REPORT FOR ACTION

Improving Community Consultation in the Development Review Process - Update

Date: June 24, 2024
To: Planning and Housing Committee
From: Executive Director, Development Review
Wards: All

SUMMARY

In December 2022, Council established two principles to guide implementation of Bill 109: the *More Homes for Everyone Act*. 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 January 2024, the Planning and Housing Committee requested staff to undertake city-wide public 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).

In April 2024, the Province introduced Bill 185: *Cutting Red Tape to Build More Homes Act* (Bill 185). Bill 185 removes application fee refund provisions and the authority to require by by-law, mandatory pre-application consultation before an application is submitted, while maintaining tight legislated timelines for decision-making and approval under the *City of Toronto Act* and the *Planning Act*. Relevant provisions of Bill 185 came into force and effect on June 6, 2024.

As the legislative landscape continues to shift, detailed policy recommendations to amend the Official Plan and Municipal Code are premature. Through consultation with the public, industry and Councillors, staff identified a number of near- and medium-term operating model improvements. These include, but are not limited to organizational structure, process and technology improvements that, despite legislative change, support improved community consultation practices.

RECOMMENDATIONS

The Executive Director, Development Review recommends that:

1. Planning and Housing Committee request the Executive Director, Development Review, in consultation with the Chief Planner and Executive Director, City Planning, to continue to undertake stakeholder consultation on potential policy amendments to address ongoing legislative changes and report back to Planning and Housing Committee by the end of Q2 2025.

2. Planning and Housing Committee request the Executive Director, Development Review, in consultation with the Chief Planner and Executive Director, City Planning and 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 direct financial implications resulting from the recommendations included in this report. Certain operational improvements may have financial implications that will require further approval from Council (e.g., establishing new contracts or purchasing agreements) prior to implementation.

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

Public consultation is integral to building inclusivity and equity into planning processes, which is particularly important for those who experience systemic discrimination and exclusion. Barriers to participation, including traditional engagement practices, push equity-deserving and lower income Torontonians farther from the opportunities for civic engagement that shape policy and implementation practices.

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, the City can more effectively reach equity-deserving groups sooner and take meaningful steps toward removing barriers and promoting inclusion. Improving and expanding opportunities for participation in community consultation meetings will ensure that the perspectives of Indigenous peoples, women, persons with disabilities, low-income households, Black and racialized groups, renters, seniors and youth can be captured during the development application stage and considered meaningfully as a key element of the planning and development process.

DECISION HISTORY

On May 22, 2024, City Council adopted the report "City Comments on Proposed Bill 185 - *Cutting Red Tape to Build More Homes Act, 2024*, Provincial Planning Statement, 2024, and New Minister Zoning Order framework." Bill 185 removes application fee refunds and mandatory pre-application consultation from the *City of Toronto Act* and the *Planning Act*.
https://secure.toronto.ca/council/agenda-item.do?item=2024.PH12.7

On January 29, 2024, Planning and Housing Committee adopted the report "Improving Community Consultation in the Development Review Process - Proposals Report" and requested staff undertake city-wide public consultation related to pre-application consultation and community consultation meetings.
https://secure.toronto.ca/council/agenda-item.do?item=2024.PH9.4

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 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 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

Introduction

Improving Community Consultation

Ongoing changes to the City's development review process, including significantly reduced decision-making and approval timelines under Bill 109, the *More Homes for Everyone Act*, highlighted the need to undertake focused consultation on City Planning's development review-related community consultation practices. In January 2024, staff proposed city-wide public consultation on potential policy and/or by-law changes and operational changes to improve consultation practices at two points in the development review process: 1) Pre-application consultation (PAC); and 2) Community Consultation Meetings (CCM).

Legislative Change since January 2024

On June 6, 2024, Bill 185 came into force and effect. Specifically, Bill 185:

- Eliminates the refund provisions introduced under Bill 109, which required municipalities to refund development application fees related to combined Official Plan and Zoning By-law amendments, Zoning By-law amendments and Site Plan Control applications if a municipal decision or approval was not made within the legislated timeline for each application type.

- Removes the City's by-law making authority to require mandatory pre-application consultation (PAC) before an application is submitted from legislation and makes PAC voluntary at an applicant's discretion. The legislation continues to require that the City permit applicants to consult with the City.

Bill 185 continues to place undue pressure on municipal community consultation processes. The legislation maintains restrictive timelines for OPA, ZBA and Site Plan applications and removes a key tool authorized by a municipal by-law (i.e., mandatory pre-application consultation) to support timeline management and provision of public information early in the development review process.

Development Review Consultation: Purpose, Volume and Effort

In 2023, City Planning was responsible for half (50%) of all public consultation processes in the City. The other half comprised public consultation on the City's Budget, parks, infrastructure, community services and other matters combined. City Planning and Development Review staff engage the public on a range of matters, from site-specific development applications to large-scale area plans and city-wide policy initiatives. In 2023, City Planning hosted 325 community consultation meetings in support of site-specific development applications. Unlike other Divisions that manage a high volume of public consultation processes, the City Planning and Development Review Divisions do not currently have a specialized unit of dedicated consultation staff to support these activities.

Through a recent level of effort survey conducted in support of the Development Application Fee Review (report forthcoming through Planning and Housing Committee in Q3 2024), staff from all Divisions engaged in development review reported spending a cumulative 190 hours on logistics (e.g., scheduling, venue booking, coordinating a presentation, preparing materials, etc.) for each community consultation meeting in support of a development application. This represents over 90% of the total staff effort required to host a community consultation meeting. Effort is distributed between support and subject matter expert (SME) staff; however, the Community Planner carries the bulk of the effort.

Through public and stakeholder consultation conducted in support of this report, staff heard that the purpose of community consultation meetings - particularly amidst ongoing legislative change - is unclear. The timing, format, scope, objectives and outcomes of community consultation meetings are inconsistent city-wide and have been affected by increased pressure to achieve legislated timelines.

While a policy response to the challenges identified above may be premature, this report identifies practical operating model improvements. Clarifying the purpose of community consultation and reducing manual, administrative and other high-effort logistical activities is critical so that SME effort can focus on implementing community consultation best practices and advancing the review of a development application.

Public Consultation Summary

In March and April 2024, staff held a series of in-person and virtual open houses to better understand how members of the public engage with the City on development proposals and to explore further improvements to the consultation process. Over 140 people participated in these meetings. City staff also reviewed written feedback received via email and letter mail.

In that same period, City staff distributed an online survey, which focussed on gathering feedback on how people interact with City Planning about development proposals, the current tools used (including Development Application Notice signs and the Application Information Centre) and on improvements to the consultation process. A total of 288 people responded to the online survey. A full summary of survey responses can be found in Attachment 1.

In addition, City staff conducted targeted engagement sessions with Councillors, members of the development and construction industry and with City staff involved in development review.

Thematic Summary of Public Feedback

In all engagement sessions, City staff asked participants how they currently engaged with City Planning about development proposals, what issues or barriers they faced, and to consider a range of improvements to the consultation process. The focus of engagement was on practical improvements to existing tools and technology and the potential to introduce new tools and technology. The following is a thematic summary of the feedback.

- **The Application Information Centre is well-used but requires technical improvements.**

The Application Information Centre (AIC) provides information on all active Community Planning, Committee of Adjustment (CofA), and Toronto Local Appeal Body (TLAB) applications in Toronto.

Over 50% of participants had used the AIC, to read application materials related to a particular site they're interested in and to find out what's happening in their neighbourhood. However, much of the feedback received focused on suggestions for technical improvements to the ease of use of the AIC to ensure accessibility and a user-friendly experience. A frequent suggestion was to provide enhanced capabilities for filtering the search criteria for applications, as well as for the automatic notification of new applications in a more specific geographic location instead of receiving notifications for an entire Ward.

- **Strong preference for email notification**

Over 76% of participants expressed a preference for email notification, with a secondary preference for addressed letter mail. People emphasized that the content of these notifications needed to be clearer, and in plain language. Additionally, the majority of the public who attended the public engagement sessions were notified of the event via email from one of the community groups from the Clerks mailing list, of which they are members of.

- **Development Application Notice signs are a useful tool but need design improvements**

Approximately 97% of participants confirmed that they had seen Development Application Notice signs in their neighbourhood. Participants confirmed the importance of three principal elements of information: details of the proposal, images of the design of the building, and information on when and where a public meeting will be held. Broadly, most participants indicated that the information on the notice sign was easy to understand. However, to ensure better accessibility, they suggested a larger font size, brighter colours, plain language, and the addition of a QR code linking directly to the City's website.

- **Community Consultation Meetings (CCMs) are valued but the purpose and format should be reconsidered.**

The survey indicated that people attended both virtual meetings and in-person meetings to find out what was going on in their neighbourhood and to provide feedback on a development proposal. While many participants questioned the overall purpose of community consultation meetings in the context of successive legislative change, they agreed that the meetings helped them understand the stage in the development process of the project in question, what steps come next, and the general roles of both City Planning staff and the applicant in the meeting.

However, over 60% of participants indicated a dissatisfaction with the opportunities available to provide feedback on a proposal. Community consultation is one of many inputs into a decision of Council; however, many participants felt strongly that their feedback was not being fully considered in the decision-making process.

To improve CCMs, participants suggested that the City should have a consistent practice for recording and posting meetings on YouTube, be clear about the purpose of these meetings and provide "big picture" information on how the development will impact the broader area.

Participants also suggested that the City take a more proactive approach to engaging with equity-deserving groups, tailor consultation practices to include a broader range of age groups, ensure linguistic accessibility by providing information in multiple languages and in plain English, ensure that notification of development proposals reaches tenants as well as owners and explore the feasibility of providing food and childcare for meetings scheduled outside of work and school hours.

Summary of Councillor, Industry and Staff Feedback

Members of Council received briefing packages in late February 2024, following the adoption of the Proposals Report in January 2024 (2024.PH9.4). Individual Councillor briefings were provided upon request. In discussion with Councillors who requested briefings, staff heard about the need for:

- A more formalized and staff or consultant-supported approach to voluntary pre-application consultation that may occur between applicants, Councillors and members of the public prior to the submission of a planning application. Currently, the Official Plan provides limited guidance outside of encouraging this type of consultation. Some Councillors noted that a more structured process or toolkit is needed to support productive discussion at this early stage when Community Planning staff may or may not be involved.

- A broader range of print and/or mail notice options to ensure more people - including tenants, local businesses, those without regular internet access, etc. - receive direct information about consultation opportunities.

- Increased transparency about the purpose of consultation to reduce frustration and build public trust.

Consultation with the development community with experience in meeting facilitation was ongoing throughout February and March 2024. Through these discussions, staff heard:

- The purpose of community consultation needs to be reconsidered amidst ongoing legislative change. The purpose and expected outcomes of consultation processes (both at the pre-application consultation and community consultation meeting stage) must be clearly articulated to the public.

- Formalized, structured and regularly scheduled engagement opportunities tend to be more focused and productive. The City could increase predictability through regularly-scheduled engagement (e.g., establishing a monthly schedule in each Ward).

- City staff should use consultation meetings as an opportunity to provide broader public education on the planning process and to clearly scope the public's "sphere of influence" in the process.

- A mix of in-person and virtual consultation meeting formats is needed. In-person consultation may be more appropriate for complex applications. For routine applications, virtual consultation may help the City manage its timeline and how much staff and applicant effort is required.

City Planning staff provided input during an Open House-style virtual meeting. Staff articulated current procedural opportunities and challenges, and highlighted examples of best practices based on their working knowledge and experience of community

consultation across Districts. Staff identified key areas of improvement, including the need for:

- More inclusive, broader public education and consultation. Staff highlighted the "timeline crunch" imposed by legislation and how it often limits opportunities for consultation to a single meeting. Staff noted that supplementary public consultation outside of the development review process is needed.

- Better tools, "toolkits" and support. As noted above, staff spend significant time on logistics related to consultation, using a number of individual approaches. More support is required to ensure a consistent approach and level of effort.

Focused Improvements

Application Information Centre

In July 2023, the AIC transitioned to a QuickMaps platform to improve overall accessibility and user experience. This transition represented Phase 1 of a longer-term work plan to enhance AIC. Specific changes included an enhanced and redesigned search capability, changes to visual display, mapping updates, mobile-responsive design, improved public consultation functionality and Ward-based automatic notifications for new development applications. Based on input received through public consultation, staff recommend undertaking Phase 2 of the work plan to enhance AIC. This includes, but is not limited to:

- Improving functionality based on user feedback provided since July 2023, including public feedback collected through consultation.

- Expanding and refining the automatic notice function to provide real-time updates at planning application milestones (e.g., new application, Preliminary Summary, Community Consultation Meeting, Final Report, etc.) for a user-selected area of interest (i.e., not necessarily on a Ward basis).

Notification

It is clear from the public, staff and Councillor feedback that the City should address a broad range of notification preferences. To support equitable access to public consultation opportunities, the City requires a multi-pronged approach to providing non-statutory notice, including print, traditional mail, in-community signage, and digital options. There are many opportunities for improvement across all modes, including but not limited to:

- Redesign Development Application Notice signs to ensure in-community information is accessible and up to date, with a direct link via QR code to "evergreen" information about the application on AIC. Incorporate previous direction from Council related to application status (e.g., whether the application has been appealed to the OLT) in the redesign.

- Establish a process and budget to publish non-statutory meeting notices in ethnic or non-English language newspapers to reach a broader audience of those whose first language is not English and who may prefer printed media.

- Develop new or update the terms of the City's direct business mailing account with Canada Post to provide direct mail services in various formats (e.g., post cards) to more members of the public (e.g., tenants) to reduce reliance on outdated direct-mail lists for notice of non-statutory consultation meetings.

- Reduce waste related to outdated direct-mail lists (i.e., paper, envelopes and postage for mail returned to the City) by continuing to work with the City Clerk to modernize direct-mail lists.

- Use the expanded automatic notice function in AIC (noted above) to provide notice of non-statutory consultation meetings by email to those who sign up for the service and prefer digital modes of communication.

- Transition the City Planning Consultations webpage to a centralized city-wide events calendar to provide information about consultation in multiple formats, including map-based and calendar-based.

Meeting Format and Access to Meeting Information

Input collected through consultation, in addition to the City's Public Engagement Review which supported city-wide discussions about meeting formats in recent years, indicates preference for in-person or virtual meeting formats varies based on a range of intersecting factors.

Virtual Meetings
When a virtual format is used, recording these meetings enables the content to be shared with those who are unable to attend the meeting but are interested in engaging with the application. There is significant opportunity to enhance the public record by posting recordings of community consultation meetings.

In practice, there may be legal issues related to notice of collection statements and compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA), that prevent staff from consistently recording and posting meetings in a publicly accessible format, which will be further reviewed to determine, what if any, permitted recording and distribution may occur.

In-Person Meetings
In consultation with staff, the issue most frequently identified as a barrier to in-person consultation was level of effort for meeting logistics. As described above, Subject Matter Expert staff spend significant effort on non-subject matter activities, most of which are manual, ad hoc, not streamlined, and inconsistent between Districts. These findings generally apply to virtual meetings as well; however, virtual meeting formats significantly reduce staff effort related to venue booking and payment, coordinating printed materials and other meeting supplies, travel time, and set-up/tear-down time.

Through consultation, staff heard that different meeting formats may be preferred depending on the purpose of the meeting. In-person meetings are preferred when complex issues involving many stakeholders need to be resolved. They are also the preferred format for informal public education sessions. Virtual meetings may be preferred for routine applications or in cases where the scope of issues to be addressed is clearly defined. Regardless of format, the "toolkit" to support better meetings must be improved.

Next Steps

Staff will continue to implement ongoing improvements and prioritize those improvements outlined above related to the Application Information Centre (AIC), notification and meeting formats. Staff will continue to consult stakeholders on potential policy amendments related to pre-application consultation and community consultation meetings and report back with any recommendations by the end of Q2 2025.

Through ongoing organizational structure change, staff will identify opportunities to streamline processes and ensure effective use of staff resources to support consistent approaches to consultation city-wide.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Improving Community Consultation in the Development Review Process Survey Results