

Recommended Official Plan Amendment respecting Schedule 3 Complete Application Requirements, Chapter 3 Cultural Heritage Evaluation Report and Municipal Code Amendments respecting Delegated Authority for Minor Zoning By-laws

Date: April 24, 2024

To: Planning and Housing Committee

From: Interim Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report recommends amendments to Schedule 3 of the City of Toronto Official Plan, related to complete application requirements. The recommended Official Plan Amendment (OPA 720) clarifies and streamlines complete application requirements, enabling submission of complete applications, timely application review, and decision-making and approval.

Amendments to Schedule 3 are organized in the following categories, with further information about individual requirements included in Attachment 2:

- Technical/housekeeping amendments;
- Amendments to reflect changes in legislation or policy; and
- Plan of Condominium requirements.

OPA 720 also updates Section 3.1.6, Heritage Conservation, detailing a new requirement for a Cultural Heritage Evaluation Report. If approved, the Cultural Heritage Evaluation Report requirement will be added to Schedule 3 of the Official Plan.

Additionally, to support continuous improvement of the development review process, this report recommends a Municipal Code amendment to Chapter 415, Development of Land, and Chapter 169, City Officials, to delegate authority for two types of minor zoning by-laws to the Chief Planner and Executive Director, City Planning, as identified in Section 5.1.10 of the Official Plan.

RECOMMENDATIONS

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

1. City Council adopt Official Plan Amendment 720 substantially in accordance with Attachment 1 to this report.
2. City Council amend the City of Toronto Municipal Code, Chapter 415, Development of Land, and Chapter 169, City Officials, substantially in accordance with Attachment 4 to this report.
3. City Council delegate by-law making authority to the Chief Planner and Executive Director, City Planning and their designate for the purposes of minor by-law amendments described in Attachment 4 to this report.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the Official Plan Amendment as may be required.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

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

The broader impacts of Bill 109 on Indigenous, Black and Equity-deserving groups is described in the report Implementing Bill 109 - The *More Homes for Everyone Act, 2022* ([EX1.4](#)).

OPA 720 has been analysed at the definition and planning stage for potential impacts on Indigenous, Black and Equity-deserving groups of Toronto. Complete application provisions enable the City to "require" rather than "encourage" that an application meet minimum application requirements and be deemed complete prior to review. Official Plan policies, particularly those related to affordable housing or climate change, disproportionately impact Indigenous, Black and Equity-deserving groups. Clear, up-to-date requirements ensure consistent implementation of the City's policy direction on those matters.

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). OPA 688 is under appeal to the Ontario Land Tribunal.

<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 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 March 29, 2023, City Council adopted the report "Bill 109 Implementation, Phase 1 - Recommended Official Plan and Municipal Code Amendments," to implement complete application provisions for Site Plan Control applications.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.1>

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>

COMMENTS

Background

Schedule 3 of the Official Plan identifies the information and materials required as part of a complete application for Official Plan and Zoning By-law amendments, Plans of Subdivision, Plans of Condominium, Consents to Sever and Site Plan Control Approvals.

The recommended amendments to Schedule 3 are organized into the following general categories:

- Technical/housekeeping amendments;

- Amendments to reflect changes in legislation or policy; and
- Plan of Condominium requirements.

Additionally, Section 3.1.6, Heritage Conservation, details a new requirement for a Cultural Heritage Evaluation Report. If approved, the Cultural Heritage Evaluation Report requirement will be added to Schedule 3 of the Official Plan. A Terms of Reference for a Cultural Heritage Evaluation Report was posted to the City's [Application Support Material: Terms of Reference](#) website in August 2021.

Conformity with Provincial Policy and Legislation

The recommended OPA 720 is consistent with, conforms to and implements directions of the PPS and Growth Plan (2020) by ensuring the Official Plan continues to conform to provincial policy direction while also implementing legislative requirements, including those in the *Planning Act* and the *City of Toronto Act, 2006*.

The recommended OPA 720 reflects the complete application provisions for Official Plan and Zoning By-law amendment, Plan of Subdivision, Plan of Condominium, Consent to Sever and Site Plan Control Approval applications and addresses Policy 4.6 of the PPS. Policy 4.6 states that "the official plan is the most important vehicle for implementation of [the] Provincial Policy Statement."

OPA 720 supports the City in ensuring the minimum application requirements of the *Planning Act* and *City of Toronto Act, 2006*, and City of Toronto Official Plan, are met and can be holistically considered against the guiding principles of the Growth Plan (2020). Specifically, Policy 1.2.1 of the Growth Plan speaks to supporting the achievement of complete communities, prioritizing intensification, supporting a range and mix of housing options, integration of land use planning, investment in infrastructure and public service facilities, the conservation and promotion of cultural heritage resources, and integrating climate change considerations.

The PPS and the Growth Plan (2020) also direct protecting what is valuable, ensuring public health and safety are addressed and ensuring the built environment conserves heritage resources. The new requirements in Schedule 3 of the Official Plan for a Aeronautical Report, a Methane Gas Study, a Cultural Heritage Evaluation Report, a Site Servicing Plan and Conceptual Servicing Plan continue to support existing practices and ensure that information and material is provided early in the development review process to support decision making in a timely manner, while also addressing key interests in provincial policy and applicable legislation in a comprehensive and integrated manner.

Technical/Housekeeping Amendments

Staff recommend technical/housekeeping amendments to clarify the intent of the Official Plan and for consistency with the City's [Application Support Material: Terms of Reference](#) (TOR). The technical changes include updates to existing requirements in cases where:

- Requirement names and descriptions have changed (Accessibility Design Standards Checklist, Arborist Report, Boundary Plan of Survey, Computer Generated Building Mass Model, Geotechnical Study/Hydrological Review, Green Development Standards Checklist, Heritage Impact Assessment, Tree Protection Plan);
- TOR have been consolidated or separated (Air Quality and Odour Study, Transportation Impact Study, Servicing Report, Stormwater Management Report); or
- TOR exist, but the requirement is not currently included in Schedule 3 (Draft Plan of Subdivision and Draft Plan of Condominium).

Detailed descriptions of the amendments to the individual requirements identified above are included in Attachment 2.

Amendments due to Changes in Legislation or Policy

OPA 720 includes several new requirements that reflect changes in Federal Government regulation, Provincial legislation, Official Plan policies and operational needs, as described in more detail below. These requirements assist the City in implementing Official Plan policy through the development review process.

Aeronautical Report

City of Toronto By-law 1432-2017 regulates the use of lands in the vicinity of St. Michael's Hospital and The Hospital for Sick Children. On January 26, 2024 the Minister of Municipal Affairs and Housing issued Ontario Regulation 10/24, a Zoning Order for the Protection of Public Health and Safety – Toronto Hospital Heliports. Both instruments ensure safe operations of aircrafts and air ambulance services to and from St. Michael's Hospital and The Hospital for Sick Children by imposing restrictions on the heights of buildings, structures and naturally growing objects so that they do not intrude into the flight paths. Other federal airport zoning regulations are in place to regulate development to protect flight paths in relation to airports such as Toronto Pearson Airport and Billy Bishop Airport.

OPA 720 adds an "Aeronautical Report" application requirement for Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications to Schedule 3. The requirement ensures development proposals in proximity to flight paths conform with the requirements of the relevant airport zoning regulation.

Cultural Heritage Evaluation Report

Heritage conservation in Ontario is identified as a provincial interest under the *Planning Act*. Recent legislative changes make the early identification of cultural heritage value through application review critical to the successful conservation of heritage properties. In response, OPA 720 includes a new application requirement for Official Plan Amendments, Zoning By-law Amendments and Plan of Subdivision applications for a Cultural Heritage Evaluation Report (CHER) for identified properties, early in the application process.

Currently, there are no heritage application requirements for properties that are not included on the Heritage Register. A CHER will now be required for a limited number of

properties that have been identified by City Council through a City-led study (such as the Jane Finch Initiative) as having potential cultural heritage value or interest, but which are not included on the Heritage Register. A CHER will also be required for properties that have been previously identified by City Council as having cultural heritage value or interest and require further evaluation, but which are not currently included on the Heritage Register. Properties meeting one or more of these criteria will be compiled into a single accessible source which will be made available to the public on the City of Toronto website.

The CHER requirement for a publicly available list of properties meeting one or more of the criteria above will support the City's ability to meet legislated timelines for decision-making and approval by identifying properties with cultural heritage value as early as possible in a development application process. The CHER requirement will identify properties with cultural heritage value to be conserved and clear others of heritage concern. It will also provide an opportunity for the applicant to seek important community input in identifying cultural heritage value. If a CHER identifies that a property has cultural heritage value in accordance with the criteria for designation under O. Reg 9/06 made under the Ontario Heritage Act, it should allow for an early dialogue and efficiencies when advancing designation and an understanding of cultural heritage value. Where a CHER has identified that a property has cultural heritage value and meets the criteria under O. Reg 9/06 for designation under Part IV of the Ontario Heritage Act, a Heritage Impact Assessment will also be required as part of a complete application.

The technical name change to the Heritage Impact Assessment in Schedule 3 is not intended to change the requirement that a conservation strategy be required as part of a complete application in the Heritage Impact Assessment. As part of current practice, the conservation strategy is not a stand-alone document and is embedded within the Heritage Impact Assessment submitted to the City in processing development applications.

As supported by changes to the Ontario Heritage Act, the early identification and protection of heritage properties is important to appropriately managing change through the development review process. The Growth Plan (2020) also supports municipalities in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. The CHER is one of those tools to assist with ensuring early identification and evaluation is completed in accordance with provincial requirements for designation to ensure its wise management and use can properly inform the future changes to a property proposed through a development application.

Methane Gas Study

In accordance with Section 3.4.23 of the Official Plan, a Methane Gas Study, which includes a Subsurface Field Investigation and subsequent Methane Gas Study Report, is required for any proposed development site on or within 500 metres (or within a previously determined area of influence) of a known or suspected former waste disposal site. This requirement identifies development proposals within the vicinity of landfills and assesses potential adverse impacts. In the event that methane gas is present at the property above 1% volume, the Methane Gas Study Report is required to identify

measures to remediate or mitigate the possible presence of methane and the manner of implementation of such measures. OPA 720 adds a "Methane Gas Study" application requirement for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Site Plan Control applications to Schedule 3 to support and provide clarity to the application of existing Policy 3.4.23 of the Official Plan.

Site Servicing Plan and Conceptual Servicing Plan

In accordance with the regulations under legislation applicable to management of municipal servicing infrastructure, including the *Planning Act* and the *City of Toronto Act*, applicants must show how the site will be provided with municipal services in compliance with the City's policies, guidelines and standards. A servicing plan is an existing requirement but was captured as a component of the Servicing Report and Stormwater Management Report. OPA 720 adds a "Site Servicing Plan" application requirement for Site Plan Control applications and a "Conceptual Servicing Plan" application requirement for Official Plan and Zoning By-law amendment and Plan of Subdivision applications to Schedule 3. The requirements support technical review of the site servicing concept.

Appropriate Plans and Drawings

Attachment 3 to this report includes a list of plans and drawings that generally fall under the existing Schedule 3 requirement of "Appropriate Plans and Drawings." It is provided for information and clarity. "Appropriate Plans and Drawings" are required in most circumstances to support evaluation and implementation of Official Plan policy and/or legislative requirements.

Plan of Condominium

Improvements to the City's Plan of Condominium application review process are currently underway to streamline condominium approvals. OPA 720 recommends the addition of a Draft Plan of Condominium requirement to Schedule 3 to reflect existing practice. Additionally, should OPA 720 be adopted, staff will implement further administrative improvements to clarify the scope and requirements for Plan of Condominium applications. This includes, but is not limited to:

Streaming: Staff are establishing criteria to define "routine" and "complex" Plan of Condominium application types.

Standardized Application Checklists: With streaming criteria established, staff will post standardized application checklists for "routine" and "complex" application types to the City's Development Guide. Plan of Condominium applications are not subject to pre-application consultation. Posting standardized application checklists provides applicants with a clear list of requirements to be submitted to the City as part of a complete application.

Consultation Summary

Public Open House

On April 3, 2024, staff hosted a virtual public open house to provide information and receive feedback and input on OPA 720. Notice of the open house was posted to the [City Planning Consultations](#) webpage. Notice was also shared via email with a city-wide list of Residents' Associations and community organizations, and members of the Toronto Chapter of the Building Industry and Land Development Association (BILD).

Twelve participants joined the virtual meeting. City staff provided a presentation including an overview of the changes to Schedule 3 regarding complete application requirements and updates to Chapter 3 regarding the Cultural Heritage Evaluation Report.

Participants were given the opportunity to ask questions and share comments. Some participants raised questions related to:

- The impact of the speed of development, due to the implementation of Bill 109 timelines, on the City's infrastructure.
- Access to information and materials related to OPA 720 20 days in advance of the statutory Public Meeting.
- Access to the City's Heritage Register, how to determine whether a property is on the Heritage Register and the process for nominating a property to be included on the Heritage Register.
- The difference between a Cultural Heritage Evaluation Report and a Heritage Impact Assessment and when each may be required.
- The types of applications and geography in which the Aeronautical Report and Methane Gas Study may be required.

Approach to Implementation for OPA 720

Staff recommend a two-step approach to implementation:

- Step 1: Establish Official Plan policy (OPA 720) to update the application requirements in Schedule 3 of the Official Plan and amend Section 3.1.6 of the Official Plan to include a Cultural Heritage Evaluation Report; and
- Step 2: The City regularly updates the Terms of Reference posted to its Development Guide to specify when information and materials are required for a complete application and how the requirements can be met. Staff will continue with this approach to implement necessary updates resulting from OPA 720.

Municipal Code Amendments to Chapter 415, Development of Land, and Chapter 169, City Officials

In July 2023, Council approved Official Plan Amendment 660 related to delegated authority for three types of minor zoning by-laws. At that time, authority to approve one type of minor zoning by-law – to remove a Holding (“H”) Symbol – was delegated to the

Chief Planner and Executive Director, City Planning, or their designate. As part of the City's continuous improvement of its development review process and in response to the Federal Minister of Housing, Infrastructure and Communities' letter to the City of Toronto regarding the Housing Accelerator Fund, staff are recommending amendments to Municipal Code Chapter 415, Development of Land, and Chapter 169, City Officials (Attachment 4), to delegate authority for the two other types of minor zoning by-laws identified in Section 5.1.9 of the Official Plan, namely:

Technical/housekeeping by-laws: These amendments are for the purpose of correcting errors and making technical revisions. If delegated, these types of by-laws are subject to Section 5.1.10 of the Official Plan related to alternative measures policies for notifying and obtaining the views of the public. These types of by-laws are subject to appeal. Delegated authority may be used to approve a technical/housekeeping by-law amendment that addresses matters that were subject to a public process prior to enactment of the existing zoning by-law regulations and that are consistent with previous Council decisions. For example, delegated authority may be used to approve a technical correction to reflect a change in zone (e.g., from Residential Detached RD to Commercial Residential CR) that was contemplated throughout the public process but incorrectly identified in the by-law enacted by Council.

- *Amendments to bring lands into Zoning By-law 569-2103:* Properties not subject to City-wide Zoning By-law 569-2013 may be brought into 569-2013 based on the in-force and effect zoning for the same Zone category in the City-wide By-law. If delegated, these types of by-laws are subject to Section 5.1.10 of the Official Plan related to alternative measures policies for notifying and obtaining the views of the public. These types of amendments, absent delegation, would have required the standard public process despite there being no substantive changes to the in-effect zoning that applies to the property. This form of delegation continues to support harmonization with the City-wide Zoning by-law 569-2013. These types of by-laws are subject to appeal.

Staff in City Planning, Legal Services and the City Clerk's Office have established operational procedures to remove a Holding ("H") Symbol using delegated authority. Where applicable, these same procedures will be used for technical/housekeeping amendments and City-wide Zoning By-law 569-2013 conformity matters. Some additional procedures are required and will be developed by staff should the Municipal Code Amendments in Attachment 4 be adopted.

Conclusion

The recommended OPA 720 clarifies and streamlines complete application requirements, enabling submission of complete applications, and timely application review, decision-making and approval. OPA 720 reflects continuous improvement of the City's development review process and does not reflect broader policy impacts.

The recommended OPA 720 is consistent with the PPS and conforms to and does not conflict with, the Growth Plan (2020) and is authorized by enabling legislation for the submission of information and material in support of complete applications.

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SIGNATURE

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ATTACHMENTS

Attachment 1: By-law to Adopt Official Plan Amendment 720

Attachment 2: Summary Table of Recommended Changes to Application
Requirements

Attachment 3: List of Requirements Considered "Appropriate Plans and Drawings"

Attachment 4: By-law to Amend City of Toronto Municipal Code Chapter 415,
Development of Land and Chapter 169, City Officials