

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

Date: December 14, 2021

To: Planning and Housing Committee

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

Wards: All

SUMMARY

The recommended Official Plan Amendment and municipal by-law included in this report address provisions under the *Planning Act* and *City of Toronto Act, 2006* related to pre-application consultation with the City. Pre-application consultation is encouraged and supported as a component of the Province's land use planning system, and its use is one of the key elements in the successful implementation of the reduced statutory review timelines introduced by Bill 108, the *More Homes, More Choices Act, 2019*.

More recently, mandatory pre-application consultation has been identified as a best practice among GTA municipalities to improve application quality, shared productivity, overall time to decision and achieve good city-building outcomes. The increasing volume and complexity of applications and demonstrated interest on the part of applicants in pre-application consultation with City staff, coupled with the critical role of development review in accelerating the recovery from the COVID-19 pandemic, underscore the need to improve the City's existing voluntary practice.

As the transformation of the City's development review process continues to roll out through the Concept 2 Keys (C2K) Office in 2022, implementation of mandatory pre-application consultation will be appropriately supported by a team-based structure, improved administrative and technology supports, and more generally the transition of C2K into a permanent Office at the City.

This report recommends adoption of the recommended Official Plan Amendment and an amendment to Chapter 415 of the Toronto Municipal Code (the Code Amendment) to establish the legislative and policy basis for requiring pre-application consultation. The recommended Code Amendment includes an effective date of November 1, 2022 to allow for the city-wide roll-out of operational improvements to support successful implementation.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning and Chief of Staff, City Manager's Office recommends that:

1. City Council adopt the Official Plan Amendment 550 substantially in accordance with Attachment 2 to this report;
2. City Council amend the City of Toronto Municipal Code, Chapter 415, Development of Land substantially in accordance with Attachment 3 to this report; and
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Official Plan Amendment and the amendment to the City of Toronto Municipal Code as may be required.

FINANCIAL IMPACT

There are no financial impacts associated with this report as the implementation of mandatory pre-application consultation is included in the 2022 operating budgets of affected City divisions. In addition, it is expected that if any additional resources are required, they will be addressed through one or more cost-recovery mechanisms.

City staff, with the support of Watson and Associates Economists, recently undertook the Development Application Fee Review. The final staff report, scheduled to be considered at the February 15, 2022 meeting of the Planning and Housing Committee, will include a recommended fee structure related to mandatory pre-application consultation under Chapter 441, Fees and Charges, Appendix C - Schedule 13 of the Toronto Municipal Code.

If the recommended fee structure is approved by Council, amendments to Chapter 441 will be structured such that the fee will come into effect on the same day as the mandatory pre-application consultation by-law (Attachment 3) comes into effect.

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

EQUITY IMPACT STATEMENT

The recommended Official Plan Amendment and Code Amendment have been analysed at the definition and planning stage for potential impacts on Indigenous, Black and Equity-seeking groups of Toronto. It is anticipated that the recommended changes will maintain or improve the liveability of the city for all residents, as mandatory pre-application consultation ensures more consistent application of City development policy, guidelines and standards at the outset of the development review process, lead to

greater transparency in the planning process and will enable City staff to discuss the application of these matters early in the development review process.

DECISION HISTORY

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.

At its meeting of May 14, 2019, Toronto City Council adopted a report from the Chief Planner and Executive Director, City Planning, "Proposed Bill 108 (*More Homes, More Choice Act, 2019*) and the Housing Supply Action Plan - Preliminary City Comments." This report provided Council with City Planning staff comments on Bill 108, including matters related to reduced review timelines for certain planning applications. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC7.3>

At its meeting of September 17, 2019, in consideration of item [PH8.7 \(End-to-end review of Development Review Process\)](#), the Planning and Housing Committee received the report from the Chief Planner and Executive Director, City Planning and the Deputy City Manager, Infrastructure and Development Services for information.

At its meeting of June 16, 2008, the Planning and Growth Management Committee directed the Chief Planner and Executive Director, City Planning to bring forward a by-law requiring pre-application consultation pursuant to the *Planning Act* to a subsequent Committee meeting. <https://www.toronto.ca/legdocs/mmis/2008/pg/bqrd/backgroundfile-13989.pdf>

COMMENTS

Pre-Application Consultation and Toronto's Development Review Process

Toronto's development review process is complex and interdivisional in nature, involving up to 25 City divisions and entities, and over 30 potential external commenting partners. It is a mature and robust development review system that supports and informs engagement with public stakeholders. The development review system is crucial to securing good city-building outcomes and, more recently, has emerged as one of the key opportunities to accelerate the recovery from the COVID-19 pandemic.

In 2020, the City received a total of 483 development applications (new and supporting). This represents a slight increase from the 478 applications submitted in 2019. Between January and October 2021 the number of development applications submitted to the City increased significantly to 535.

Commensurate with the volume of development applications submitted in the past few years, in 2019 the City received 495 requests for pre-application consultation meetings from potential applicants. Of those requests, 349 (71%) meetings were scheduled with staff in the same year. In 2020, despite the COVID-19 pandemic, the City received 449 requests for pre-application consultation meetings and 301 (67%) of those meetings were scheduled in the same year. Between January and October 2021, the City received 538 pre-application consultation meeting requests, which represents a significant increase in requests over the previous two years. By October 2021, 389 (72%) of those meetings had been scheduled.

The increasing volume and complexity of applications pose a challenge to the existing voluntary pre-application consultation process. Varied practices and levels of staff resourcing between districts across all divisions contribute to inconsistent customer experience city-wide. There is a critical need to formally establish and communicate the purpose and scope of pre-application consultation, both internally and externally, in order to support outcomes that consistently contribute to a good start to an application review process and ultimately good city-building. Generally, the City's approach to addressing these challenges is to "formalize and normalize" its existing voluntary practice while introducing a series of operational improvements, described later in this report.

Operational improvements are anticipated to achieve the following transformational objectives:

- Improve consistency of approach and staff productivity city-wide;
- Increase staff and applicant satisfaction with the process through improved communication, consistency and application quality;
- Reduce the overall time to decision by providing consistent information about application requirements and resolving critical issues earlier in the application review process; and
- Achieve broader city-building outcomes through consistent application of requirements and continuous collaboration.

Transforming Development Review and Navigating Legislative Change

In response to the City's End-to-End Review of the Development Review Process and because development will play a vital role in supporting Toronto's economic recovery post-COVID-19, the City launched the C2K project in 2020. Based on the success of the project, and its ability to deliver large scale change, C2K has recently transitioned to a permanent Office within the City. The recommended Official Plan Amendment and Code Amendment related to mandatory pre-application consultation included in this report arise from a specific recommendation of the End-to-End Review regarding a formal internal and external meeting cadence to provide enhanced customer service and reduce inconsistencies in the application review process.

In addition to addressing existing inconsistencies, pre-application consultation is encouraged and supported as a component of the Province's land use planning system introduced through Bill 51, *Planning and Conservation Land Statute Law Amendment Act, 2006*, and its use is one of the key elements to the successful implementation of

the reduced statutory review timelines introduced by Bill 108, the *More Homes, More Choices Act, 2019*.

Findings of Consultation

In Q1 and Q2 2021, City staff engaged internal and external stakeholders and jurisdictional partners, including Mississauga, Hamilton, Brampton, Markham and Ottawa among others, in discussions regarding the purpose, scope and current best practices around pre-application consultation to identify key issues that an improved pre-application consultation process should address. The detailed findings of these discussions are included in the Proposals Report on this item ([PH24.5](#)). At its June 11, 2021 meeting, Planning and Housing Committee directed staff to undertake further consultation, the findings of which are summarized below.

C2K Process Improvement Working Group

The C2K Process Improvement Working Group (WG) was formed in June 2021 and comprises internal subject matter experts from all divisions engaged in development review. The WG was convened to provide insight into, and expertise related to, divisional policies, guidelines, and standards relevant to development review in order to develop and advance improvements to the development review process. In Q3 and Q4 2021, the WG focused on establishing the purpose of a mandatory pre-application consultation meeting, including to:

- Provide consistent information and level of service.
- Foster joint accountability and collaboration between the City and applicant.
- Identify critical issues before an application is submitted to improve the quality of applications and reduce the time to decision.

The WG has also provided early input into operational improvements to support the implementation of mandatory pre-application consultation. Some of these improvements are being developed and tested in Etobicoke-York district, as described later in this report.

Industry Consultation

In July 2021, C2K established a monthly working session with a small group of interested BILD members to gather input into improvements to the front end of the development review process, including mandatory pre-application consultation. This group verified areas for improvement identified in earlier consultation with industry stakeholders, provided input into the purpose and scope of pre-application consultation, and identified specific areas for improvement in the existing voluntary process, for testing in Etobicoke-York district.

While the monthly working sessions with BILD members include some industry consultants, City staff also conducted additional one-on-one interviews with industry consultants. Generally, the outcome of industry consultation points to the need for increased predictability and consistency on a district-by-district basis, and a renewed focus on customer service at the early stages of the development review process.

Public Open House on Mandatory Pre-Application Consultation

On September 14, 2021, City staff hosted a virtual public Open House on Mandatory Pre-Application Consultation. The Open House was promoted through the City of Toronto's social media channels (including Twitter, Facebook and Instagram), on the City Planning Consultations and Concept 2 Keys webpages, in the August and September editions of the C2K Connect newsletter to industry stakeholders, via direct email to a list of city-wide residents' and community associations, and via mail notice to the City's Interested Parties list for the Official Plan Amendment and by-law.

Over 55 participants joined the virtual meeting. City staff provided a presentation including an overview of existing pre-application consultation practices, the legislative and policy context of the proposed changes and the objectives, scope, considerations for implementation and timeline of the proposed Official Plan Amendment and Code Amendment.

Participants were given the opportunity to ask questions and share comments. Over 20 questions and comments were received across four thematic areas, including: PAC Process, Development Interest, Data, and Public and Councillor Engagement.

Comments received include:

- interest in how a mandatory pre-application consultation process could help expedite the review of development applications;
- whether changes to the process would include increased staffing levels and more consistent participation of staff from all divisions engaged in development review;
- the transparency of pre-application consultation meetings and the public availability of any data collected on the City's practices (e.g. adherence to posted timelines); and
- whether a formalized pre-application consultation process might provide additional insight to and policy response from City staff on areas that are experiencing significant development pressure.

A further comment was identified regarding whether encouraging applicants to consult with the local community and Ward Councillor prior to submitting an application to the City is intended to change. This practice is currently encouraged under the Official Plan and will not change as a result of the proposed Official Plan Amendment and Code Amendment. It is widely understood to be beneficial to engage community stakeholders prior to submitting a development application or at an early opportunity in the formal planning process.

The [presentation](#) and [meeting summary](#) of the virtual event are available from the [Concept 2 Keys webpage](#) for mandatory pre-application consultation.

Policy Considerations

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements (PPS) and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

Components of the Provincial policy framework relevant to the recommended Official Plan Amendment on mandatory pre-application consultation are described below. The Provincial policy framework is implemented at the municipal level through a range of land use controls, including those impacted by the recommended Official Plan Amendment and Code Amendment (i.e. Official Plan Amendments, Zoning By-law Amendments, Plan of Subdivision and Site Plan Control).

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs, including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH) region. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan (2020).

Conformity with Provincial Policy

The recommended Official Plan Amendment is consistent with, conforms to and aids in the implementation of the PPS and Growth Plan (2020) by requiring, at the beginning of the development review process, that applicants meet with City staff and are made aware of the intent of and the requirement for development applications to conform to the Provincial policy framework. Mandatory pre-application consultation provides an opportunity for applicants to gain a holistic understanding of Provincial policy direction and reflect this direction in a complete application submission to the City. Specifically, mandatory pre-application consultation can improve applicant awareness of the following policies of the PPS:

Policy 1.1.1 a) through i) describe considerations for managing and directing land use to achieve efficient and resilient development and land use patterns;

Policy 4.2 states that the "...Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation"; and

Policy 4.6, as noted above, identifies a municipality's official plan as the most important vehicle for implementation of the PPS. Alignment to official plan policy direction supports implementation of the PPS.

In addition to guidance on PPS conformity, mandatory pre-application consultation ensures applicants can be made aware of the following policy direction included in the Growth Plan (2020):

Policy 1.2.3 requires the Plan be read in its entirety and relevant policies be applied to each situation.

Policy 5.1 states that "key to the success of [the] Plan is its effective implementation. Successful implementation will require that all levels of government, First Nations and Métis communities, non-governmental organizations, the private sector, and residents work together in a co-ordinated and collaborative way to implement the policies of this Plan to realize its goals."

Recommended Amendments to the Toronto Official Plan and Municipal Code

Basis in the *Planning Act* and *City of Toronto Act*

Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2006*, introduced requirements for pre-application consultation under the *Planning Act*. Bill 51 clarified two issues, including:

- that a municipality shall provide an opportunity for applicants to discuss application submission requirements with staff; and
- provisions to enable a municipality to pass a by-law to require pre-application consultation.

The *Planning Act* provisions apply to certain planning applications under the *Act*, including Official Plan Amendments (Section 22), Zoning By-law Amendments (Section 34) and Plans of Subdivision (Section 51). Section 41 of the *Planning Act*, regarding Site Plan Control does not apply to the City of Toronto. Authority to require pre-application consultation for Site Plan Control Approval is granted under the *City of Toronto Act, 2006* (Section 114).

Pre-application consultation can be a mutually beneficial practice for municipalities and applicants at the outset of the development review process. The *Planning Act* and the *City of Toronto Act, 2006* enable municipalities to require pre-application consultation prior to the submission of an application under the relevant *Act*. In this case, pre-application consultation would be a mandatory prerequisite prior to submission of an application. The requirement for pre-application consultation, once in place through a municipal by-law, is regulatory and must be met. The result, and the common practice, is for the municipality to require an applicant to engage in pre-application consultation with staff prior to the submission of a planning application. An application will not be permitted to be submitted unless this pre-requisite is met under the Municipal Code, pursuant to the *Planning Act* and the *City of Toronto Act, 2006*.

Section 1.0.1 of the *Planning Act* states that information and material that is required to be provided to a municipality or approval authority under the *Act* shall be made available to the public. As such, preliminary materials required in the [Pre-Application Meeting Request Form](#) become part of the public record. If a potential applicant chooses to provide optional or discretionary materials to be considered through the pre-application consultation process, those materials are not required to be made public. Additionally, the discussion between applicants, staff and any external agencies during a pre-application consultation meeting is without prejudice.

While requiring pre-application consultation with City staff does not, in and of itself, address existing and future operational issues, it establishes the legal basis and policy direction to support improving the practice within the City of Toronto. As noted above, the *Planning Act* and *City of Toronto Act, 2006* require the municipality to pass a by-law to require pre-application consultation. Jurisdictional research, summarized in the Proposals Report for this item ([PH24.5](#)), indicates that including policy direction related to pre-application consultation and its role in the development review process in a municipality's Official Plan is generally a best practice in Ontario.

The recommended Official Plan Amendment (Attachment 1) and Code Amendment (Attachment 3) are described in detail below.

Recommended Official Plan Amendment

Section 5.5 of the City of Toronto Official Plan provides direction regarding the planning process. It currently includes policy guidance on consultation to ensure the process of amending, implementing and reviewing the Official Plan is fair, open and accessible to the public. In addition, it describes the complete application submission requirements of the *Planning Act* and Schedule 3 of the Official Plan.

The intent of the recommended Official Plan Amendment is to establish the mandatory requirement for pre-application consultation with City staff, and external agencies as may be required, in the Official Plan as a prerequisite to the submission of a planning application for Official Plan Amendments, Zoning By-law Amendments, Plan of Subdivision and/or Site Plan Control. Official Plan policy pertaining to pre-application consultation is not required to enable mandatory pre-application consultation under the Planning Act. Instead, the recommended Official Plan Amendment is intended to ensure alignment between planning practice and policy. Certain administrative details and implementation of Official Plan policy direction are set out in the recommended Code Amendment (see below for additional details).

Explanatory text in Section 5.5 of the Official Plan states that an applicant is "encouraged, but not required to consult with the Ward Councillor, City staff and local community prior to formal submission of a planning application." A technical change is recommended to remove "City staff" from the existing sentence and incorporate new explanatory text to address the mandatory requirement for pre-application consultation with City staff as provided for in the *Planning Act* and the *City of Toronto Act, 2006*.

The recommended Official Plan Amendment continues to support engagement with the Ward Councillor and local community prior to the submission of an application. Consultation with the Ward Councillor and local community remains as "encouraged." Additionally, the recommended Official Plan Amendment does not preclude City staff from continuing to participate in voluntary pre-application consultation discussion with potential applicants, the Ward Councillor and the local community. Section 5.5.1 Public Involvement also remains unchanged, providing specific policy guidance with regard to encouraging pre-application community consultation (see 5.5.1 (c) (i) in Attachment 1).

Recommended amendments to Section 5.5.2 Complete Applications, reflect the importance of pre-application consultation prior to the submission of a planning application. A new policy has been added in this section to require that an applicant meet with City staff, and any relevant external public agencies, prior to the submission of an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, and/or Site Plan Control Approval.

Recommended Amendments to Chapter 415 of the Municipal Code

Chapter 415 of the Municipal Code addresses authority respecting completeness of planning applications. It is recommended that Chapter 415 be updated to require pre-application consultation as a prerequisite to the submission of an application under Sections 22, 34 and 51 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*. As Section 41 of the *Planning Act* no longer applies to the City of Toronto, consequential changes are being recommended to also revise the language in Chapter 415 to reflect the legislation.

A number of the requirements formalized in the Code Amendment represent existing best practices within the City's current voluntary pre-application consultation process. For clarity, the Code Amendment is intended to secure pre-application consultation as a requirement prior to the submission of a complete application. Further administrative and procedural details will be included in a Pre-Application Consultation Procedures

Guide to be developed over the course of the transition period (see Implementation Considerations, below) and posted to the City's Development Guide webpage. Attachment 3 contains the recommended Code Amendment, which details the items summarized below:

Application Types: The Code Amendment stipulates required pre-application consultation for four application types, including Official Plan Amendments, Zoning By-law Amendments, Plan of Subdivision and Site Plan Control applications.

Meeting Requirements: The Code Amendment provides direction on the process to request a pre-application consultation meeting. Similar to current practice, applicants will be expected to submit a written request for pre-application consultation to the City (i.e. a Pre-Application Meeting Request Form), and include a preliminary package of materials for City staff review.

Required Consultation: The Code Amendment requires applicants to attend one mandatory pre-application consultation meeting with relevant City staff and any necessary external agencies. The format of the meeting will follow public health guidelines for safe meeting practices. Based on the scope, complexity, issues, opportunities or other matters to be addressed in the review of a proposal, the Code Amendment also provides for additional voluntary meetings, should the applicant and City staff mutually agree that further informal discussion is needed. The purpose and scope of a pre-application consultation meeting are described under "Formalizing and Normalizing," below.

Concurrent Applications: Where more than one application on the same lands is anticipated (e.g., a Zoning By-law Amendment followed by a Site Plan Control Application), the Code Amendment indicates that one pre-application consultation meeting may satisfy the requirement for consultation. Depending on the nature and timing of subsequent applications, additional pre-application consultation meetings may be required.

Prescribed Fee: As noted in the Financial Impact section of this report, potential mechanisms for cost-recovery related to mandatory pre-application consultation are being considered. The forthcoming Development Application Fee Review report will include a recommended fee structure related to mandatory pre-application consultation. The Code Amendment enables the collection of any prescribed fee under Chapter 441, Fees and Charges, of the City of Toronto Municipal Code, should one be established.

Effective Date: To allow for an adequate transition period that supports testing and implementation of improved pre-application consultation procedures, and alignment with other implementation considerations (e.g., a potential fee), the Code Amendment includes a future effective date of November 1, 2022. In the event any operational issues arise prior to November 1, 2022 that require an amendment to the recommended effective date, staff will seek direction from Council on a revised date.

Operational Improvements to Support Implementation

As noted above, this report proposes an Official Plan Amendment and Code Amendment to establish the legal and policy basis for requiring pre-application consultation in the City of Toronto. At the same time as the Official Plan Amendment and municipal by-law were being developed, a new operating model and improved procedures rolled out in Etobicoke-York district through the C2K Office.

The transition period established in the by-law enables the City to take a collaborative and iterative approach to the continued development and testing of operational improvements in Etobicoke-York. This transition period also allows for the city-wide roll out of the transformational operating model through the C2K Office. Through continued discussion with the interdivisional C2K Process Improvement Working Group and industry stakeholder working sessions, as well as testing of improved voluntary pre-application consultation procedures (beginning in Etobicoke-York district in Q1 2022), the City will establish a pre-application consultation procedures guide. Such a guide will provide operational information regarding process timelines, administrative considerations, information and materials requirements, and meeting protocols and outcomes, among other matters. The City will post the procedures guide to its [Development Guide](#) in advance of the mandatory pre-application consultation effective date established in the by-law.

To date, staff have carried out internal and external consultation and jurisdictional research in a number of municipalities including Mississauga, Hamilton, Brampton, Markham and Ottawa among others, to identify priority operational improvements to be addressed. The findings of these discussions are detailed in the Proposals Report for this item ([PH24.5](#)). These improvements are currently being tested in Etobicoke-York district.

Formalizing and Normalizing: The City's existing voluntary practice includes a series of discrete process steps (Attachment 4). Implementation of these steps is currently variable - across districts, between divisions and among individual staff. A first step to "formalizing and normalizing" the process is to clearly define each step, establish accountability for each and provide better support for implementation. That support may take the form of organizational structure improvements (e.g., the team-based structure currently in place in Etobicoke-York district) or administrative supports (e.g., regular, facilitated team meetings, updated procedural guides and templates). Both are discussed in more detail below. In addition to the process, the purpose and scope of a mandatory pre-application meeting must be clearly defined. As noted earlier in this report, the purpose of a mandatory pre-application consultation meeting is to:

- Provide consistent information and level of service.
- Foster joint accountability and collaboration between the City and applicant.
- Identify critical issues before an application is submitted to improve the quality of applications and reduce the time to decision.

The scope of a meeting will include a discussion of site-specific issues and opportunities and the identification and discussion of application submission requirements.

Team-Based Structure: The transformational operating model currently being rolled out through the C2K Office supports more consistent implementation of the pre-application consultation process steps described above and shown in Attachment 4.

The City's existing pre-application consultation process relies on a "hub and spoke" model, with the community planner as the central point of internal and external contact and coordination. The team-based structure introduces a core development review team comprising staff from Community Planning, Urban Design, Engineering and Construction Services, Transportation Services and Parks, Forestry & Recreation, and as-needed input from other subject matter experts such as Heritage Planning and Transportation Planning and other divisions such as Economic Development & Culture. Clear interdivisional roles and defined accountability for file assignment, internal review of and comment on preliminary materials, consolidation of the City's comments to an applicant, attendance at pre-application consultation meetings, and input into the Planning Application Checklist are all facilitated through the team-based structure and standardized weekly team meeting schedule.

Testing of this approach has been underway in Etobicoke-York district since July 2021, with a focus on establishing internal coordination protocols. In Q1 2022, improved meeting procedures will begin to roll-out in external-facing pre-application consultation meetings with potential applicants. Successful implementation of improved pre-application consultation procedures is well-supported by the team-based structure, which will continue to roll-out in phases across the city in 2022 through the C2K Office. Lessons learned in Etobicoke-York district will be applied City-wide to support transition.

Administrative Supports: The introduction of the Application Manager and Application Coordinator roles through the roll-out of the C2K program provides improved administrative capacity to the pre-application consultation process. The process will also be supported by a series of improved administrative procedures and materials, both digital and manual. Updates to existing technology will enable faster and more consistent file assignment and circulation, tracking and reporting. New and updated templates and other administrative materials (e.g., an updated Pre-Application Meeting Request Form and updated application requirement Terms of Reference) will also provide certainty for both staff and applicants regarding the requirements and outcomes of the pre-application consultation process. Certain administrative supports will be made available on the City's Development Guide as they are developed and tested over the course of 2022.

Cost Recovery: The City currently accounts for an estimated cost of delivering pre-application consultation within planning application fees, but does not charge a specific stand-alone fee for pre-application consultation. Precedents exist within the City for a non-refundable deposit against future application and/or permit fees in order to aid in up-front cost recovery. Jurisdictional research indicating that most Ontario municipalities that require pre-application consultation also charge a nominal set fee or require a non-refundable deposit against future application fees. As noted in the Financial Impact section of this report, the forthcoming Development Application Fee Review report will include a recommended fee structure related to mandatory pre-application consultation.

The effective date of any recommended fee will be aligned with the effective date of the mandatory pre-application consultation by-law.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Recommended Official Plan Amendment, Incorporated into Section 5.5

Attachment 2: By-law to adopt Official Plan Amendment 550

Attachment 3: By-law to amend Chapter 415, Development of Land, of the Municipal Code

Attachment 4: Pre-Application Consultation Process Diagram