

Improving Community Consultation in the Development Review Process - Proposals Report

Date: January 5, 2024

To: Planning and Housing Committee

From: Interim Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

Ongoing changes to the City's development review process, including significantly reduced decision-making and approval timelines under Bill 109, have highlighted the need to undertake focused consultation on City Planning's development review-related community consultation practices. In December 2022, Council established two principles to guide implementation of Bill 109. Changes to community consultation practices are required to address both principles:

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

In October 2023, Council requested City Planning undertake stakeholder and public consultation on the City's pre-application consultation process (PAC). This report recommends expanding the scope of consultation to address potential policy and/or by-law changes to improve consultation practices at two points in the development review process: 1) Pre-application consultation; and 2) Community Consultation Meetings (CCM). Following city-wide public consultation in Q1 2024, staff will report back with recommendations by Q2 2024.

RECOMMENDATIONS

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

1. Planning and Housing Committee request the Interim Chief Planner and Executive Director, City Planning to undertake stakeholder and public consultation regarding pre-application consultation with local communities and Councillors and community consultation meetings and report back to Planning and Housing Committee by the end of Q2 2024.

2. Planning and Housing Committee request the Interim Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor, to establish clear requirements for recording and publishing virtual community consultation meetings on the City of Toronto's digital platforms, including standard requirements for the collection of necessary personal information under the Municipal Freedom of Information and Protection of Privacy Act.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact section.

EQUITY IMPACT STATEMENT

Ongoing legislative change affecting the development review process impacts Black, Indigenous and equity-deserving communities more significantly than others. Systemic and institutional barriers to participating in the development review process are further exacerbated by reduced review timelines. In particular, Bill 109 fails to recognize that the planning approval process is a fundamentally iterative one in which many stakeholders collaborate over time in an effort to achieve good city-building outcomes. Barriers to participation push equity-deserving and lower income Torontonians farther from home ownership, rental options and overall economic security.

Public consultation is integral to building inclusivity and equity into planning processes, which is particularly important for those who experience systemic discrimination and exclusion. Through focused consultation activities in the early stages of the development review process, including providing those who need it with access to the necessary tools and resources, City Planning can more effectively reach equity-deserving groups sooner and take meaningful steps toward removing barriers and promoting inclusion.

DECISION HISTORY

On December 13, 2023, City Council adopted the report "Implementing Bill 109 - 2023 Annual Update" outlining the implementation efforts of staff in responding to Bill 109 and plans for further policy and program updates in 2024.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH8.7>

On October 12, 2023, City Council adopted the report "Bill 109 Implementation, Phase 3 - Recommended Official Plan and Municipal Code Amendments respecting Site Plan Control," to establish policy tools to address the impacts of Bill 109, including a new requirement for in-effect zoning compliance as part of a complete Site Plan Control application (OPA 688), and updates to the City's Site Plan Control Exemption by-law,

and Mandatory Pre-Application Consultation by-law. This report also recommended further public consultation on expanding the pre-application consultation process.
<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH6.2>

On July 19, 2023, City Council adopted the report "Bill 109 Implementation, Phase 2 - Recommended Official Plan and Municipal Code Amendments respecting Delegated Authority for Minor Zoning By-laws," to establish new policy tools, including alternative measures for informing and obtaining the views of the public, that enable the City to better address recent changes to Zoning By-law Amendment decision-making timelines in the *Planning Act* under Bill 109.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.1>

On February 28, 2023, Planning and Housing Committee adopted the report "Bill 109 Implementation - Near-term Process and Technology Improvements," to address improvements to the Application Information Centre (AIC) and information and materials to replace the Preliminary Report.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.2>

On December 15, 2022, City Council adopted, as amended, 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 to report back to Planning and Housing Committee with recommended Official Plan and Municipal Code amendments.

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

On September 21, 2021, Planning and Housing Committee adopted the report "Effective Public Participation in City Planning Processes and Community Engagement - Update" from the Chief Planner and Executive Director, City Planning, regarding practices for virtual engagement, equity-focused engagement, and collaboration with the City Manager's Office on the Public Engagement Review.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH26.3>

COMMENTS

Background

Community consultation plays a critical role in supporting City Planning's work program. Broadly, consultation advances the City's strategic objectives related to access, diversity, equity and inclusion. Specifically, City Planning engages the public on a range of matters, from site-specific development applications to large-scale area plans and city-wide policy initiatives. Consultation provides valuable input to the planning process to support informed recommendations. It also provides an opportunity for public education on important planning matters. Constructive dialogue between planners, the public and other stakeholders supports relationships built based on mutual understanding, improved trust and meaningful collaboration.

The focus of this report is community consultation through the development review process (i.e., site-specific development applications). City Planning employs a variety of tools and approaches to reach a diverse audience and encourage broad participation. Most commonly, the division uses both in-person and virtual meeting formats to host community consultation meetings, open houses and focus groups. Other tools, such as online surveys, email Listservs, and mail drops are frequently used to inform and update the public on planning matters. City Planning maintains a consultation website, regularly posts to social media, and updates public-facing information related to development applications via the Application Information Centre (AIC) daily.

Improving Community Consultation

Ongoing changes to the City's development review process, including significantly reduced decision-making and approval timelines under Bill 109, have highlighted the need to undertake focused consultation on City Planning's development review-related community consultation practices. Staff propose city-wide public consultation on potential policy and/or by-law changes to improve consultation practices at two points in the development review process: 1) Pre-application consultation (PAC); and 2) Community Consultation Meetings (CCM).

Subsequent to Bill 109, many municipalities advanced and/or implemented changes to existing PAC and CCM policies and processes. A jurisdictional review of pre-application consultation processes in nine Ontario municipalities found that, generally, municipalities are moving toward a more robust, multi-phase pre-application consultation process. Attachment 1 includes a summary chart of Official Plan Amendments and/or by-law amendments undertaken by other municipalities that address pre-application consultation matters in the context of Bill 109.

In April 2023, the City's Mandatory PAC by-law came into force and effect, requiring a meeting between an applicant and staff prior to the submission of four types of planning applications (Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Site Plan Control). Council approved changes to the Mandatory PAC by-law in October 2023; however further policy and process updates are needed to support more meaningful and productive pre-application consultation with a range of stakeholders (e.g., local communities and Ward Councillors).

Regarding consultation processes more broadly, some municipalities have implemented enhanced virtual tools to enable public input earlier in the planning process. Others have adjusted the timing and format of public notice for both statutory and non-statutory consultation meetings. Many have consolidated consultation activities at either the front end or back end of the development review process.

In Toronto, staff established district-based CCM schedules to better manage a high volume of meetings by grouping them on set days and times. Staff have also established a target to hold the CCM within approximately 45 days of an application being submitted to the City (provided the application is deemed complete). Implementation of these timeline management measures has been variable city wide. Staff, applicant, Councillor and public feedback indicates that timeline management

measures are challenging to implement without broader policy, process and technology changes.

Drawing on lessons learned in 2023 - through staff experience, stakeholder feedback and jurisdictional research - staff propose additional front-ending of community consultation activities. Attachment 2 includes a timeline graphic that illustrates the proposal to expand the PAC process and move CCMs from the formal review process (after an application has been deemed complete) to the PAC process (prior to submission of an application).

Scope of Public Consultation

Through public consultation on the proposal (Attachment 2), staff will seek input on matters including, but not limited to:

- A potential Official Plan Amendment to support changes to PAC and CCM practices. Chapter 5 of the Official Plan provides direction on PAC and CCMs (see Attachment 3 for relevant Official Plan policies).
- A potential Official Plan Amendment to expand and procedural changes to support implementation of alternative measures for informing and obtaining the views of the public per policy 5.1.10 of the Official Plan (see Attachment 3). This may include increased use of social media, email and City Planning's website.
- Potential Municipal Code amendments to support changes to the mandatory PAC process. Chapter 415-19.2 of the Municipal Code details the City's mandatory PAC procedures.
- Improved development application signs. Development application signs are a critical tool in informing the public about new development applications. Staff will seek feedback on how signs can be used to enable participation in the planning process.
- Updates to the Application Information Centre (AIC). In July 2023, AIC was moved to a modern platform that supports more intuitive navigation and improved accessibility. User feedback will inform ongoing updates in 2024.
- Disclosure of virtual CCM recordings. Staff will seek input on preferred methods of sharing recordings of virtual CCMs in adherence with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Next Steps

City-wide public consultation, targeted stakeholder consultation and industry consultation will commence in February 2024. Staff will report back to Planning and Housing Committee with recommendations by the end of Q2 2024.

CONTACT

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SIGNATURE

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City Planning

ATTACHMENTS

Attachment 1: Summary Table of PAC Policy Jurisdictional Review

Attachment 2: Proposed Changes to Community Consultation Timelines

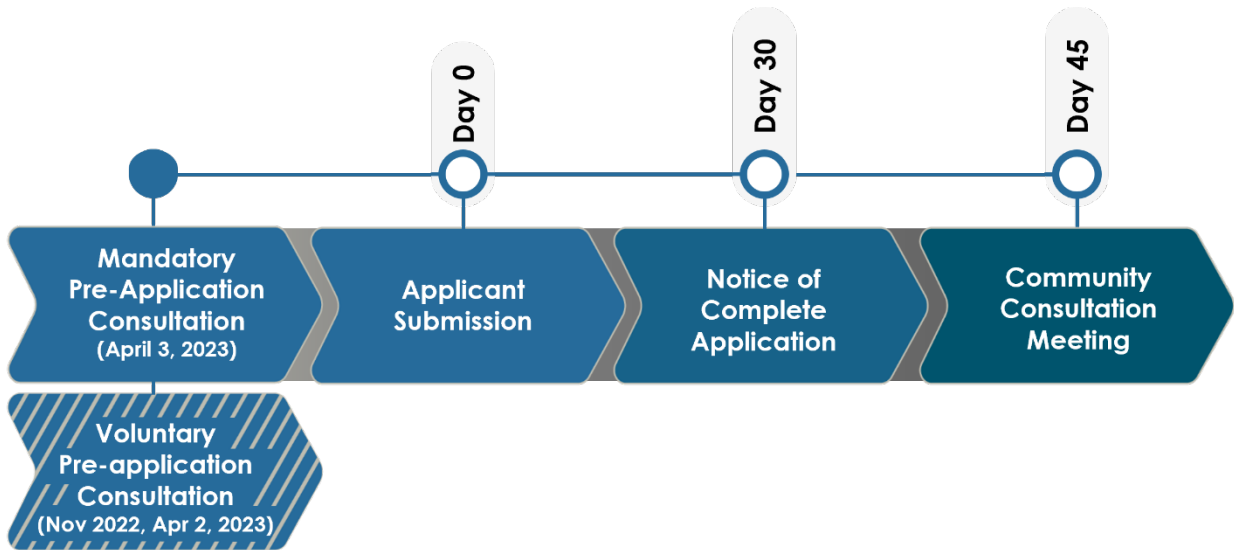
Attachment 3: Plain Text of Official Plan Chapter 5

ATTACHMENT 1: Summary Table of PAC Policy Jurisdictional Review

Municipality	Report to Council	OPA/By-law Reference	Multi-Phase Process	In Response to Bill 109
Toronto	February 3, 2022	OPA 550	No phasing	No
	April 1, 2022	By-law 46-2022		
	October 12, 2023	By-law 965-2023	No phasing	Yes
Ajax	December 5, 2022	OPA 71	Two phases	Yes
Brampton	December 14, 2022	OP2006-232	Two phases	Yes
Burlington	December 6, 2022	OPA 130	Five phases	Yes
Markham	July 1, 2023	By-law 2023-107	No phasing	Yes
Mississauga	April 17, 2023	By-law 0128-0008	Two phases	Yes
Oakville	December 5, 2022	OPA 53 OPA 329	No phasing, CCM during PAC process	Yes
Ottawa	June 14, 2023	By-law	Three phases	Yes
Pickering	May 23, 2023	OPA 46	Two phases	Yes
Vaughan	June 20, 2023	OPA 93	No phasing	Yes

ATTACHMENT 2: Proposed Changes to Community Consultation Timelines

Current front-end process



Proposed front-end process (for consultation)

