

## **Recommended Framework for the Community Infrastructure and Housing Accelerator (CIHA) Tool - Supplementary Report**

**Date:** November 6, 2023

**To:** City Council

**From:** Chief Planner and Executive Director, City Planning

**Wards:** All

### **SUMMARY**

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This Supplementary Report responds to Planning and Housing Committee's direction at its October 26, 2023 meeting requesting staff report directly to Council on a process for City Council to follow when a request is made to advance a Community Infrastructure and Housing Accelerator (CIHA) Order. This report also recommends changes to Chapter 162 of the Municipal Code to ensure the public is provided with appropriate notice of all potential CIHA Orders.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council adopt Attachment 1: Process for Requesting a Community Infrastructure and Housing Accelerator (CIHA) Order and direct the City Clerk and Chief Planner and Executive Director, City Planning to use the CIHA Order process set out in Attachment 1 to process any CIHA Order requests.
2. City Council amend Chapter 162 of the Toronto Municipal Code to establish a minimum five business day notice requirement for a Community Infrastructure and Housing Accelerator Order request and require that notice be posted on the City of Toronto's Public Notice website and a sign to be posted on the subject property to provide notice of the application and the Planning and Housing Committee meeting at which the request will be considered.
3. City Council request the Chief Planner and Executive Director, City Planning to monitor the use of the Community Infrastructure and Housing Accelerator (CIHA) tool, and report back to Planning and Housing Committee with any required changes to the recommended framework and process after City Council has approved a minimum of three requests for a CIHA Order, if in the opinion of the Chief Planner the process and framework require changes.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the recommendations included in this report. Staff resources needed to administer the proposed framework outlined in the report will be accommodated within the existing approved budget.

The interim Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

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On May 5, 2021, City Council adopted a report on a Recommended Framework for the Use of Minister's Zoning Orders, including recommendations for the Provincial government when utilizing Ministers Zoning Orders ("MZOs") powers to protect local public interest and ensure accountability. A number of the City's recommendations for the use of MZO's were incorporated into the Framework and Guidelines for the use of a Community Infrastructure and Housing Accelerator.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH22.8>

On May 11, 2022, City Council adopted a report responding to Bill 109: the More Homes for Everyone Act, 2022. The City Council decision included general support for the policies underpinning the Community Infrastructure and Housing Accelerator tool provided that it, and the Minister's Zoning Order powers, are utilized prudently and do not create a parallel approval process with little consultation and diminished adherence to provincial policy.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH33.11>

On January 19, 2023, Planning and Housing Committee considered item PH1.7 requesting the Chief Planner and Executive Director, City Planning, to report back on the feasibility of applying the Community Infrastructure and Housing Accelerator tool to Housing Now sites, along with other priority affordable housing projects, including but not limited to the Quayside project.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH1.7>

On April 27, 2023, the Planning and Housing Committee adopted a Proposed Framework for the Community Infrastructure and Housing Accelerator (CIHA) tool, including a recommendation to use the proposed framework for any Community Infrastructure and Housing Accelerator requests in the interim and advance such requests to City Council approval where appropriate.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH3.9>

## **COMMENTS**

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Attachment 1: Process for Requesting a Community Infrastructure and Housing Accelerator (CIHA) Order specifies the recommended process to be followed for all

Community Infrastructure and Housing Accelerator (CIHA) Order requests. This process would be implemented by City Planning staff, in coordination with other relevant City divisions or agencies.

All CIHA Orders would be considered by the Planning and Housing Committee prior to consideration by City Council to provide the opportunity for the public to speak to the item. Amendments to Chapter 162 of the Toronto Municipal Code would require that members of the public receive a minimum of five days notice of the Committee meeting. Notice would be provided in the form of a notice being posted on the City's Public Notice website and through a sign posted on the property with information about the proposal and the public meeting.

To provide for continuous improvement of the CIHA framework and process, staff recommend that a report back to Planning and Housing Committee be advanced after a CIHA Order request has been approved three times along with any recommended changes to the framework and Attachment 1.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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Attachment 1: Process for Requesting a Community Infrastructure and Housing Accelerator (CIHA) Order

# Attachment 1: Process for Requesting a Community Infrastructure and Housing Accelerator (CIHA) Order

## Pre-Application Stage

**1. Mandatory Pre-application:** As part of the City's mandatory pre-application process, at the same time that applicants request a Pre-Application Consultation (PAC) meeting, they may also identify if they are interested in going through the Community Infrastructure and Housing Accelerator (CIHA) Order request process and demonstrate how the proposed project meets the identified criteria. This application is reviewed by the CIHA core review team and commenting partners to confirm that it meets the criteria for considering a CIHA Order.

Where the CIHA core review team is of the opinion that a CIHA Order is appropriate, the application proceeds through the CIHA Priority Stream rather than a Zoning By-law Amendment (ZBLA), or a combined ZBLA and Official Plan Amendment (OPA), process. Application fees for requesting a CIHA Order would be the same as those for a ZBLA, or a combined OPA and ZBLA, unless the proposed development is City-initiated or was approved for waivers and/or discounts through the Open Door Affordable Housing Program or a similar program.

Where a proposed development is City-initiated, a formal PAC meeting and review may not be necessary, particularly if the proposed development is one of the priority developments identified for the use of this tool, e.g., Rapid Housing Initiative (RHI), Modular Housing Initiative (MHI), Housing Now, or other City-initiated developments where funding is sensitive to approval timelines.

**2. Pre-Application Consultations:** Prior to a formal submission and review, the applicant, with support from City staff, undertakes the following engagement activities to obtain input on the proposed development, and identify any issues that should be addressed prior to formal submission.

Where the proposed development is City-initiated, City staff will undertake the following engagement activities.

- **Engagement with Provincial Staff:** The applicant and City staff consult with Ministry of Municipal Affairs and Housing staff to determine support for the proposed development and identify and address any potential issues.
- **Key Stakeholder Engagement:** Engagement with key stakeholders, including representatives of the priority population group to be served by the proposed development (if any), and the local councillor are undertaken by the applicant with support from City staff. These engagements provide an opportunity to introduce the proposed development as well as the CIHA tool and to obtain input.

**3. Pre-Application Checklist Package:** Similar to the current practice for ZBLA applications, a PAC checklist package is provided to the applicant which would include preliminary comments from the CIHA core review team and commenting partners. The

package would also identify requirements for the application and include a letter indicating staff's decision on whether the proposed development can proceed through the CIHA Order process.

In general, the requirements for a CIHA Order application will be consistent with those for a ZBLA or combined OPA and ZBLA application. However, the CIHA core review team will work more closely with an applicant to identify opportunities for a more streamlined and expedited process.

### **Application Review Stage**

**4. Application review:** The CIHA core review team will collaborate with commenting partners across divisions to review and provide comments on the CIHA Order application. Similar to the current practice for priority development review stream projects, which focus on affordable housing projects, the CIHA core review team will provide an enhanced level of service, including providing additional project management support for applicants.

A similar review timeline to the current Planning Act timelines (e.g., 90 days for a ZBLA) is expected of CIHA Order applications with some flexibility, where required, to allow the CIHA core review team to work with the applicant to address any complex matters.

**5. Draft CIHA Order Request:** The CIHA core review team will be responsible for drafting the staff report, CIHA Order request, and draft by-law. The following would be submitted to the Minister by the City Clerk following Council approval of the CIHA Order request:

- The Council resolution, which will identify the lands to which the requested order would apply, including a map;
- A copy of the draft by-law;
- A description of the lands to which the requested order would apply, including a map;
- A copy of the staff report which includes:
  - Identification of any conditions that must be satisfied, such as securing the community benefit or infrastructure improvements, which must be in place prior to the issuance of a building permit;
  - A description of the consultation undertaken;
  - A description of any licenses, permits, approvals, permissions, or other matters that would be required before a use that would be permitted by the order could be established;
- A certificate or attestation that the draft zoning by-law (if approved) would provide the necessary zoning relief to facilitate the proposed development;
- Any information or material as may be prescribed by regulation; and,
- Any other information or material as required by the Minister.

**6. Public Meeting and Public Notice:** While the Planning Act does not require a public meeting, it does require the City to give notice to the public of consideration of a CIHA Order request, in such manner as the municipality considers appropriate and to consult with such persons, public bodies, and communities that the municipality considers

appropriate. CIHA Order requests will be considered by the Planning and Housing Committee prior to consideration by City Council.

Public notice of the consideration of a CIHA Order will be given at least five business days in advance of a CIHA Order request being considered by the Planning and Housing Committee.

The notice for this public meeting will be posted on the City of Toronto's Public Notice webpage and posted on a sign on the subject property. Notice will also identify that the decision of Council and the Minister is not appealable.

For the purpose of consultation, interested members of the public will be able to provide oral and written submissions at Planning and Housing Committee and make written submissions to City Council.

**7. Council Decision:** A staff report outlining the CIHA Order request will be submitted to Planning and Housing Committee. Planning and Housing Committee will forward its recommendations to City Council.

If Council adopts the CIHA Order request, the City Clerk will submit the CIHA Order Request and materials outlined above to the Minister for approval. The Council resolution requesting the CIHA Order must be provided to the Minister within 15 days of adoption by City Council.

### **Approval Stage**

**8. Approval:** The Minister may refuse, approve, ask for more information, or impose conditions on the approval of a CIHA Order. Conditions could be imposed to ensure that certain studies, assessments, consultations, and other necessary due diligence associated with any proposed development would be adequately addressed before construction can begin.

If the Minister approves the CIHA Order, the City Clerk will provide a copy of the CIHA Order to the owner of the land subject to the Order and any other prescribed persons or public bodies and make the order available to the public within 15 days of receiving a copy of the Order by publishing it online.

**9. Subsequent approvals:** Following the Minister's approval, subsequent approvals, such as for a plan of subdivision or site plan control, will continue to be prioritized and reviewed by the identified CIHA core review team. Timelines for review of these applications are subject to the Planning Act requirements.

If a CIHA Order request is not approved by the Minister, the proposed development would be transitioned to a ZBLA or combined OPA and ZBLA process.

If the Minister does not respond to a CIHA Order request within three months of submission, staff recommend a meeting with Ministry staff to determine whether the request will be approved or whether the proposed development should be transitioned to a ZBLA or combined OPA and ZBLA process instead.