



**STAFF REPORT
ACTION REQUIRED**

Amendment to the Official Plan Regarding Complete Applications

Date:	June 16, 2008
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	pg080038

SUMMARY

This report discusses the proposed amendment to the Official Plan to implement the authority granted by the *Planning Act* to require additional information and material to properly evaluate Official Plan and Zoning By-law Amendment applications, Plan of Subdivision, Plan of Condominium and Consent to Sever applications. It also addresses the proposed submission requirements for Site Plan Control applications and the proposed Delegation By-law related to the OPA. Further information is provided outlining potential next steps to develop a pre-application consultation by-law and a guideline detailing associated practices.

With respect to complete applications, the report summarizes staff’s comments on the attached draft Official Plan Amendment and draft implementing by-law prepared by ratepayer representatives involved in discussions with the City. It also summarizes the comments and concerns raised by the various parties who have participated in ongoing negotiations on the proposed complete application Official Plan Amendment (OPA). These parties include ratepayer representatives, representatives of Building Industry and Land Development (BILD) and other development lawyers on behalf of their clients.

RECOMMENDATIONS

The City Planning Division recommends that:

1. The Planning and Growth Management Committee endorse staff’s proposed Official Plan Amendment and draft delegation by-law as contained in Attachments 1 and 2.

2. The Planning and Growth Management Committee schedule the required Statutory Public meeting on the Official Plan Amendment regarding Complete Applications for its meeting on September 10, 2008.
3. The Planning and Growth Management Committee direct the Chief Planner and Executive Director, City Planning to bring forward a by-law requiring pre-application consultation pursuant to the *Planning Act*, including appropriate delegation provisions and an associated guideline outlining the administrative practices supporting this activity to the October 2008 meeting.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

Planning and Growth Management Committee considered a Final Report on the City's Complete Application OPA at its January 10, 2008 meeting and referred the item back to Staff to work with ratepayer and developer representatives to resolve the outstanding issues and report back on April 10, 2008. Subsequently, Planning and Growth Management Committee (PGM) at its meeting on February 13, 2008 re-opened Item PG12.1 – Amendment to the Official Plan regarding Complete Applications and replaced its previous action. Committee again referred the report back to staff to work with ratepayers and developer representatives in order to try and resolve all outstanding issues brought to the attention of the Committee by debutants and report on the meetings held, correspondence exchanged and a list of items that were resolved and not resolved. The Committee requested that staff report to the May 8, 2008 meeting of the Committee, or earlier if possible. On May 8, 2008, Planning and Growth Management Committee received a report from Staff advising Committee that discussions with the ratepayer representatives and development industry were ongoing. Subsequently, PGM at its meeting on June 5, 2008 directed staff to report to the July 2, 2008 meeting of the Committee with a detailed account of the staff's negotiations with ratepayer and development industry representatives.

The online links to the January 10, 2008 and May 8, 2008 reports are:

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9435.pdf>
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-12526.pdf>

At its meeting of May 31, 2007 PGM directed staff to hold four consultation meetings with the public, in order to facilitate discussion surrounding complete application policies in the Official Plan. This report contains staff's comments and recommendations arising from consideration of the submissions to Planning and Growth Management Committee.

The online link to that report is:

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-3912.pdf>.

ISSUE BACKGROUND

New provisions to the *Planning Act* came into effect on January 1, 2007. Changes in the *Planning Act* allow Council to require that an applicant provide, at the time a development application is made, any and all information Council determines is needed to make an informed decision. The *Act* requires that policies outlining what is expected by a “complete application” are to be set out in the Official Plan for official plan amendments, zoning by-laws, plans of subdivision, condominiums and consents.

The Province has revised the minimum standards for a complete application in its existing regulations dealing with these requirements. Any additional municipal requirements beyond this new minimum must be spelled out in the form of official plan policies, which can be appealed to the OMB.

Once the proposed Official Plan policies are in effect, applicants will be required to provide all information or materials that Council considers necessary in order to process the application. Council may refuse to accept or further consider the application if it is not complete. Until Council is satisfied that complete information and fees have been received, the legislated timeframes for processing the application will not commence.

In the case of a dispute regarding application requirements, the applicant or Council will be able to make a “motion for directions” to have the OMB determine if the information and material required by Council has been provided or whether the requirement is reasonable.

COMMENTS

The new *Planning Act* provisions regarding complete applications is a key means to achieving fulsome and timely assessments of development proposals. Adoption of an OPA and implementing delegation by-law would permit staff to request additional information and material, beyond the minimum submission requirements specified in the *City of Toronto Act and Planning Act* and their regulations.

Without the OPA, staff are unable to “require” additional information and material from an applicant as part of a complete application submission. It is important to note that deeming an application to be “complete” is a step that is needed to commence the formal processing of an application, and does not imply or suggest any decision whatsoever on the part of the City staff or the City to either support or refuse the application. It is an indication that all required materials requested by staff have been submitted.

Since May 2007, Planning Staff have been meeting with the various parties who submitted comments on the proposed complete application OPA. These parties include ratepayer representatives, representatives of BILD, and other development lawyers on behalf of their clients.

Subject to the discussion below, at this stage there appears to be substantial agreement on the content of a complete application amendment. Certain specific issues remain to be resolved and are discussed below. Discussions with all parties are continuing with the next meeting being scheduled for sometime during the weeks of June 16th or June 23rd, 2008. If further consensus is achieved, a Supplementary Report for Committee will be prepared to address areas of further discussion or agreement.

Linking Pre-application consultation with the Complete Application OPA

Since the last substantive report to PGM on this matter, the discussion of the OPA has expanded significantly to include matters relating to “pre-application consultation” and an implementing by-law “requiring” such, with delegation to the Chief Planner. The *Planning Act* changes permit an applicant to “consult” with a municipality and permit Council by by-law to “require” an applicant to consult prior to filing an application.

The ratepayer representatives have prepared a draft OPA and draft implementing by-law (see Attachments 3 and 4) which have essentially joined complete application requirements and pre-application consultation, both with accompanying delegation provisions. It has become apparent that dealing with the requirement for pre-application consultation along with the complete application OPA has made it difficult to resolve outstanding issues.

While the two matters are related in practice, the ratepayer approach has been to link the authorities and some operational requirements in a manner that staff believe raises the following issues:

- Undertaking pre-application consultation and ultimately requiring it does not require an Official Plan Amendment to be enacted. Only a delegation by-law is required to implement the powers in a manner consistent with the delegation of other administrative decision making at the City.
- Putting pre-application consultation requirements in the OPA including any operational practices will expose the City unnecessarily to challenges at the Ontario Municipal Board on matters that should be at the discretion of Council (and through delegation, to staff) to set, modify and manage as necessary over time;
- The City must maintain a balanced planning process that provides flexibility and fairness and avoids perceptions of red tape that run contrary to Council priorities including the Prosperity Agenda; and
- There is an urgency to adopt an OPA with respect to policies pertaining to complete applications in that the practice of encouraging complete submissions for review will be reinforced by the Official Plan and not open to challenge beyond the initial policy implementation. This will protect the City from the occasional but “minimalist” applications that seek land use changes without substantiation of background studies and information necessary for staff, communities and Council to understand the full ramifications of proposals or the issues to be resolved.

The linking of the draft OPA on complete applications with pre-application consultation provisions is not recommended. These two matters should not be linked. It would be more appropriate to adopt an OPA dealing only with complete applications and create a by-law delegating the authority to determine what constitutes a complete application to the Chief Planner or his/her designate as soon as possible.

The very important discussion of pre-consultation and how to best implement such a requirement requires further discussion and would be more appropriately dealt with through a stand-alone pre-

application consultation by-law and implementing set of guidelines that clearly articulate the front end of the City's planning process. As no OPA is required to utilize the authority to require pre-consultation, there is no reason to delay the enactment of the Complete Applications OPA. In this regard, it may be helpful to remind Committee of current practices and suggest a direction on pre-application consultation that will address issues raised to date.

Pre Application Consultation - Current Practice

It is generally expected that someone wishing to redevelop a property should talk to the City prior to formalizing their submissions for approval. For example, it is common practice for homeowners wishing to put on an addition, an industrial operator wanting to build a distribution plant or a condominium developer wanting to build a new building, to name just a few examples, to enquire with city staff about:

- whether the official plan and/or zoning on their land permits what they want to do;
- what kind of applications they must make and process they should follow to seek approvals;
- what issues they might have to resolve; and
- to whom they should be talking.

This practice of "pre-application consultation" has been a mainstay of urban development for decades. Attachment 5 is a flow chart of pre-application and complete application current practices at the City.

By and large, it works because it provides good customer service, improves certainty and clarity about expectations and improves the potential for better application submissions which provide sufficient information for both staff and the community to assess proposals. Since 2003, through the Building Toronto Together Guide, the city has encouraged pre-application consultation to enable staff to communicate submission requirements to potential applicants as set out in the guide.

It is common practice for planning staff to invite prospective applicants to discuss their projects with the local Councillor, although it is also common for discussions with the city to start with the local Councillor and then move to staff. This is indicative of the close working relationship in the planning process, the involvement of Councillors and the variety of application types and situations where one standard approach does not always fit. It is also noted that Councillors prefer to be consulted in different ways.

What is also increasingly common, especially with more complex proposals, is the practice of pre-application consultation with communities. Proponents often reach out to community groups directly or through local Councillors. Attending residents association meetings, and holding open houses have all become more frequent and certainly serve to improve the planning process with greater information sharing between land developers and communities about potential issues and concerns. Staff strongly support this approach as endorsed through the "Improving the Planning Process" initiative of 2006.

Staff appreciate and share the principles expressed for greater awareness of pre-application consultation by the public, greater information sharing and a balanced review which takes local community input into account in the formation of responses to development applications.

Proposed Approach for Pre-Application Consultation

As noted above, changes to the *Planning Act* now recognize the practice of pre-application consultation through provisions which state that “Council shall permit applicants to consult with the municipality before submitting applications” and “may, by by-law, require applicants to consult.”

The first priority is getting the complete application OPA in place. Pre-application consultation with local Councillors, staff and communities is currently taking place, is now recognized and permitted by the Act and is common practice at the city.

The next step would be implementing a by-law “requiring” pre-application consultation. Development of such a by-law needs to consider at least the following:

- The nature and purpose of pre-application consultation with local Councillors, staff and communities;
- The reality that pre-consultation can sometimes occur at very preliminary stages and may never actually result in an application being filed;
- Flexibility that recognizes that not all applications require the same level of pre-application consultation;
- How the information shared in pre-application consultation is communicated; and
- How submission requirements identified in pre-application consultation can form the basis of the planning application and supporting material actually submitted, which is later assessed for completeness.

A by-law requiring pre-application consultation could be as simple as indicating that it is a required practice in Toronto prior to filing an application. This could be supported by a “guideline” which could outline the steps an applicant would take, who does what and other practices which can serve as a guide for applicants, staff, Council and communities.

It should be clearly stated, as is the case with the complete application requirements, that pre-application consultation and the identification of submission requirements is a process that is needed to commence the processing of an application only; it does not imply or suggest any decision whatsoever on the part of the City staff or the City to either support or refuse the application.

Staff propose that a by-law requiring pre-application consultation including delegation to staff, be prepared along with a guideline outlining the administrative practices supporting this activity and this package be tabled at Planning and Growth Management Committee in the fall. This will also give staff time to consider the financial implications of instituting pre-consultation requirements, if any.

Complete Application OPA and Implementing By-law Discussion

The next four sections of this report summarize:

1. Staff's draft complete application OPA;
2. Staff's draft delegation by-law;
3. The Ratepayers draft complete application and pre-consultation OPA; and
4. The Ratepayers draft implementing by-law (delegation and pre-consultation requirements).

Draft Complete Application OPA – Prepared by Staff (see Attachment 1)

To implement the changes to the *Planning Act*, it is recommended that Planning and Growth Management Committee endorse the draft amendment to the Official Plan (Attachment 1) as prepared by staff.

Currently, the City's Official Plan only explicitly identifies the need for the following studies: Heritage Impact Statement, Transportation Demand Study, Natural Heritage Impact Study and Environmental Impact Study when evaluating a development application. In a previous OMB decision, the Board has ruled that these existing policies are not adequate to comply with the provision of the Act, and a separate comprehensive OPA is needed. At this time the City is not able to require applicants to submit even this limited range of studies.

The proposed draft amendment would have the effect of adding a policy in the Official Plan identifying submission requirements, as contained in Schedule 3, Application Requirements, for applications to amend the Official Plan or Zoning By-law, or for Plans of Subdivision, Condominiums, or Consents to Sever. It should be noted that Schedule 3 also contains submission requirements for a Site Plan Control application. There is no statutory authority in the *Planning Act* related to complete Site Plan applications, but rather as a best practice the City has established Site Plan requirements through the Development Guide. For the sake of completeness staff proposes to recognize this approach through the draft OPA.

The draft OPA has been revised with the assistance of ratepayer and development industry representatives to address some of their concerns. Specifically, the OPA has been revised to address the following:

1. A policy has been added to the OPA that encourages pre-application community consultation.
2. A new policy and sidebar have been added to clarify that all information and materials submitted as part of an application be made available to the public for review and that this information and material be provided upon request, at cost to the requestor, in electronic and/or paper copy form.
3. The OPA has been modified to clarify that Site Plan Control Approval applications are not subject to the statutory complete application requirements but rather that Council requires applications for Site Plan Control Approval to comply with the submission requirements identified in Schedule 3.

4. Schedule 3, Application Requirements has been revised to clarify when and what studies, plans, drawings and reports are required to be submitted as part of an application.

Furthermore, as part of the continuing efforts to provide up to date information, the Building Toronto Together- A Development Guide will be updated to include Terms of References for each new study identified as part of this OPA. This would include drafting Terms of Reference for the following studies: Environmental Impact Study; Noise Impact Study; Vibration Study; Geotechnical Study; and Avenue Segment Review. Specifically the Terms of Reference for an Environmental Impact Study amongst other matters will identify any potentially offensive or obnoxious use(s) and specify appropriate mitigation measures. The Development Review Guide will also be modified to reflect the new policies of the draft OPA.

Some members of the development industry have indicated that Schedule 3, Application Requirements does not provide sufficient direction to an applicant as to when certain studies, plans, drawing and reports will be required. Schedule 3 clearly articulates when certain information and studies are required for specific application types. The Development Guide has been in use since 2003, and will continue to be updated, to assist the development industry in determining when certain studies may be required.

Draft Delegation By-law - Prepared by City Staff (see Attachment 2)

Under the *City of Toronto Act*, Council may delegate the determination of a complete application to staff. The purpose of the delegation by-law is to simply delegate the authority to determine whether an application is complete or incomplete to the Chief Planner or his/her designate. The delegation by-law as indicated in Attachment 2 clearly articulates that the Chief Planner or his/her designate is responsible for determining whether an application submitted to the City is complete or incomplete and authorizes the Chief Planner or his/her designate to notify an applicant as to the completeness or incompleteness of a planning application. The by-law also indicates that the local Ward Councillor will be consulted regarding the completeness of an application, if requested.

Draft Complete Application and Pre-consultation OPA – Prepared by Ratepayer Representatives (see Attachment 3)

The major area of concern with the ratepayer proposed draft OPA is that it deals with pre-application consultation requirements (hereinafter described as “pre-consultation”). As discussed earlier in this report, staff agree with the concept of early and meaningful pre-application consultation. However, the draft OPA and associated implementing by-law for complete applications should not be linked with a requirement for pre-consultation.

Leaving aside the aspects of the OPA dealing with pre-consultation, Schedule 3, Application Requirements as prepared by the ratepayer representatives is very comparable to staff’s. The differences are in only two areas: whether all requirements can be waived depending upon the circumstances and the requirement for a contaminated site assessment. These are discussed below.

- 1) Both staff’s and the ratepayer’s version of Schedule 3 has been drafted to require an applicant to submit all information and material listed, in addition to the information required by the *City of*

Toronto Act, Planning Act and its regulations unless it is determined that certain information and material are not applicable.

In the ratepayer's submission certain information and material is denoted with an asterisk (*). The asterisk implies that an applicant is required to submit a 'Completed Application Form; Boundary Survey; Appropriate Plans and Drawings; Planning Rationale and an Avenue Segment Review where appropriate with each application. It is the view of the ratepayers that these items should always be required and could not be waived.

The use of an asterisk to require this information in all instances is not necessary, given that Schedule 3 has been drafted to require all information and material unless it is determined that it is not required. It will be determined through dialogue with an applicant which information will be required. In most instances the information and material above noted with an asterisk will be required.

- 2) In both staff and the ratepayer's versions of Schedule 3 a 'Contaminated Site Assessment' study is listed as a required submission requirement for certain application types. In the ratepayer version an applicant may be required to submit a 'Contaminated Site Assessment' on lands not being conveyed to the City, in addition to any lands to be conveyed to the City.

In discussions with the ratepayers, staff advised that Council previously decided to only require and peer review a 'Contaminated Site Assessment' on any portion of property that is to be conveyed to the City (e.g. parks, roads or lanes). Recent changes to Provincial environmental legislation compelling an applicant to obtain a 'Record of Site Condition' prior to a building permit being issued where a change in use is proposed has obviated the need for the City to assume this responsibility through the planning process. Without a 'Record of Site Condition', the City's Buildings Division will not issue a building permit. As this matter has already been dealt with by Council, a 'Contaminated Site Assessment' should be required only for property that is to be conveyed to the City (e.g. parks, roads or lanes).

Draft Implementing By-law - Prepared by the Ratepayer Representatives (see Attachment 4)

The ratepayers have prepared a draft "implementing by-law" dealing with both delegation and pre-consultation. It is very prescriptive, as it attempts to deal in detail with the issues arising from the requirement to pre-consult. It combines delegation powers to be granted to the Chief Planner and intertwines these with an inflexible pre-consultation process. As noted previously, the approach to link pre-consultation with determining the requirements for a complete application is not recommended.

The ratepayer draft implementing by-law establishes numerous timelines throughout the various stages of pre-consultation identified in the by-law. Some of the provisions address ongoing consultation with the local Ward Councillor and some provisions address staff timelines as it relates to an application submission. These provisions are better dealt with separately once a workable and mutually agreeable process has been developed. The result could be a simple pre-application consultation by-law supported by a guideline and/or protocols that provide clarity yet also offer flexibility.

An example of the detail built into the draft implementing by-law is paragraph seven (7) requiring staff during pre-consultation to notify the applicant as to what information and materials are required for a complete application within 15 days of a written request for a complete application list. While in principle the concept of advising an applicant within a reasonable timeframe as to what he or she may be required to submit is a reasonable practice, not all pre-consultation submissions provide sufficient detail for such a determination to be made. The provision that this must occur within 15 days of receipt of an applicant's written request is not workable in many instances. What applicants submit for pre-consultation is highly variable (from conceptual to near final drawings) making a commitment to provide a definitive list within a given time frame very difficult. As well, if a pre-application submission for a complex application is well developed, in order to identify a meaningful list of application requirements, planning staff may need to meet with internal divisions who comment on planning applications to determine their requirements.

It is recognized that current procedures may need to be refined to deal properly with the planning application submission process in light of the new requirements for a complete application. It is also acknowledged that general guidelines for a meaningful pre-consultation process should also be established. However, the OPA on complete applications and its associated delegation by-law should not be delayed while the pre-consultation by-law and guidelines are developed. Without the OPA, staff are unable to "require" additional information and material from an applicant as part of a complete application submission and the City will be unable to take advantage of the new powers under the Act.

Development Industry Consultations on the Draft OPAs and By-laws

The development industry in general did not provide specific comments on the ratepayer implementing by-law. While certain development industry representatives were supportive of the City's version of the draft delegation by-law others supported the notion of adding timelines as it related to pre-consultation meetings with staff and the determination of submission requirements. Certain development industry representatives also indicated their support for adding specific timelines within the draft OPA. As noted staff are not supportive of this approach, as adding administrative timelines to the Official Plan is inappropriate and rather belong in a guideline dealing with pre-consultation.

CONCLUSION

The changes to the *Planning Act* added in January 2007, with the passage of Bill 51, relating to “complete applications” will benefit the public, development industry and the City. It is recommended that the Committee endorse the draft OPA contained in Attachment 1 and the delegation by-law in Attachment 2 and that a statutory public meeting be held on September 10, 2008 on the draft Complete Application OPA. It is also recommended that Planning and Growth Management Committee endorse the development of a pre-consultation by-law and a set of guidelines that clearly outlines the City’s pre-consultation process and that staff report back to Committee in October or as soon as possible thereafter.

CONTACT

Barbara Leonhardt
Director, Policy and Research
City Planning Division
Tel. No. (416) 392-8148
Fax No. (416) 392-3821
E-mail: bleonha@toronto.ca

SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Draft Official Plan Amendment - Prepared by City Staff
Attachment 2: Draft Delegation By-law - Prepared by City Staff
Attachment 3: Draft Official Plan Amendment - Prepared by Ratepayer representatives
Attachment 4: Draft Delegation/Pre-consultation By-law - Prepared by Ratepayer representatives
Attachment 5: Current Planning Process – General Outline Prior to Preliminary Report

P:\2008\Cluster B\PLN\pg080038

Attachment 1: Draft Official Plan Amendment - Prepared by City Staff

AMENDMENT No. 21

to the

OFFICIAL PLAN

of the

CITY OF TORONTO

All lands within the City of Toronto

The following text constitutes Amendment No. 21 to the City of Toronto Official Plan.

OFFICIAL PLAN AMENDMENT

The Official Plan is amended as follows:

1. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by adding the following unshaded text at the beginning thereof:

"The *Planning Act* encourages public involvement in the planning process and enables Council to require an applicant to provide, at the time a planning application is made, information Council determines is needed to make an informed decision. Regulations under the *Planning Act* prescribe minimum complete application requirements. The *Act* also enables a municipality to identify additional requirements, beyond the prescribed minimum, by having complete application policies in the Official Plan. Council may refuse to accept or further consider a planning application until all such materials have been received.

In accordance with the *City of Toronto Act*, Council may delegate by by-law its duty to notify applicants as to the completeness of planning applications.

The application materials and related documents will be made available to the public in accordance with the requirements of the *Planning Act* and the provisions of this Plan."

2. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by adding the following sidebar:

"Information and materials to be made available to the public for review will be provided upon request, at cost to the requestor, in electronic and/or paper copy form."

3. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by replacing Policy 1 with the following policies:

"1. Public Involvement

A fair, open and accessible public process for amending, implementing and reviewing this Plan will be achieved by:

- a) encouraging participation by all segments of the population, recognizing the ethno-racial diversity of the community and with special consideration to the needs of individuals of all ages and abilities;
- b) promoting community awareness of planning issues and decisions, through use of clear, understandable language and employing innovative processes to inform the public, including the use of traditional and electronic media; and
- c) providing adequate and various opportunities for those affected by planning decisions to be informed and contribute to planning processes, including:
 - i) encouraging pre-application community consultation;
 - ii) holding at least one community meeting in the affected area, in addition to the minimum statutory meeting requirements of the *Planning Act*, for proposed Official Plan and/or Zoning By-law amendments prior to approval;
 - iii) ensuring that information and materials submitted to the City as part of an application during the course of its processing are made available to the public; and
 - iv) ensuring that draft Official Plan amendments are made available to the public for review at least twenty days prior to statutory public meetings, and endeavouring to make draft Zoning By-law amendments available to the public for review at least ten days prior to statutory public meetings, and if the draft amendments are substantively modified, further endeavouring to make the modified amendments publicly available at least five days prior to consideration by Council.

2. Complete Applications

Applications to amend the Official Plan, Zoning By-law and applications for Plan of Subdivision, Condominiums or Consent will comply with the statutory complete application submission requirements of the *Planning Act* and the requirements identified in Schedule 3.

In addition, applications for Site Plan Control Approval, will comply with the submission requirements identified in Schedule 3.”

4. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by adding the following sidebar:

"Schedule 3 outlines the City requirements for complete applications. When seeking development approvals from the City, applicants should also refer to "*Building Toronto Together – A Development Guide*" which outlines the City's development review processes. In addition to the requirements of the *City of Toronto Act, Planning Act* and/or Regulations, the City may require additional information to properly evaluate an application. Complete application requirements may be discussed during pre-application consultation.”

5. Chapter 5, Section 5.6, INTERPRETATION, is amended by replacing the words "Schedules 1 and 2" in Policy 5.6.2 with "Schedules 1, 2 and 3".
6. Schedule 3 – Application Requirements is added, as indicated on the following pages:

APPLICATION REQUIREMENTS

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
REQUIREMENTS of the CITY OF TORONTO ACT, PLANNING ACT and/or Regulations	•	•	•	•	•	
<p>ADDITIONAL REQUIREMENTS of the OFFICIAL PLAN</p> <p><i>In addition to the prescribed requirements of the Planning Act, the following non-prescribed information will also be required to evaluate a planning application, unless it is determined that certain studies, plans, drawings and reports are not applicable.</i></p> <p><i>Provision of the additional information indicated under the Official Plan, Zoning By-law, Plan of Subdivision, Plan of Condominium and Consent to Sever headings is mandatory under the Planning Act and this Official Plan.</i></p> <p><i>Provision of the additional information indicated under the Site Plan Control heading is not mandatory but may be requested by the City in order to enable a site plan control application to be evaluated.</i></p>						
Completed Application Form – including Permission to Reproduce and Provision of Requisite Copies. Applicants are required to (a) grant the City permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public for the purpose of application review, and (b) provide a reasonable number of copies of any such document, or parts thereof, in paper and/or electronic form, to the City for internal use and distribution to the public for the purpose of application review.	•	•	•	•	•	•
Boundary Survey – showing and quantifying the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•
Appropriate Plans and Drawings	•	•	•	•	•	•
Planning Rationale – containing a description of pre-application consultation, including any community outreach, public meeting(s) and interested persons contact list created by the applicant in accordance with City standards.	•	•	•	•	•	
Avenue Segment Review – when required by the provisions of Section 2.2.3.	•	•				
Topographical Survey – showing the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•
Building Mass Model – physical or computer generated.	•	•				•
Pedestrian Level Wind Study – for buildings over six storeys/20 metres in height.		•				•
Sun/Shadow Study – for buildings over six storeys/20 metres in height.		•				•
Architectural Control Guidelines – when warranted by the scale or nature of the		•	•			•

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
<i>proposed development.</i>						
Urban Design Guidelines – when warranted by the scale or nature of the proposed development.		•	•			•
Community Services/Facilities Study – for large development proposals.	•	•	•			
Housing Issues Report – for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares.	•	•		•		
Contaminated Site Assessment – if any portion of a property is to be conveyed to the City (e.g., parks, roads or lanes).	•	•	•		•	•
Natural Heritage Impact Study – if the proposed development is likely to have impacts on the Natural Heritage System shown on Map 9.	•	•	•		•	•
Environmental Impact Study – if the proposed development is likely to have impacts on aspects of the environment not adequately assessed in the Natural Heritage Impact Study.	•	•	•			•
Archaeological Assessment – for properties in the City's database of lands containing archaeological potential.	•	•	•		•	•
Heritage Impact Statement/Conservation Strategy – for properties in the City's Inventory of Heritage Properties, whether listed or designated, or adjacent properties where new development could have an impact on a heritage property.		•	•		•	•
Arborist Tree Preservation Report		•	•	•	•	•
Green Development Standards Checklist		•	•	•		•
Accessibility Design Standards Checklist			•	•		•
Noise Impact Study		•	•		•	•
Vibration Study		•	•		•	•
Geotechnical Study – hydrological review to be included where warranted.		•	•		•	•
Servicing and Stormwater Management Report(s)		•	•	•	•	•
Transportation Impact Study	•	•	•			•
Parking Study – when proposal does not comply with City by-law standards.		•		•	•	•
Loading Study – when proposal does not comply with City by-law standards.		•			•	•
Traffic Operations Assessment – when warranted by the scale or nature of the proposed development.		•	•			•
Draft Amendments	•	•				

Attachment 2: Draft Delegation By-law - Prepared by City Staff

Authority: Planning & Growth Management Committee Item No.____, as adopted by City of Toronto Council on _____ 2008.

Enacted by Council:

CITY OF TORONTO

To delegate authority to appointed officers regarding the determination of the completeness of planning applications.

Bill No.

BY-LAW No.

WHEREAS authority is provide to the Council of the City of Toronto under Section 20 of the *City of Toronto Act, 2006*, S.O. 2006, CHAPTER 11, to delegate its powers and duties under any Act to an appointed officer of the municipality;

AND WHEREAS sections 22 (6.1), 34(10.4) and 51(19.1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, require a municipality to notify an applicant as to the completeness or incompleteness of a planning application within 30 days of payment of the application processing fee;

AND WHEREAS Chapter 5 of the Official Plan for the City of Toronto contains provisions pertaining to the requirements for complete planning applications;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The authority to determine whether an application submitted to the City pursuant to sections 22, 34 and 51 of the *Planning Act* is complete or incomplete in accordance with the provisions of the Official Plan for the City of Toronto is delegated to the Chief Planner or his/her designate.
2. If the Chief Planner or his/her designate has received a written request from the local Ward Councillor to be consulted regarding the completeness of an application or applications generally within his/her Ward, the Chief Planner or his/her designate shall consult with the Councillor .
3. The authority to notify an applicant as to the completeness or incompleteness of a planning application is delegated to the Chief Planner or his/her designate.
4. To the extent of any conflict between this and any other by-law of the City of Toronto, this by-law shall prevail.

5. This by-law comes into force and effect on the day Amendment No. 21 to the Official Plan of the City of Toronto is in force and effect.

ENACTED AND PASSED this .

Mayor

City Clerk

**Attachment 3: Draft Official Plan Amendment
- Prepared by Ratepayer Representatives**

AMENDMENT No. 21

to the

OFFICIAL PLAN

of the

CITY OF TORONTO

All lands within the City of Toronto

The following text constitutes Amendment No. 21 to the City of Toronto Official Plan.

OFFICIAL PLAN AMENDMENT

The Official Plan is amended as follows:

1. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by adding the following unshaded text at the beginning thereof:

"The *Planning Act* encourages public involvement in the planning process and enables Council to require an applicant to provide, at the time a planning application is made, information Council determines is needed to make an informed decision. Regulations under the *Planning Act* prescribe minimum complete application requirements. The *Act* also enables a municipality to identify additional requirements, beyond the prescribed minimum, by having complete application policies in the Official Plan. Council may refuse to accept or further consider a planning application until all such materials have been received.

The *Act* permits an applicant to consult with the municipality regarding a forthcoming planning application and enables Council, by by-law, to require an applicant to consult with the municipality. Applicants are required to consult with City staff, who will endeavour to make themselves available for consultation within a reasonable timeframe, prior to submission of applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control Approval, as specified in an implementing by-law. Applicants are also encouraged to consult with the Ward Councillor and the local community, together with staff, prior to formal submission of any planning application. During this consultation, the information and materials required to evaluate a forthcoming application will be provisionally identified by the City in the context of such information as is then available.

Following receipt of a complete planning application, Council will determine the manner of the application's processing, including whether the City is satisfied with the pre-application consultation, in particular any pre-application community meeting(s) held, and whether any further community meeting(s) will be required.

In accordance with the *City of Toronto Act*, Council may delegate by by-law its duty to notify applicants as to the completeness of planning applications and the manner of their processing.

The application materials and related documents will be made available to the public in accordance with the requirements of the *Planning Act* and the provisions of this Plan."

2. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by adding the following sidebar:

"Information and materials to be made available to the public for review will be provided upon request, at cost, in electronic and/or paper copy form."

3. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by replacing Policy 1 with the following policies:

"1. Public Involvement

A fair, open and accessible public process for amending, implementing and reviewing this Plan will be achieved by:

- a) encouraging participation by all segments of the population, recognizing the ethno-racial diversity of the community and with special consideration to the needs of individuals of all ages and abilities;
- b) promoting community awareness of planning issues and decisions, through use of clear, understandable language and employing innovative processes to inform the public, including the use of traditional and electronic media; and
- c) providing adequate and various opportunities for those affected by planning decisions to be informed and contribute to planning processes, including:
 - i) encouraging pre-application community consultation;
 - ii) holding at least one community meeting in the affected area, in addition to the minimum statutory meeting requirements of the *Planning Act*, for proposed Official Plan and/or Zoning By-law amendments prior to approval;
 - iii) ensuring that information and materials submitted to the City as part of an application during the course of its processing are made available to the public; and
 - iv) ensuring that draft Official Plan amendments are made available to the public for review at least twenty days prior to statutory public meetings, and endeavouring to make draft Zoning By-law amendments available to

the public for review at least ten days prior to statutory public meetings, and if the draft amendments are substantively modified, further endeavouring to make the modified amendments publicly available at least five days prior to consideration by Council.

2. Complete Applications

Applications to amend the Official Plan, Zoning By-law and applications for Plan of Subdivision, Condominiums, Consent or Site Plan Control will comply with the statutory complete application submission requirements of the *Planning Act* and the requirements identified in Schedule 3."

4. Chapter 5, Section 5.5, THE PLANNING PROCESS, is amended by adding the following sidebar:

"Schedule 3 outlines the City requirements for complete applications. When seeking development approvals from the City, applicants should also refer to "*Building Toronto Together – A Development Guide*" which outlines the City's development review processes. In addition to the prescribed requirements of the *Planning Act*, the City requires additional information to properly evaluate an application. The requirement for additional information will be assessed during pre-application consultation. The City will consider a planning application to be complete if it is accompanied by the prescribed requirements stated in the *Planning Act* and by the additional required information specified in Schedule 3 of the Official Plan. The City will identify what information will be required in order to determine if an application is complete within a reasonable timeframe, as specified in an implementing by-law. Council will subsequently use this information to make an informed decision."

5. Chapter 5, Section 5.6, INTERPRETATION, is amended by replacing the words "Schedules 1 and 2" in Policy 5.6.2 with "Schedules 1, 2 and 3".

6. Schedule 3 – Application Requirements is added, as indicated on the following pages:

APPLICATION REQUIREMENTS

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
PRESCRIBED REQUIREMENTS of the PLANNING ACT and Regulations	•	•	•	•	•	•
<p>ADDITIONAL REQUIREMENTS of the OFFICIAL PLAN</p> <p><i>In addition to the prescribed requirements of the Planning Act, the following non-prescribed information will also be required to evaluate a planning application, unless it is determined that certain studies, plans, drawings and reports other than those denoted by an asterisk (*) are not applicable.</i></p> <p><i>Provision of the additional information indicated under the Official Plan, Zoning By-law, Plan of Subdivision, Plan of Condominium and Consent to Sever headings is mandatory under the Planning Act and this Official Plan. Provision of the additional information indicated under the Site Plan Control heading is not mandatory but may be requested by the City in order to enable a site plan control application to be evaluated.</i></p>						
Completed Application Form (*) – including Permission to Reproduce and Provision of Requisite Copies. Applicants are required to (a) grant the City permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public for the purpose of application review, and (b) provide a reasonable number of copies of any such document, or parts thereof, in paper and/or electronic form, to the City for internal use and distribution to the public for the purpose of application review.	•	•	•	•	•	•
Boundary Survey (*) – showing and quantifying the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•
Appropriate Plans and Drawings (*)	•	•	•	•	•	•
Planning Rationale (*) – containing a description of pre-application consultation, including any community outreach, public meeting(s) and interested persons contact list created by the applicant in accordance with City standards.	•	•	•	•	•	
Avenue Segment Review (*) – when required by the provisions of Section 2.2.3.	•	•				
Topographical Survey – showing the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•
Building Mass Model – physical or computer generated.	•	•				•
Pedestrian Level Wind Study – for buildings over six storeys/20 metres in height.		•				•
Sun/Shadow Study – for buildings over six storeys/20 metres in height.		•				•
Architectural Control Guidelines – when warranted by the scale or nature of the proposed development.		•	•			•

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control
Urban Design Guidelines – when warranted by the scale or nature of the proposed development.		•	•			•
Community Services/Facilities Study – for large development proposals.	•	•	•			
Housing Issues Report – for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares.	•	•		•		
Contaminated Site Assessment – if any portion of a property is to be conveyed to the City (eg, parks, roads or lanes). / including, but not necessarily limited to, any portion of a property that is to be conveyed to the City (eg, parks, roads or lanes).	•	•	•		•	
Natural Heritage Impact Study – if the proposed development is likely to have impacts on the Natural Heritage System shown on Map 9.	•	•	•		•	•
Environmental Impact Study – if the proposed development is likely to have impacts on aspects of the environment not adequately assessed in the Natural Heritage Impact Study.	•	•	•			•
Archaeological Assessment – for properties in the City's database of lands containing archaeological potential.	•	•	•		•	•
Heritage Impact Statement/Conservation Strategy – for properties in the City's Inventory of Heritage Properties, whether listed or designated, or adjacent properties where new development could have an impact on a heritage property.		•	•		•	•
Arborist Tree Preservation Report		•	•	•	•	•
Green Development Standards Checklist		•	•	•		•
Accessibility Design Standards Checklist			•	•		•
Noise Impact Study – where indicated by Provincial guidelines or regulations.		•	•		•	•
Vibration Study – where indicated by Provincial guidelines or regulations.		•	•		•	•
Geotechnical Study – hydrological review to be included where warranted.		•	•		•	•
Servicing and Stormwater Management Report(s)		•	•	•	•	•
Transportation Impact Study	•	•	•			•
Parking Study – when proposal does not comply with City by-law standards.		•		•	•	•
Loading Study – when proposal does not comply with City by-law standards.		•			•	•
Traffic Operations Assessment – when warranted by the scale or nature of the proposed development.		•	•			•
Draft Bills	•	•				

Attachment 4: Draft Delegation/Pre-consultation By-law
- Prepared by ratepayer representatives

Authority: Planning and Growth Management Committee Item _____,
as adopted by City of Toronto Council on _____, 2008
Enacted by Council: _____, 2008

Bill No. _____

CITY OF TORONTO

BY-LAW No. ____-2008

**To require consultation prior to submission of planning applications and to
delegate authority to appointed officers regarding consultation and the
determination of the completeness of planning applications.**

WHEREAS authority is provided to the City of Toronto in Sections 22(3.1), 34(10.0.1) and 51(16.1) of the *Planning Act*, R.S.O. c.P.13, as amended, and Section 114(4) of the *City of Toronto Act, 2006*, S.O. 2006, CHAPTER 11, to require applicants to consult with the City of Toronto prior to submission of certain planning applications;

AND WHEREAS Sections 22(6.1), 34(10.4) and 51(19.1) of the *Planning Act*, R.S.O. c.P.13, as amended, require a municipality to notify an applicant as to the completeness or incompleteness of its planning application within 30 days of payment of the application processing fee;

AND WHEREAS Chapter 5 of the Official Plan for the City of Toronto contains provisions relating to pre-application consultation and the completeness of planning applications;

AND WHEREAS authority is provided to the Council of the City of Toronto under Section 20 of the *City of Toronto Act, 2006*, S.O. 2006, CHAPTER 11, to delegate its powers and duties under any Act to an appointed officer of the municipality, subject to certain restrictions and such conditions and limits as Council considers appropriate;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Applicants shall consult with the City of Toronto prior to submission of any of the following planning applications: Official Plan Amendment; Zoning By-law Amendment; Plan of Subdivision; or Site Plan Control Approval.
2. The Chief Planner or his/her designate is authorized to conduct pre-application consultations with prospective applicants.
3. During the course of pre-application consultation, within a day of commencement of any substantive consideration of the proposed use, density, height and/or built form, the Chief Planner or his/her designate shall so inform the local Ward Councillor, provided that the Chief Planner has received a written request from the Councillor to be informed of the application or complete applications generally within his/her Ward.

4. In the event that a prospective applicant has made a written request to consult with the City, and the Chief Planner or his/her designate has not consulted with the applicant within 30 days of receipt of the applicant's written request, the applicant may submit its planning application notwithstanding section 1 of this by-law.
5. The authority to identify the information and materials required for a complete application under the provisions of the Official Plan for the City of Toronto is delegated to the Chief Planner or his/her designate.
6. Prior to identifying the information and materials required for a complete application under the provisions of the Official Plan, the Chief Planner or his/her designate shall consult with the local Ward Councillor, provided that the Chief Planner has received a written request from the Councillor to be consulted regarding the application or complete applications generally within his/her Ward.
7. Following the consultation referred to in sections 1 through 4 of this by-law, and within 15 days of any subsequent receipt of an applicant's written request for a complete application list, the Chief Planner or his/her designate shall notify the applicant as to what information and materials are required for a complete application under the provisions of the Official Plan, based on the information then available and subject to provision of such additional information of relevance to the completeness of the application as may become apparent on receipt and examination of the application submission.
8. The authority to determine whether a planning application is complete or incomplete in accordance with the provisions of the Official Plan is delegated to the Chief Planner or his/her designate.
9. Prior to determining whether a planning application that has been submitted is complete or incomplete, the Chief Planner or his/her designate shall consult with the local Ward Councillor, provided that the Chief Planner has received a written request from the Councillor to be consulted regarding the application or complete applications generally within his/her Ward.
10. The authority to notify an applicant as to the completeness or incompleteness of its planning application is delegated to the Chief Planner or his/her designate.
11. Within 30 days of receipt of a planning application and the application processing fee, the Chief Planner or his/her designate shall determine whether the application is complete or incomplete and shall notify the applicant, and any local Ward Councillor who has so requested, accordingly. An incomplete application notification shall identify missing or deficient elements in the application relevant to its completeness and specify such remedial submissions as may be considered necessary to complete the application.
12. The provisions of section 11 of this by-law apply, with necessary modifications, to any subsequent remedial application submissions.
13. At the written request of the local Ward Councillor, transmitted to the Chief Planner or his/her designate, the notifications referred to in sections 7, 11 and 12 of this by-law shall be included in the Preliminary Report on the planning application together with a summary of the pre-application consultation and the application submission(s), including any that are remedial.
14. To the extent of any conflict between this and any other by-law of the City, this by-law shall prevail.

15. This by-law comes into force and effect on the day Amendment No. 21 to the Official Plan for the City of Toronto is in force and effect.

ENACTED AND PASSED this ____ day of _____, A.D. 2008.

SANDRA BUSSIN

Speaker

(Corporate Seal)

Attachment 5: Current Planning Process – General Outline Prior to Preliminary Report

