



Transforming the Development Review Process

Proposed Mandatory Pre-Application Consultation



Public Open House Summary

September 14, 2021

6:30 - 8:30 PM

*Prepared by Gladki Planning Associates
for the City of Toronto,
September 2021.*



Background

Mandatory pre-application consultation (PAC) is a formal meeting between a development applicant, City staff and relevant external commenting partners, held at the beginning of the development review process.

Pre-application consultation is currently voluntary in Toronto, but most applicants participate in some form of pre-application consultation with City staff prior to submitting a development application. Making pre-application consultation mandatory provides an opportunity to improve and formalize an already well-used practice and support timely review of a development application.

Improvements to the early stages of the development review process, beginning with mandatory pre-application consultation, result in the submission of higher-quality applications, increase the number of applications moving from pre-application consultation to actual submission, reduce the overall number of circulations and help to establish mutual accountability between applicants and staff early on.

To improve Toronto's development review process, the City is bringing forward a proposed Official Plan Amendment ([Section 5.5](#)) and by-law to amend [Chapter 415](#) of the Municipal Code to require mandatory pre-application consultation prior to the submission of a development application. A Proposals Report was considered at Planning and Housing Committee on June 11, 2021. A Recommendations Report is anticipated at the November 25, 2021 meeting of the Planning and Housing Committee.

Meeting Overview

On Tuesday, September 14, 2021, the City of Toronto hosted a public Open House to update the public on the process for the proposed Official Plan Amendment and by-law, answer questions, and receive feedback from the public. Based on the expert advice of the City's Medical Officer of Health to practice physical distancing to help reduce the spread of COVID-19 and protect the health and safety of Toronto residents and City staff, the meeting was held online and phone-in only via WebEx Events. This report is not intended to be a verbatim transcript of the virtual public Open House, but instead provides a high-level summary and answers to consolidated questions from participants.

The Open House was promoted through the City of Toronto's social media channels (Twitter, Facebook, Instagram), on the Concept 2 Keys webpage and City Planning Consultations webpage, and via mail notice to the City's Interested Parties list for the mandatory PAC Official Plan Amendment and by-law.

Over 55 participants joined the virtual meeting. Following opening remarks and housekeeping by Gladki Planning Associates, Michelle Drylie spoke on behalf of the project team. Her presentation provided an overview of existing pre-application consultation practices, the legislative and policy context of the proposed changes and the objectives, scope, considerations for implementation and timeline of the proposed Official Plan Amendment and by-law. The presentation is available on the [Concept 2 Keys website](#).



Participants then had an opportunity to ask questions and share their thoughts. Feedback was accepted in writing through the Q&A function on WebEx and verbally through the Raise Hand function. Over 20 questions and comments were received.

Questions & Answers

The Q & A portion of the event gave rise to a number of main question themes from stakeholders:

- PAC Process
- Development Interest
- Data
- Public and Councillor Engagement

A full list of the questions received is included below, accompanied by answers.

PAC Process

- ***My company always engages in a pre-application consultation as part of our development process. Is the idea that a mandatory, structured approach will expedite the PAC process? Or it will be the same process, only mandatory?***

Generally, the process will be similar to the existing voluntary process. First, the applicant will submit a pre-application consultation meeting request form. There may be a fee charged at this time. The applicant would meet with City staff and that process would conclude with a checklist that indicates the documents required to submit a complete development application. The current project aims to make each step in the PAC process more consistent. Establishing a clear and consistent scope and purpose for pre-application consultation meetings enables more productive discussion. For example, improving the way internal comments are collected and consolidated prior to meeting with an applicant will ensure that the applicant has a comprehensive set of comments from staff.

- ***At pre-consultation meetings for applications such as Site Plan Control, will the meetings only include the applicant and assigned planner, or will representatives of other commenting divisions be present? Having representatives of commenting divisions may help reduce review times.***

Development applications can vary in scale and complexity, in some cases requiring input from a range of divisions whose comments help inform the discussion and in other cases requiring shorter, smaller conversations. The proposed mandatory PAC process will close gaps and ensure the full realm of relevant commenting partners have the opportunity to review and provide feedback to the planner prior to a meeting with the applicant. In Etobicoke-York, we will begin rolling out a team-based structure where staff will meet internally to provide input or flag issues before meeting with the applicant.



- ***Is the discussion that takes place at the mandatory pre-application meeting “on the record/with prejudice” or “off the record/without prejudice”? Can the substance of the meeting be relied on/referred to during the application process?***

The City is working to determine the status of the discussion that takes place at mandatory pre-application consultation meetings and the preliminary materials and information required in the [Pre-Application Meeting Request Form](#). The City will consider *Planning Act* requirements and jurisdictional best practices in this regard.

- ***Has thought been given to opportunities for developers to reach out informally before the land acquisition stage and get a “temperature read” on a property as part of due diligence of their acquisitions? This early conversation could help from a monetary standpoint and retain efficiency and flexibility in concept development, while also benefiting from City staff insights.***

Pre-application consultation can be understood as a process, starting with due diligence and ending with the City issuing a Planning Application Checklist. The current project is focused on securing the legislative change that will enable the City of Toronto to require a pre-application consultation meeting. We need to establish the point at which informal due diligence ends and a recommendation is made to come in for a mandatory meeting with City staff – potentially with an associated fee – and to ensure that meeting is productive for everyone.

Under the *Planning Act*, municipalities shall generally provide a spectrum of engagement. A more efficient formal meeting process should support staff availability for informal conversations in the due diligence stage. Additional improvements to the front-end of the review process are also needed to better support the due diligence stage, including updates to the City’s Development Guide.

- ***Will there be an impact on staffing levels?***

Mandatory PAC will be implemented first in Etobicoke-York district where a new team-based structure is being established through the City’s [Concept 2 Keys](#) program. The team-based structure includes all core commenting divisions and supports a unified development review service. Staffing levels will increase as the team-based structure rolls out in Etobicoke-York.

- ***What is the expected fee recovery for future pre-application consultation meetings?***

The City is currently undertaking a scheduled review of development application fees, which includes scoping what a PAC fee would look like and considering cost recovery. A jurisdictional review showed that many municipalities in the GTHA use a non-refundable deposit approach in which the fee for the PAC meeting is credited toward future application fees. Based on our discussions with other jurisdictions, this tends to be a nominal fee to process the PAC meeting but does not necessarily represent full cost recovery of staff time.



Development Interest

- ***Most new developments I see appear to be residential. Will this process encourage industrial development or consider future changes to industrial development?***

The City receives a good mix of application types across its four planning districts. Pre-application consultation provides an opportunity to raise any issues for a particular application on a particular site, but there is no mechanism within PAC to encourage or specify any particular type of application over another. This is done more typically through policy direction in the City's [Official Plan](#).

- ***With many residential developments already approved and planned, where are residents going to work? Will the panel have the ability to say no to a development.***

City staff have the ability to refuse a proposal if it is clearly not aligned with the City's policy framework. However, in most cases City staff will support an applicant to revise their proposal.

- ***Will mandatory pre-application consultation help to coordinate areas that are being redeveloped with multiple (e.g., 10+) applications, such as the Greater Golden Mile?***

Development review staff typically have insight into multiple applications in an area and are able to flag opportunities and challenges in areas with significant development activity. In areas where redevelopment is occurring at large scale, the City regularly engages in broader [planning studies](#) (e.g., avenue study, area study) to address issues and ensure communities are being developed cohesively and holistically. Generally, pre-application consultation is not the process by which the City manages development, but mandatory PAC can provide an opportunity for better coordination in areas experiencing significant development.

Data

- ***Is information on preliminary submissions through the pre-application consultation process currently available through the City's [Open Data Portal](#)? If pre-application consultation meetings become mandatory, will there be a requirement for transparency (e.g., to disclose details of what is proposed?). This could be especially helpful for projects that do not get further than PAC.***

Right now, the City collects minimal data on pre-application consultation. Through this project, the City is seeking to collect better data on the process itself (e.g., how many meetings are held in a year, how many of those meetings result in the submission of a complete application). The City is working to determine the status of the preliminary materials and information required in the [Pre-Application Meeting Request Form](#). The City will consider *Planning Act* requirements and jurisdictional best practices in this regard.



- ***Does the City have any data on the current timelines from initial request to scheduling of the PAC meeting? Will there be a timeline target included as part of the report for mandatory PAC meetings?***

The City's data on this is limited. The current posted timeline from submission of a PAC request to the meeting date is approximately 15 business days. The new team-based structure being implemented in Etobicoke-York will establish an internal meeting cadence, commenting templates and review periods to establish a timeline that is realistic and consistent.

Public and Councillor Engagement

- ***Does community consultation take place before or after the pre-application consultation?***

Under the *Planning Act*, community consultation is required within the formal application review period (i.e., once a complete application has been submitted to the City). That practice will not change with this proposed Official Plan Amendment and by-law. While the [Official Plan](#) encourages community consultation during the pre-application consultation phase, any consultation the applicant conducts before a complete application is submitted to the City does not affect the statutory requirement for consultation within the formal application review period.

- ***How does this proposed new process improve on community input prior to submission of a development application?***

Under the *Planning Act*, a municipality can require pre-application consultation with City staff. The legislation does not permit a municipality to require consultation with any other party at this point in the development process. However, [Chapter 5 of the City of Toronto's Official Plan](#) encourages consultation between the applicant, local community, and ward councillor prior to the submission of an application, and City staff provide this policy guidance to applicants in pre-application consultation meetings. The proposed Official Plan Amendment will continue to encourage applicants to engage in pre-application consultation with the local community and ward councillor.

- ***Could pre-application consultation impact the statutory 20-day notice period for a community consultation as it relates to any Official Plan Amendments by development applicants?***

There are no implications anticipated to the 20-day notice period, because pre-application consultation occurs prior to submission of a complete application. Once the development application is submitted and deemed to be complete, it then enters the statutory process, which would include a statutory public meeting and perhaps a non-statutory meeting/open house. The 20-day notice of the statutory public meeting is issued within the formal application period after receipt of a complete application.



- ***What guidelines would this process have with regard to the local councillor? What if councillors have a bias on the type of development that is acceptable?***

The proposed Official Plan Amendment will not change the guidance that encourages the applicant to consult with the ward councillor and local community prior to the submission of an application. Planning staff regularly encourage applicants to have these conversations up front to explain their proposed approach.

- ***What are the timelines for requesting and receiving reports on this meeting?***

Materials from this Public Open House, including the presentation slides and summary report, are available on the [Concept 2 Keys website](#). All updates and reporting for this project will continue to be posted there.

A Recommendations Report is targeted for Planning and Housing Committee on November 25, 2021. The agenda and materials for that meeting are typically [posted](#) one week before.

Comments

Additional comments received from meeting participants include:

- *Implementation of mandatory PAC will improve the process and help bridge ideas between staff and developers.*
- *There should be only one mandatory PAC meeting, after which a checklist is issued to support submission of an application. Any additional subsequent meetings should be voluntary.*
- *One neighbourhood association representative voiced support for the team structure process, where commenting staff provide input or flag issues prior to meeting with the applicant. It is important to consider context and how an application fits into its neighbourhood a whole.*
- *Pre-application consultation meetings are a valuable part of the development process and an opportunity to have some frank discussion. The resulting checklist is an important tool to guide completion of the application.*
- *Pre-application consultation gives City staff the opportunity to look at the bigger picture in the local area, not solely site-specific evaluation.*



Next Steps

The immediate next step is a Recommendations Report to the November 25, 2021 meeting of the Planning and Housing Committee. In addition, a recommendation arising from the Development Application Review Fee Update regarding a potential fee or deposit for mandatory pre-application consultation meetings is anticipated in late 2021. Testing improvements to pre-application consultation procedures will continue in Etobicoke-York between Fall 2021 and Spring 2022. Mandatory pre-application consultation is anticipated to be in force and effect in Summer 2022. A fee by-law update and PAC Procedures Guide are also anticipated by Summer 2022.

Please visit the [Concept 2 Keys website](#) for more information. If you would like to provide your comments or ask questions directly to City staff, or if you wish to be added to the Interested Parties list for the Mandatory Pre-Application Consultation Official Plan Amendment, please contact:

You can continue to contact City staff to provide your comments or ask questions directly:

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