

## **Supplementary Report - Amendment to the Official Plan Regarding Complete Applications**

<b>Date:</b>	June 26, 2008
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	All
<b>Reference Number:</b>	Pg080043

### **SUMMARY**

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This is further to the report dated June 16<sup>th</sup>, 2008. On June 23<sup>rd</sup>, 2008 staff met with representatives of two ratepayer groups, representatives of BILD, and other development lawyers who had made submissions to Committee on this matter previously. The purpose of the meeting was to attempt to further narrow the areas of disagreement. The meeting was productive and as a result general consensus on both the draft official plan amendment (OPA) and draft delegation by-law has been achieved. Both the draft OPA and draft delegation by-law have been revised to address concerns raised. This report addresses these further modifications.

### **RECOMMENDATIONS**

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**The City Planning Division recommends that the recommendations contained in the staff report of the Chief Planner and Executive Director, City Planning, dated June 16<sup>th</sup>, 2008, be replaced with the following recommendations:**

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 of this report.
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 or as soon thereafter as practical.
4. The Chief Planner and Executive Director, City Planning be directed to revise the City's development application form to add the following words "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."

### **Financial Impact**

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

### **COMMENTS**

Further to the staff report dated June 16<sup>th</sup>, 2008, a meeting with ratepayer representatives, representatives of BILD, and other development lawyers was held on June 23, 2008 to discuss the draft official plan amendment and draft delegation by-law in an effort to reach further consensus. As a result of that meeting the draft OPA and delegation by-law have now been further revised to reflect consensus on the content of both the OPA and by-law.

### **Draft Complete Application OPA (see Attachment 1)**

Following the meeting on June 23, 2008, substantial agreement has been reached on the content of the complete application amendment. To address concerns, the OPA (Attachment 1) has been modified as follows:

1. On page 1 additional text has been added to clarify that the City encourages pre-application consultation.
2. On page 1 text has been added to indicate that should an applicant undertake an extensive pre-consultation process and in the event that Council determines that this pre-consultation process is robust enough, Council can determine whether this pre-consultation process satisfies the requirements of Policy 5.5.1.(c)(ii) of the Official Plan requiring that a community meeting be held in addition to the statutory public meeting.
3. In the draft OPA attached to staff's June 16<sup>th</sup> report, a new policy and sidebar was 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. The sidebar on page 2 of the draft OPA

(shaded text) is now proposed to be modified to clarify that the fees collected to reproduce this information would not exceed the City's actual cost in providing such information or material.

### **Draft Delegation By-law (see Attachment 2)**

Following the meeting on June 23, 2008 substantial agreement has been reached on the content of the draft delegation by-law. To address concerns raised, the draft delegation by-law has been modified as follows:

1. The draft delegation by-law (Attachment 2) has been modified to include sections 4 and 5 (shaded text). Section 4 repeats provisions contained within the *Planning Act*, which requires a municipality within 30 days of receipt of a planning application and the application processing fee to determine whether the application is complete or incomplete. Section 4 also sets out that 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.

Section 5 requires staff to consider remedial submissions within 30 days of receipt of the resubmission.

Staff note that sections 4 and 5 in the delegation by-law repeat the *Planning Act* requirements and current City Planning practices. Staff are of the opinion that these sections would more appropriately be dealt with through a guideline. However, these sections have been included in the by-law.

2. As part of the discussions with staff, BILD and development lawyers, the ratepayers propose revisions to section 2 of the draft delegation by-law and an additional section.

Section 2 of the draft delegation by-law provides that:

“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”.

The alternative section proposed by the ratepayer representatives would read as follows:

“If the Chief Planner or his/her designate has received a written request from the local Ward Councillor to be consulted regarding a forthcoming application, or applications generally within his/her Ward, the Chief Planner or his/her designate shall inform the Councillor in timely fashion of any substantive pre-application consultations concerning the forthcoming application that pertain to proposed use, density, height and/or built form and shall consult with the Councillor, subject to the Councillor's availability, prior to determining whether the planning application is complete or incomplete.”

At the meeting of June 16<sup>th</sup> staff, BILD and development representatives expressed concerns with a revised section 2. Following the meeting on June 23, the ratepayer representatives agreed that the more detailed section 2 would not be pursued. Staff support this decision as the more detailed description as to how consultation with the councilors would occur can best be managed in a staff guideline.

The additional provision proposed by the ratepayer representatives sets out a requirement that certain matters should be included in a preliminary report. The provision proposed by the ratepayer representatives would read as follows:

“At the written request of the local Ward Councillor to the Chief Planner or his/her designate, the notifications referred to in sections 4 and 5 of this by-law shall be included in a preliminary report on the planning application together with a summary of application submissions.”

At the meeting of June 16<sup>th</sup> staff expressed concerns with the revised provision 2. Staff are of the opinion that the matters which should be summarized in a preliminary report need not be set out in a by-law. Following the meeting, the ratepayer representatives agreed that the new section regarding what should be included in a preliminary report would not be pursued. Staff support this decision.

PGM is being asked to support the draft delegation by-law agreed to by all the parties as set out in Attachment 2.

### **Further Comments from the Ratepayers and Development Industry Representatives**

The Development Industry and Ratepayer's are opposed to the prospective introduction of a by-law requiring pre-application consultation unless the by-law is governed by appropriate Official Plan policies. Such policies have not been included in the draft OPA attached to this report on the basis that pre-application consultation is encouraged, but not required. Both the Development Industry and ratepayer representatives advise that should the City prepare a by-law requiring pre-application consultation they would seek the re-introduction of certain policies in the Official Plan.

The ratepayers would also like the City's development application form to be revised to add the following words “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”, as indicated in Schedule 3 under "Completed Application Form".

The ratepayers also encourage staff to revise the City's development application form to require that an applicant either affirm that all the property subject of its application is owned, or under contract, by the entity on whose behalf the application is being filed or else (i) state both the ownership and the associated mailing address of the owner for each property encompassed by its application, (ii) supply evidence that the owner of each property encompassed by the application has been duly notified of the application being made on its property and (iii) furnish the permissions of those owners on whose

behalf the application is being filed, in order to flush out situations in which applicants file official plan amendments or zoning by-law amendments applications encompassing other properties without the permission (occasionally even the knowledge) of some of the property owners. Staff will explore this suggestion.

## **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 Committee endorse the revised draft OPA contained in Attachment 1 and the revised 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 as described in staff’s report dated June 16<sup>th</sup>, entitled Amendment to the Official Plan Regarding Complete Applications 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](mailto:bleonha@toronto.ca)

## **SIGNATURE**

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Gary Wright  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Draft Official Plan Amendment  
Attachment 2: Draft Delegation By-law

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## **Attachment 1: Draft Official Plan Amendment**

### **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.

Applicants are encouraged to consult with the Ward Councillor, City staff and local community prior to formal submission of a planning application.

Following receipt of a complete planning application, Council will determine whether the City is satisfied with pre-application community consultation, in particular any pre-application community meeting(s) held in accordance with City standards, and whether one or more subsequent community meetings will be required under the provisions of Policy 5.5.1(c)(ii).

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 in electronic and/or paper copy form at a fee not to exceed the City's actual cost in providing such information or material."

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, to amend the Zoning By-law and applications for Plan of Subdivision, Plan of Condominium or Consent to Sever 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 should satisfy 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 Approval
<b>REQUIREMENTS of the CITY OF TORONTO ACT, PLANNING ACT and/or Regulations</b>	•	•	•	•	•	
<b>ADDITIONAL REQUIREMENTS of the OFFICIAL PLAN</b>  <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>  <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>  <i>Provision of the additional information indicated under the Site Plan Control Approval heading is not mandatory but may be requested by the City in order to enable a site plan control application to be evaluated.</i>						
<b>Completed Application Form</b> – including <i>Permission to Reproduce and Provision of Requisite Copies</i> . 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.	•	•	•	•	•	•
<b>Boundary Survey</b> – showing and quantifying the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•
<b>Appropriate Plans and Drawings</b>	•	•	•	•	•	•
<b>Planning Rationale</b> – 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.	•	•	•	•	•	
<b>Avenue Segment Review</b> – when required by the provisions of Section 2.2.3.	•	•				
<b>Topographical Survey</b> – showing the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•
<b>Building Mass Model</b> – physical or computer generated.	•	•				•
<b>Pedestrian Level Wind Study</b> – for buildings over six storeys/20 metres in height.		•				•
<b>Sun/Shadow Study</b> – for buildings over six storeys/20 metres in height.		•				•

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control Approval
<b>Architectural Control Guidelines</b> – when warranted by the scale or nature of the proposed development.		•	•			•
<b>Urban Design Guidelines</b> – when warranted by the scale or nature of the proposed development.		•	•			•
<b>Community Services/Facilities Study</b> – for large development proposals.	•	•	•			
<b>Housing Issues Report</b> – 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.	•	•		•		
<b>Contaminated Site Assessment</b> – if any portion of a property is to be conveyed to the City (eg. parks, roads or lanes).	•	•	•		•	•
<b>Natural Heritage Impact Study</b> – if the proposed development is likely to have impacts on the Natural Heritage System shown on Map 9.	•	•	•		•	•
<b>Environmental Impact Study</b> – if the proposed development is likely to have impacts on aspects of the environment not adequately assessed in the Natural Heritage Impact Study.	•	•	•			•
<b>Archaeological Assessment</b> – for properties in the City's database of lands containing archaeological potential.	•	•	•		•	•
<b>Heritage Impact Statement/Conservation Strategy</b> – 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.		•	•		•	•
<b>Arborist Tree Preservation Report</b>		•	•	•	•	•
<b>Green Development Standards Checklist</b>		•	•	•		•
<b>Accessibility Design Standards Checklist</b>			•	•		•
<b>Noise Impact Study</b>		•	•		•	•
<b>Vibration Study</b>		•	•		•	•
<b>Geotechnical Study</b> – hydrological review to be included where warranted.		•	•		•	•
<b>Servicing and Stormwater Management Report(s)</b>		•	•	•	•	•
<b>Transportation Impact Study</b>	•	•	•			•
<b>Parking Study</b> – when proposal does not comply with City by-law standards.		•		•	•	•
<b>Loading Study</b> – when proposal does not comply with City by-law standards.		•			•	•
<b>Traffic Operations Assessment</b> – when warranted by the scale or nature of the proposed development.		•	•			•
<b>Draft Amendments</b>	•	•				

## Attachment 2: Draft Delegation By-law

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

Enacted by Council:

Bill No.

# CITY OF TORONTO

BY-LAW No. \_\_\_\_-2008

### **To delegate authority to appointed officers regarding the determination of the completeness of planning applications and to provide for consultation with Ward Councillors.**

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;

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. Within 30 days of receipt of the processing fee for a planning application, the Chief Planner or his/her designate shall determine whether the application is complete or incomplete and shall notify the applicant and, if requested, the local Ward Councillor accordingly. An incomplete application notification shall identify the missing or deficient information and material necessary to complete the application.
5. The provisions of section 4 of this by-law apply, with necessary modifications, to each subsequent remedial submission provided to complete the application.
6. To the extent of any conflict between this and any other by-law of the City of Toronto, this by-law shall prevail.
7. 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 .

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Mayor

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City Clerk