

Implementing Bill 109

OPA 688: New Requirement for Complete
Site Plan Control Applications

Planning & Housing Committee
September 28, 2023



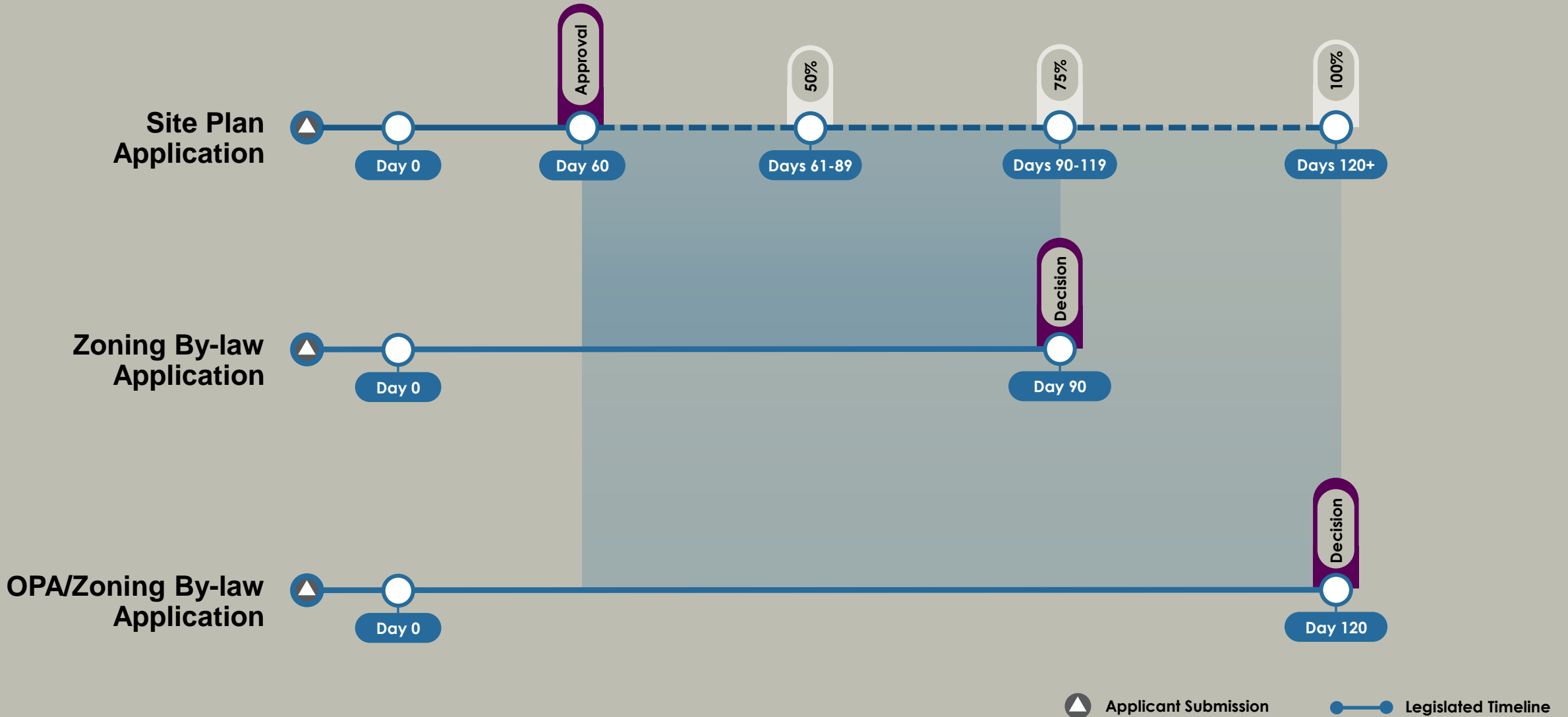
Snapshot: Concurrent Applications

Between January 2019 and July 2023, a majority of Site Plan Control applications submitted to the City were reviewed concurrently with Official Plan Amendment and/or Zoning By-law Amendment applications. During this approximately five year period:

| | |
|---|----------------|
| Number of Site Plan Control applications submitted concurrent to an Official Plan Amendment and/or Zoning By-law Amendment* | 236 |
| Percentage of Site Plan Control applications submitted concurrently | 84% |
| Total application fees collected for concurrent Site Plan Control applications | \$30.7m |

Legislated Timelines

Impact on Concurrent OPA/ZBA/SPC or ZBA/SPC Applications



Purpose of OPA 688

In-effect Zoning Compliance

OPA 688 introduces a new requirement in Schedule 3 of the Official Plan for Site Plan Control applications. The purpose of the requirement is to:

- Ensure the development sought in the Site Plan Control application is permitted in the in-effect zoning by-law applicable to the site.
- Ensure any necessary relief from and compliance with the in-effect zoning by-law have already been achieved and that site plan drawings are ready for detailed review and approval.
- Ensure that the public, statutory process to rezone a site has come to a conclusion prior to any staff approval of site plan conditions.
- Support the City's ability to meet the legislated requirement to make decisions on Site Plan Control applications within 60 days.

Implementation

Two-step Process

Step 1 – Official Plan Policy

- Establish Official Plan policy (OPA 688) to add an in-effect zoning compliance requirement for complete Site Plan Control applications to Schedule 3 of the Official Plan.

Step 2 – Terms of Reference

- Finalize and post a new Terms of Reference to the City's Development Guide to specify when in-effect zoning compliance is required for a complete Site Plan Control application and how the requirement can be met.

Municipal Code Amendments

Amendments to Municipal Code, Chapter 415, Development of Land, Article V, Site Plan Control

- Ensure legislative conformity with Bill 23 and Zoning By-law 569-2013.
- Clarify and broaden the list of permitted exclusions from Site Plan Control.
- Support consistent interpretation through improved organization and legibility.
- Reduce duplicative City staff effort on matters addressed through other processes.

Amendments to Municipal Code, Chapter 415, Development of Land, Section 415-20, Municipal Infrastructure Agreements

- Enable the City to enter into a Municipal Infrastructure Agreement with a developer without the requirement of a Site Plan Control application.

Amendments to Municipal Code, Chapter 415, Development of Land, Section 415-19.2, Mandatory Pre-Application Consultation

- Establish validity periods for the Planning Application Checklist Package pre- and post-April 3, 2023.
- Clarify that PAC meeting for Site Plan Control applications is not permitted to occur concurrently with a PAC meeting for any other application type.

 **TORONTO**



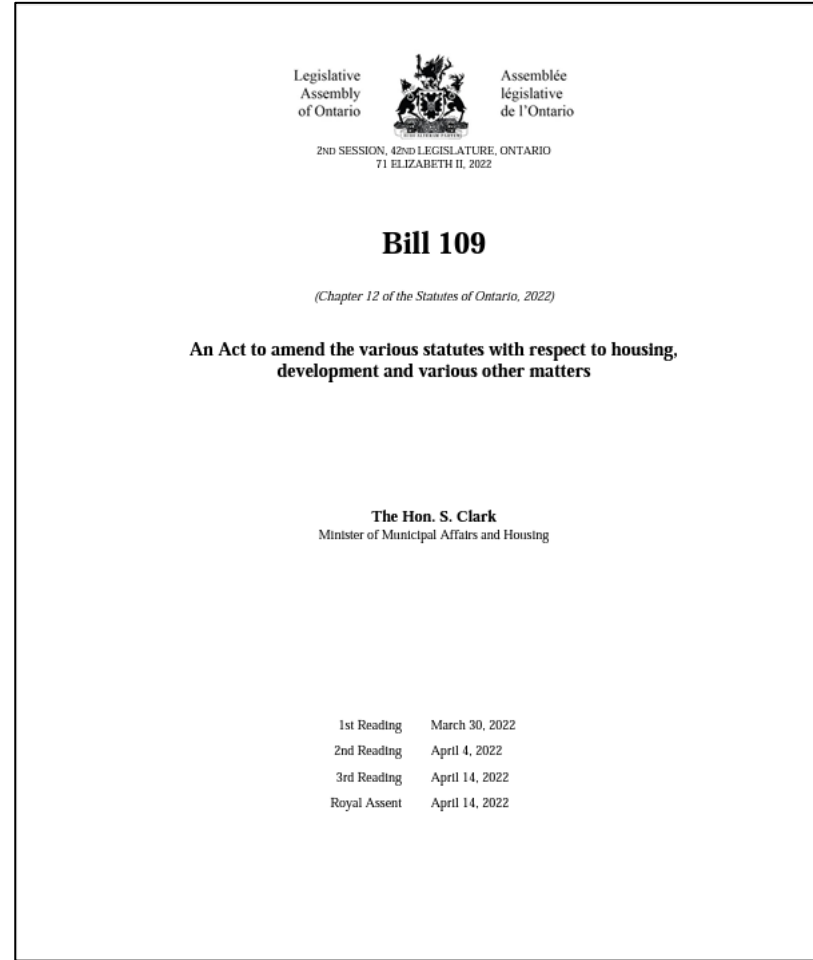
APPENDIX

Bill 109: *More Homes for Everyone Act, 2022* Background

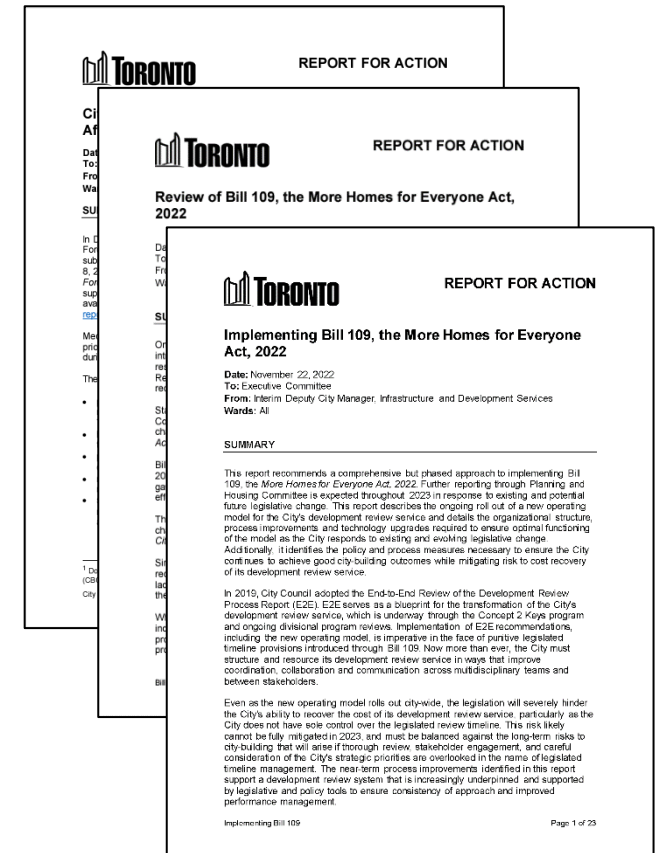




- Released February 8, 2022
- Includes 55 recommendations to increase Ontario's market housing supply



- Received Royal Assent on April 14, 2022
- Stated intent is to reduce “red tape,” accelerate review timelines and streamline approvals



- [Staff Report](#) to March Executive re: HATF
- [Staff Report](#) to April PHC re: Bill 109 Impacts
- [Staff Report](#) to December Executive re: Bill Implementation
- [Staff Report](#) to February PHC re: Site Plan policy
- [Staff Report](#) to February PHC re: AIC
- [Staff Report](#) to July PHC re: Delegated Authority for Minor Zoning By-laws

Broad Impacts

Bill 109 amends various statutes with respect to housing development and a number of other matters. This includes changes to the *Planning Act*, *City of Toronto Act*, *Development Charges Act*, and others. Specifically, under the *Planning Act*, amendments impact:

- Ministerial approval authority for Official Plan Amendments
- **The Site Plan Control process**
- **Planning application review timelines and fees**
- Municipal review of Community Benefits Charges by-laws
- Parkland requirements on land designated as transit-oriented community land
- Extensions for Draft Plan of Subdivision approvals
- Ministerial authority to make certain regulations respecting surety bonds

Guiding Principles

Two key principles guide the City's response to Bill 109. In its approach to implementing the legislation, the City will:

- Continue to focus on and prioritize good city-building outcomes; and
- Mitigate risk to cost recovery of development review services.

In practice, this means:

- Focus on high-value activities
- Develop clear and consistent standard operating procedures
- Implement and strengthen the tools we have available
- Enable the continuous evolution of our regulatory framework
- Continue to advocate for better tools to implement legislative change
- Ensure ongoing engagement and transparency through the change

Legislative Updates – Bill 97

On April 6, 2023, the Province introduced Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023*. It includes *Planning Act* amendments related to application fee refunds.

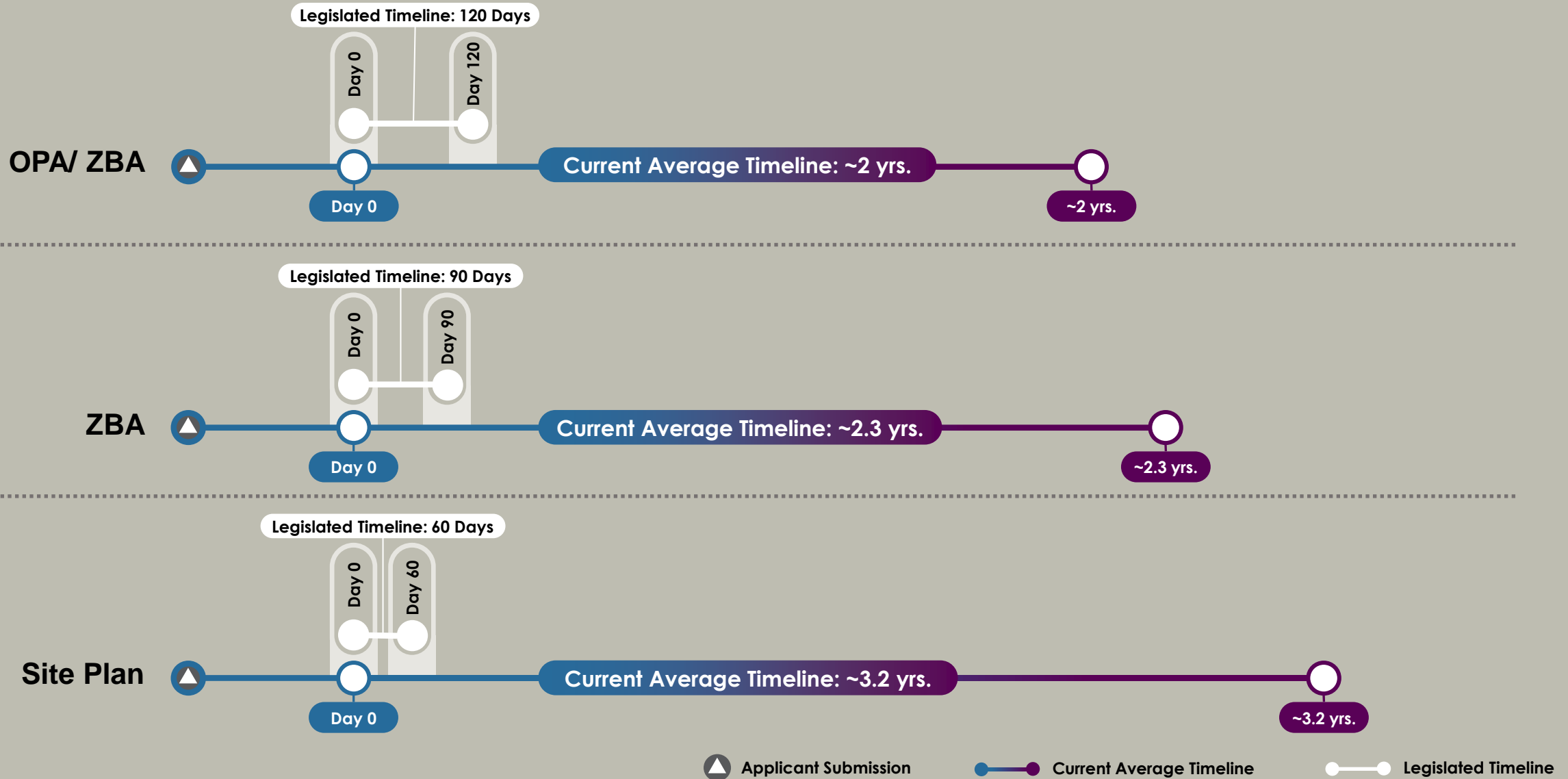
Bill 97:

- Changes the effective date of application fee refunds from January 1, 2023 to July 1, 2023.
- Clarifies that applications received between January 1, 2023 and July 1, 2023 are not eligible for application fee refunds.
- Enables the Minister to issue regulation to exempt municipalities from application fee refunds.

The City submitted comments to the Province on Bill 97 requesting that the Minister exempt Toronto from application fee refunds, extend the effective date further, and/or introduce a “stop-the-clock” mechanism. No regulation has been issued to date.

Time to Decision or Approval

Currently in force under the legislation



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Currently in force under the legislation

