

Amendment to the Effective Date of Mandatory Pre-Application Consultation By-law 46-2022

Date: April 1, 2022

To: Planning and Housing Committee

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

Wards: All

SUMMARY

On February 3, 2022, City Council adopted an Official Plan Amendment and associated Municipal Code Amendment to establish mandatory pre-application consultation as a prerequisite to the submission of a complete development application in Toronto. Following an appeal period in which no appeals were received, the Official Plan Amendment came into full force and effect on March 8, 2022. The policy direction provided by the Official Plan Amendment will be implemented through the approved Municipal Code Amendment (By-law 46-2022), which includes an effective date of November 1, 2022.

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 with increased staffing levels and improved administrative and technology supports.

While administrative and technology improvements are on track to be in place for the approved November 1, 2022 effective date, ongoing consultation with staff and the development industry, and recent Council direction to "improve the continuity of service delivery as a core principle of the operating model," point to the need for an extended transition period to support operational readiness and consistent customer service city-wide, particularly in regards to staffing. For this reason, staff are recommending the Municipal Code Amendment effective date be amended to April 3, 2023.

RECOMMENDATIONS

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

1. City Council amend the effective date of Section 3 of By-law 46-2022, pertaining to the City of Toronto Municipal Code Chapter 415, Development of Land, to April 3, 2023, substantially in accordance with Attachment 1 to this report; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the amendment to the City of Toronto Municipal Code as may be required.

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.

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

On February 3, 2022, City Council considered item [PH30.1](#), and a related [Supplementary Report](#), and adopted both the Mandatory Pre-Application Consultation Official Plan Amendment (By-law 45-2022) and Municipal Code Amendment (By-law 46-2022). The Official Plan Amendment came into full force and effect on March 8, 2022. The associated Municipal Code Amendment (By-law 46-2022) includes an effective date of November 1, 2022.

At its meeting of January 12, 2022, the Planning and Housing Committee held a statutory meeting on item [PH30.1](#) related to the mandatory pre-application consultation Official Plan Amendment and associated Municipal Code Amendment.

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

Rationale for Amending the Effective Date

The Final Report for this item ([PH30.1](#)) identified the need for an adequate transition period that supports testing and implementation of improved pre-application consultation (PAC) procedures, and alignment with other implementation considerations (e.g., a potential fee). It also noted that in the event any potential operational issues arose prior to November 1, 2022 requiring an amendment to the effective date, staff would seek direction from Council on a revised date.

While administrative and technology improvements are on track to be in place for the approved November 1, 2022 effective date, ongoing consultation with staff and the development industry, and recent Council direction to "improve the continuity of service delivery as a core principle of the operating model," point to the need for an extended transition period to support operational readiness and consistent customer service city-wide.

For clarity, staff are only recommending an amendment to the effective date of the Municipal Code Amendment. Staff are not considering additional amendments to the content of the by-law.

Ongoing Operational Improvements to Support Implementation

An extended transition period enables the City to continue to take a collaborative and iterative approach to the ongoing development and testing of operational improvements through the C2K program.

Since Q1 2022, C2K has been testing an improved pre-application consultation process in Etobicoke-York district. Early improvements being tested include, but are not limited to:

- Establishing weekly interdivisional Manager meetings to triage files;
- Establishing an application tracker to coordinate and record the file assignment process;
- Holding weekly interdivisional review team meetings to discuss proposals 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);
- Testing the responsibilities of the application coordinator role including all administrative tasks and coordination associated with PAC circulation and meeting scheduling;
- Developing information and training materials for staff, applicants and other stakeholders;
- Assisting commenting Divisions with staff and complement levels in order to implement underlying process improvements that support PAC;
- Developing templates, forms and tools that support consistency of approach city-wide; and
- Testing and implementing technology improvements as they become available to further automate meeting request intake, scheduling and file circulation processes.

Through testing in Etobicoke-York, staff are "formalizing and normalizing" the existing voluntary pre-application consultation process. Over the course of 2022, the roll-out of the C2K program will provide improved administrative capacity and some technology improvements to support an improved process. An effective date of April 3, 2023 better enables the City to learn from testing in Etobicoke-York, implement best practices in other districts, and better support staff to offer a consistent level of service city-wide.

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 Program, City Manager's Office, Kris.Hornburg@toronto.ca, 416-392-7533

SIGNATURE

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

Fahim Kaderdina
Chief of Staff
City Manager's Office

ATTACHMENTS

Attachment 1: By-law to amend Chapter 415, Development of Land, of the Municipal Code, to change the effective date of the City of Toronto's pre-application consultation by-law 46-2022.