

Bill 109 Implementation - Near-term Process and Technology Improvements

Date: February 9, 2023

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning, Chief Technology Officer, Technology Services Division

Wards: All

SUMMARY

This report responds directly to a series of Motions adopted with the report "Implementing Bill 109, the *More Homes for Everyone Act, 2022*," at the December 2022 meeting of City Council. Specifically, it addresses improvements to the Application Information Centre (AIC) and information and materials to replace the Preliminary Report. Additionally, it includes a number of next steps related to future technology transformation initiatives.

In response to ongoing legislative change, the City is rolling out a new operating model for its development review service, including changes to organizational structure, process improvements and technology upgrades required to achieve good city-building outcomes while striving to improve timelines and mitigating risk to cost recovery. Staff are advancing process and technology improvements that provide better public access to information and materials related to development applications, and opportunities for public input into the development review process.

While staff work to improve existing technology, through the transformation of the City's development review process, there is a renewed focus on technology modernization to better meet the needs of a diversity of users.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, and Chief Technology Officer, Technology Services Division recommend that:

1. Planning and Housing Committee receive this report for information.

FINANCIAL IMPACT

There are no direct financial impacts associated with this report. However, as addressed in a previous related report ([EX1.4](#)), Bill 109 presents significant risk to the City's cost recovery model of development review services, including:

- the City's ability to retain revenue generated through the processing of development applications; and
- the cost of right-sizing the development review service's staff complement to better meet new legislated requirements.

The process and technology improvements included in this report assist in mitigating the City's risk related to timeline management and cost recovery.

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

EQUITY IMPACT STATEMENT

The proposed enhancements to the Application Information Centre and changes to the Preliminary Report process have been analysed at the definition and planning stage for potential impacts on Indigenous, Black and Equity-seeking groups of Toronto. Engagement with equity-deserving Torontonians through the development review process is at risk under Bill 109, as timeline pressure reduces the City's ability to provide preliminary information through Community Councils, consult and receive input through multiple engagements (e.g., working groups) over a longer period of time. Increasingly, information and materials related to development applications will be available online, presenting barriers to access for equity-deserving communities. Improvements to accessibility of online platforms will partially mitigate these barriers.

DECISION HISTORY

On December 15, 2022, City Council adopted, with amendments, the report "Implementing Bill 109 - The More Homes for Everyone Act, 2022," from the Interim Deputy City Manager, Infrastructure and Development Services regarding the City's approach to addressing the impacts of the legislation. City Council directed the Chief Planner and Executive Director, City Planning and the Chief Technology Officer, Technology Services Division, to report back to Planning and Housing Committee on near-term process and technology improvements.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX1.4>

On May 11, 2022, City Council adopted staff recommendations from the report "Review of Bill 109, the More Homes for Everyone Act, 2022," from the Chief Planner and Executive Director. This report summarized the implications of Bill 109 for the City's development review process and highlighted concerns with the legislation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH33.11>

On March 30, 2022, Executive Committee referred Item EX31.11 to the City Manager and requested the City Manager, in consultation with the Chief Planner, the Executive Director Housing Secretariat, and the City Solicitor, as appropriate, to report to the Planning and Housing Committee on the new "More Homes for Everyone Plan" legislation. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EX31.11>

On March 9, 2022, City Council adopted Concept 2 Keys' Q4 Program Updates report and directed the Chief of Staff, City Manager's Office, in consultation with the Development Review divisions, to continue to advance the roll out of Concept 2 Keys and the operating model, across the remainder of the city by the end of 2022, including development and implementation of new technology. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH31.3>

COMMENTS

Background

The anticipated impacts of Bill 109 and the City's approach to implementing legislative change were documented in detail in a series of reports to Council in May 2022 ([PH33.11](#)) and December 2022 ([EX1.4](#)). The December 2022 report included six near-term process improvements, changes in procedure, and technology upgrades that are being tested and/or implemented in late 2022 and early 2023. Broadly, through the roll out of a new operating model, the City is focused on re-evaluating all core, high-value activities within the development review process and building clear standard operating procedures and technology supports for them to improve consistency and timeline management. Some of these changes impact the way information and materials are provided to Council and the public, and the way City staff engage stakeholders in the development review process.

Through a series of Motions at its December 2022 meeting, Council clearly identified a set of objectives to guide ongoing and future process and technology improvements, including:

Accessibility: Ensure *Accessibility for Ontarians with Disabilities Act* (AODA) compliance. Improve access to information and materials related to development applications across a range of devices to serve a diversity of users. Ensure that residents of every age and ability have access to information and opportunities for consultation.

Communication and Awareness: Better inform the public of the tools available to them related to development applications. Ensure information is regularly updated and shared.

User Experience: Create an intuitive user experience, based on Councillor, public and staff research and with their needs in mind, to make it easier and faster for the public to find information and get engaged in the development review process.

This report provides information to Planning and Housing Committee on how staff are implementing Council objectives through a series of near-term improvements. Specifically, it addresses improvements to the Application Information Centre (AIC) and information and materials to replace the Preliminary Report. Additionally, it includes a number of next steps related to future technology transformation initiatives.

Councillor Information Session

On January 30, 2023, Staff hosted a drop-in information session for Councillors and Councillors' staff on the changes to the development review process under Bill 109, the *More Homes for Everyone Act*. The session included information about how the front-end of the development review process is changing, as well as some of the near-term improvements to AIC identified in this report. Participants requested that staff provide a timeline of key milestones, highlighting points in the process where Councillors will be engaged. Staff were also asked to provide a summary of Bill 109-related changes to the development review process for Councillors to include in their newsletters to constituents. Staff will continue to provide updates to Councillors offices as additional changes are implemented throughout 2023.

Improvements to the Application Information Centre (AIC)

The Application Information Centre (AIC) is the City's current online repository for information and materials related to development applications. It enables the public to search for details about current applications.

The AIC is a well-known and well-used tool, receiving approximately 240,000 unique public views in 2022. To improve accessibility and usability of the AIC, the following improvements are in development and expected to be deployed by July 1, 2023.

Search Functionality: The current search function can be difficult to navigate and poses challenges to quickly finding relevant information. An enhanced and redesigned search capability is intended to provide users with a more intuitive navigation of the AIC platform. Changes will include a stationary search engine and expanded, customizable search filters.

Legibility: AIC will move to a modern, accessible mapping technology providing significant improvements to the user experience while ensuring accessibility. Changes to the visual display of the application timeline will include updating the application milestones and including hyperlinks to associated documents, such as the Planning Application Checklist Package issued following a mandatory pre-application consultation meeting, and the project data sheet. Mapping updates will improve legibility and ensure all properties associated with a development are shown on the map. These updates will also improve results display and ensure a mobile responsive design for viewing on mobile devices.

Public Consultation Functionality: Current consultation features within AIC are fragmented and disjointed with little ability to comment and stay engaged on the status of an application. The public consultation features in AIC will be significantly redesigned

and enhanced. Features and information associated with consultation and public meetings will be combined into one area in a more consistent and interactive format. New, customizable fields will be created with increased functionality to comment and provide feedback on an application. A direct link to a redesigned public consultation webpage where the public can register for community consultation meetings, in addition to links to key documents, will be included.

Automatic Notifications: While information about new development in an area can be retrieved in the current AIC environment, it is a manual process. An automatic email distribution will be created that will allow users to sign up for notification of new development applications in an area. This will allow for more frequent and transparent communication with the public on development activity in the city. The automatic email distribution will include customizable search catchment areas with the ability to be regularly engaged in the progress of development in a specific area of the city or the city as a whole.

Additionally, broadening the availability of information through the City's Open Data platform will divert automated scrapers away from AIC, ensuring the application data is more directly available while reducing traffic to the public facing AIC application.

Information and Materials to Replace the Preliminary Report

As described in the December 2022 report ([EX1.4](#)), staff will no longer prepare a Preliminary Report for each complete OPA/ZBA and ZBA application for consideration by Community Council. A number of improvements are underway to ensure that the issues that would have been reflected in the Preliminary Report continue to be made available to the Councillor and the public in a timely way after an application has been deemed complete and prior to a Community Consultation Meeting (CCM). In total, this level of information access will be the equivalent or better than a Preliminary Report and occur up to 90 days sooner than the historic pattern of service.

Improvements to the front-end of the development review process are described below. Table 1 provides a comparison of when public information related to issues and opportunities is currently available versus when it is expected to become available through an improved process. Attachment 1 includes a process graphic, for reference.

Mandatory pre-application consultation (PAC) comes into effect for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Site Plan Control applications on April 3, 2023, including the digitization of the submission through the Application Submission Tool. Following a PAC meeting, the City will issue a Planning Application Checklist Package to the applicant that includes a checklist of application requirements and advisory comments related to the City's regulatory framework. The advisory comments will identify issues and opportunities for the site, for the applicant's consideration while developing their submission. The Planning Application Checklist Package will include a brief summary including key details about the proposal and issues and opportunities for the site. Should the applicant submit an application to the City, and should the application be deemed complete, the Planning Application Checklist Package will be posted as public information to the City's Application Information Centre.

The introduction of mandatory PAC enables consistent identification and documentation of issues and opportunities for a site at the earliest stage of the development review process. The Planning Application Checklist Package provides a summary of those issues and opportunities similar to what was previously provided in the Preliminary Report, but much earlier in the process.

Table 1 - Comparative Timeline, Pre-December 2022 vs. Target State

Process Step	Pre-December 2022	Target State
Pre-application Consultation	Encouraged but voluntary	Mandatory (April 3, 2023)
Notice of Complete/Incomplete Application	Within 30 days of submission (legislated)	Within 30 days of submission (legislated)
Posting of Planning Application Checklist Package to AIC	N/A	Upon circulation to determine complete/incomplete application.
Preliminary Report considered at Community Council	Within approximately 90-200 days of submission, depending on a variety of factors	N/A
Community Consultation Meeting	Within approximately 200 days of submission ¹	Within approximately 45 days of submission

In addition to the Planning Application Checklist Package being posted to AIC, staff will aim to schedule the CCM within 45 days of application submission. A shortened CCM timeline enables the public to access information about issues to be resolved (e.g., through a presentation from staff) and provide input at an earlier stage of application review.

Conclusion

The improvements identified in this report are anticipated to be in place by July 1, 2023. While these improvements address near-term needs, modernization of the technology that supports development review is also needed. Staff will continue to work iteratively to implement enhancements. As of the writing of this report, immediate operational fixes are underway to enable search effectiveness and comment submission. At the same time, a net-new AIC solution is being developed to optimize overall performance and improve user experience, including the ability to access the application from a mobile

¹ City-wide average number of days between application submission and Community Consultation Meeting, 2018-2022.

device and additional search capability. Once released, this solution will continue to be updated to address user feedback and provide a more optimal experience.

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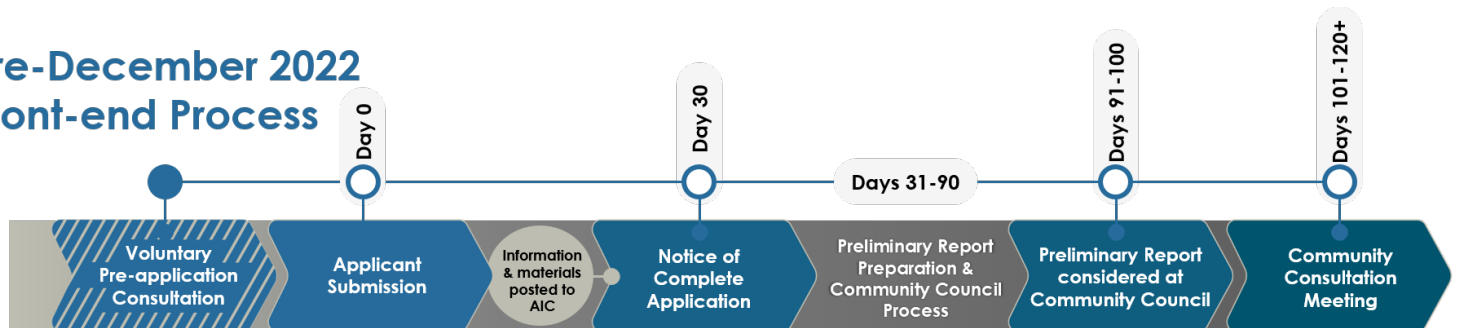
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ATTACHMENTS

Attachment 1: Front-end Process Improvements

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Pre-December 2022 Front-end Process



Emerging Change In Practice

