

External Relations Committee Consultation Note: Non-Disclosure Agreements and the Pre-Consultation Process (for review by FCA Planning and Zoning Committee)

Introduction

The New Bill 109 planning approval process adopted by the City shortens the timeline for approval of applications, effectively limiting public consultation post application. This makes planned allocation of time for pre-app consultations all the more important.

The purpose of this note is to provide some suggested questions, concerns and suggestions for the March 20, 2024 General Meeting with Charmaine Forgie on the new pre-consultation process and NDAs.

City Objective for the Pre-Consultation Process

“The objective of the City is to encourage community involvement and provide a greater level of transparency during the process while respecting the confidentiality of technical, commercial and financial information that third parties provide to the City.” (Sample NDA August 2023)

The 2014 to-date Pilot Program’s goals were:

- To increase transparency
- Build awareness of City Planning Act and Process

1. Questions on the Pre-consultation Process:

- a. How are Councillors engaged in the pre-consultation process? Will the CA representatives know if their Councillor has signed an NDA?
- b. City PPT states “Disclosures to the CA members with an NDA is allowed but not disclosure outside the CA to persons with or without an NDA.” Are you referring to CA Boards or to the General Membership if those persons have signed an NDA? We understand this to mean you currently cannot talk about the information to anyone outside of your CA, whether they have signed an NDA or not.
- c. Please clarify if CA members can speak with other CA members with NDAs about projects of shared interest. See above. We would like to be able to talk with other CAs especially with ward boundary along some roadways.
- d. How will the pre-consultation process differ in the case of OPAs, ZBL Amendments, Plan of Subdivision, and the Site Plan Control?
- e. It is expected that City staff will recommend an expansion of the pre-consultation process to all CAs. Is this correct and will all CAs be included?

- f. In adjoining communities affected by a development application, will all CAs be involved and will it affect the number of representatives allowed for each CA? How will the inclusion of CAs be determined?

2. Suggestions

- a. City to strongly encourage applicants to consult with the community before pre-consultation and before the application is submitted for review of the application being deemed complete for its first Submission without the NDA requirement. This would facilitate a dialogue with residents based on a draft application once the applicant has had time to absorb the City and CA comments. This applies especially to the infill as it is more nuanced.
- b. To continuously improve training, consult regularly with NDA signatories; increase numbers of training sessions to reach new CA participants. Review planning primers and bring in outside speakers (e.g. planning consultants and architects) to training sessions.
- c. We welcome further education and information tools for CA's and the general public to better understand steps in the overall planning process as set out in the recent Acts passed which change municipal planning and development. We want reassurance that the pre-consultation process does not in any way replace public consultation required by City policy for a specific type of development application.
 - i. Bill 23, More Homes Built Faster Act, 2022
 - ii. Bill 39, Better Municipal Governance Act, 2022
 - iii. Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023
 - iv. Bill 150, Planning Statute Law Amendment Act, 2023
 - v. Others
- d. Create easy to follow citizen on-line guides on the new planning regulations.

3. Concerns

- a. Pre-consultation meetings have typically lasted about an hour. One hour maybe too limited when restricted to over 4 storeys and the only opportunity for a robust discussion with the CA, developer and City.
- b. Larger projects take years after the after OPA and Bylaw Amendment Approval. Increasingly these large projects are also being undertaken in phases with their own site plan approvals. CAs will be stretched in endurance and capacity to follow these plans and approvals over the years.

- c. The Housing Accelerator Program requires 4 units per serviced lot to allow the builder an HST exemption for purpose built rental housing. The City has agreed to speed approval of applications based on Bill 103 requirements. The funding should provide additional capacity to approve projects in addition to the capacity released by the Waiver if planning approval for projects 10 units or less. These projects, along with projects of 10 units or less would not be covered by the pre-consultation or planning processes.
- d. A large number of projects only go through the Building Department building permit process. It is expensive to access information on the proposed Project by building permit. This fee should be waived for CAs.
- e. Demolition and building permits need more transparency. (Vanier and Councillor Plante are working on this)
- f. The CAs representatives should be treated with respect and given sufficient time to review documents. Document purpose and content should be explained on request by the planner to CA representatives with NDAs. [*this item also included in the Guidelines, for greater certainty*]