommended Amendments to the Official Plan and to the Municipal Code - Supplementary Report

Date: January 26, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning and Chief of Staff, City Manager's Office

Wards: All

SUMMARY

This supplementary report was prepared in response to a motion adopted by Planning and Housing Committee at its meeting of January 12, 2022 to address questions raised in correspondence and deputations by the Building Industry and Land Development Association (BILD) and the Residential Construction Council of Ontario (RESCON).

This report provides additional information related to the implementation of the recommended amendments to the Official Plan and Municipal Code, specifically, timelines, required materials, meeting outcomes and staff resourcing.

FINANCIAL IMPACT

There are no financial impacts arising from this report, as those related to the mandatory pre-application consultation process are already included in report [PH30.1](#).

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications.

DECISION HISTORY

At its meeting of January 12, 2022, the Planning and Housing Committee adopted with amendments a report from the Chief Planner and Executive Director, City Planning and the Chief of Staff, City Manager's Office, recommending amendments to the Official Plan and Municipal Code to require pre-application consultation between potential applicants and City staff prior to the formal submission of a development application. <https://www.toronto.ca/legdocs/mmis/2022/ph/bgrd/backgroundfile-174794.pdf>

At its meeting of June 11, 2021, the Planning and Housing Committee adopted the recommendations of item [PH24.5 \(Mandatory Pre-Application Consultation: Proposed Amendments to the Official Plan and to the Municipal Code - Proposals Report\)](#), directing City staff to use the proposed Official Plan Amendment and by-law principles related to mandatory pre-application consultation as the basis for further consultation and report back with recommendations in Q4 2021.

COMMENTS

Recommended Approach to Establishing Mandatory Pre-Application Consultation

The purpose of the report PH30.1 - "Mandatory Pre-Application Consultation: Recommended Amendments to the Official Plan and Municipal Code - Final Report," is to establish a mechanism to require pre-application consultation between potential applicants and City staff, and to demonstrate that the mechanism meets any necessary legislative tests under the *Planning Act*. While the report outlined the City's approach to implementation, correspondence and deputations from BILD and RESCON received by Planning and Housing Committee indicated a strong interest to include specific information related to timelines, required materials, meeting outcomes and staff resourcing in the by-law to amend the Municipal Code (Code Amendment). These items are addressed in more detail, below.

The transition period established in the Code Amendment enables the City to take a collaborative and iterative approach to the continued development and testing of operational improvements related to mandatory pre-application consultation. This transition period also allows for the city-wide roll out of the transformational operating model through the C2K Office, which will support the implementation of mandatory pre-application consultation. The City is committed to ongoing consultation with industry stakeholders to address concerns related to implementation.

Supported by jurisdictional research, City staff are recommending that the Code Amendment simply establish the requirement for pre-application consultation and that it not include detailed implementation measures that are likely to continue to be improved as additional operational, administrative and technology supports become available in 2022 and beyond.

Staff recommend that guidance to City staff and applicants on pre-application consultation procedures under the Official Plan and Municipal Code, procedures related to Councillor notification throughout the pre-application consultation process, process timelines, administrative considerations, information and materials requirements, and meeting protocols and outcomes, among other matters, is more appropriately addressed in a Pre-Application Consultation Procedures Guide, to be posted to the City's [Development Guide](#) prior to the effective date of mandatory pre-application consultation.

Addressing Feedback from BILD and RESCON

BILD Request for Deferral

Through [written correspondence](#) and a deputation at Planning and Housing Committee, BILD is requesting a "brief deferral" on the item so that staff can continue to consult with BILD to establish, specifically, "applicable application requirements and meeting timelines within the proposed by-law to ensure a fair and transparent pre-application process." In 2021, City staff held five working sessions with a group of interested BILD members to discuss the City's approach to the Official Plan and Municipal Code amendments. City staff have scheduled an additional six working sessions with BILD in 2022 to continue this discussion in the lead up to the effective date of the Municipal Code amendment (November 1, 2022). The discussions to date have been productive, and feedback from these working sessions is regularly incorporated into the process improvements currently being tested in Etobicoke-York district, under C2K.

As described above, City staff recommend that the Code Amendment be limited to establishing the requirement for a pre-application consultation meeting. The Code Amendment allows for a significant transition period to continue consultation with industry and test process improvements before formalizing them in a Pre-Application Consultation Procedures Guide.

Timelines

In written correspondence, both RESCON and BILD identify a need to establish timelines from the date of meeting request to a scheduled pre-application consultation meeting. City staff are currently testing approaches to better support internal administrative processes and streamline the scheduling process. Early improvements being tested include, but are not limited to:

- Establishing weekly interdivisional Manager meetings to triage and assign files;
- Holding weekly interdivisional review team meetings to discuss file assignments and begin an internal review of preliminary information and materials;
- Establishing a weekly hold in staff calendars for pre-application consultation meetings with applicants to reduce staff scheduling conflicts and delays;
- Designing and implementing new file circulation processes to eliminate potentially lengthy sub-assignment timelines to commenting divisions (i.e., all staff receive materials at the same time); and
- Testing and implementing technology improvements as they become available to further automate meeting request intake, scheduling and file circulation processes.

RESCON also identified a need for monitoring and reporting on key performance indicators (KPIs) related to timelines. C2K and City Planning are currently working to establish and track KPIs associated with pre-application consultation. In addition, the development of a new KPI framework is a key element in the C2K workplan for 2022.

Preliminary Information and Materials

BILD notes a concern related to the broadness of the "information and materials" requirement included in the Code Amendment. Currently, the City requires limited information and materials for pre-application consultation meetings, as listed on the [Pre-Application Meeting Request Form](#). These materials include:

- A completed Pre-Application Request Form;
- Survey (If available);
- Concept Site Plan, fully dimensioned showing all proposed setbacks, entrances, parking areas, landscaped and hard surface areas, and existing trees and/or significant vegetation;
- Concept Elevations or Renderings, showing proposed height, building materials, window and entrance locations, and any balconies or roof amenity areas; and
- Any additional information you wish to include which may better assist staff in the review of your proposal.

City staff are not recommending any changes to these materials. Should mandatory pre-application consultation come into effect, the preliminary information and materials required by a municipality become part of the public record per the *Planning Act*. Should additional information be required, the City will be guided by the requirements, information and materials for a complete application.

Checklist Package

BILD suggests that a timeline for a checklist to be issued by City staff to the applicant following a pre-application consultation meeting be established. As noted above, regular review team meetings are currently being tested in Etobicoke-York district to provide staff a scheduled opportunity to meet and discuss preliminary materials related to pre-application consultation requests. These internal meetings are also intended to provide staff an opportunity to align on a draft checklist and advisory comments (checklist package). The aim is that a draft checklist package will be completed prior to the meeting with the applicant. The Pre-application Consultation Procedures Guide will include timelines for finalizing and issuing the checklist package following a meeting.

Additional Meetings

BILD suggests the removal of the Code Amendment provision for subsequent pre-application consultation meetings in the case of concurrent applications. The Code Amendment was drafted to streamline the pre-application consultation process. Under the *Planning Act* and *City of Toronto Act, 2006*, the requirement for pre-application consultation must be met for each individual application. When an applicant does identify concurrent applications to be made to the City, the Code Amendment enables the City to hold one meeting to satisfy two or more legislative requirements. This simplifies and streamlines the meeting and review process, as set out in Provision D.(5) of the Code Amendment.

However, if the applicant does not submit concurrent applications to the City, as set out in Provision D.(6), then the applicant will be required, when they are prepared to

proceed with such future application types, to meet the pre-application consultation requirement.

In consultation with industry stakeholders, City staff heard that some applicants value additional meetings when proceeding from one application type to a subsequent application type of greater detail (e.g., from Zoning By-law Amendment to Site Plan Application).

Provision D. (4) was included in the Code Amendment to enable staff to request a subsequent meeting, but it is not required or mandatory. The criteria for that additional request will be established through consultation with stakeholders and detailed in the Pre-Application Consultation Procedures Guide. Based on early consultation, criteria may include: 1) significant changes in the policy framework affecting a site, and 2) following an extended period of time (to be defined) especially if a material change has been made to the proposed concept.

Staff Resources

Both BILD and RESCON raised concerns that inadequate staffing may lead to further delays in scheduling and completing pre-application consultation meetings, and that applicants will have limited recourse should these meetings become a prerequisite to the submission of a formal application.

As described in more detail in items [PH30.1](#) and [PH27.7](#), the city-wide roll out of a team-based structure and increased staff complement through the C2K Office supports successful implementation of mandatory pre-application consultation. The effective date of the Code Amendment (November 1, 2022) takes into the account the planned C2K roll out in 2022.

CONTACT

Michelle Drylie, MCIP RPP, Manager, Strategy & Business Improvement, Concept 2 Keys, City Manager's Office, Michelle.Drylie@toronto.ca, 416-392-3436

Kris Hornburg, Director, Concept 2 Keys, City Manager's Office, Kris.Hornburg@toronto.ca, 416-278-8256

SIGNATURE

Gregg Lintern, MCIP RPP
Chief Planner and Executive Director
City Planning

Fahim Kaderdina
Chief of Staff
City Manager's Office

ATTACHMENTS

None.