

AFFORDABILITY AND CHOICE TODAY (A•C•T) CASE STUDY PROJECT

Case Study

City of Ottawa's "A Better Way" Task Force

**Department of Planning and Development, City of Ottawa
Ottawa, Ontario**

Prepared for:

Federation of Canadian Municipalities

Canadian Home Builders' Association

Canadian Housing and Renewal Association

Canada Mortgage and Housing Corporation

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Ottawa, Ontario

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FOREWORD

The project documented in this case study received funding assistance under the Affordability and Choice Today (A•C•T) Program. A•C•T is a joint initiative, managed by the Federation of Canadian Municipalities, the Canadian Home Builders' Association, and the Canadian Housing and Renewal Association, together with the funding agency Canada Mortgage and Housing Corporation. The A•C•T Program is administered by the Federation of Canadian Municipalities.

A•C•T, which was launched in January 1990, was designed to foster changes to planning and building regulations and residential development approval procedures in order to improve housing affordability, choice and quality.

Through A•C•T, grants are awarded to municipalities, private and non-profit builders and developers, planners and architects to undertake innovative regulatory reform initiatives in municipalities across Canada. Three types of projects are awarded grants under the A•C•T Program: Demonstration Projects, Streamlined Approval Process Projects, and Case Studies (of existing initiatives).

- *Demonstration Projects* involve the construction of innovative housing that demonstrates how modifications to planning and construction regulations can improve affordability, choice and quality.

- *Streamlined Approval Process Projects* involve the development of a method or an approach that reduces the time and effort needed to obtain approvals for housing projects.
- *Case Study* grants are awarded for the documentation of existing regulatory reform initiatives.

Change and innovation require the participation of all the players in the housing sector. A•C•T provides a unique opportunity for groups at the local level to work together to identify housing concerns, reach consensus on potential solutions, and implement action. Consequently, a key component of A•C•T-sponsored projects is the participation and cooperation of various players in the housing sector in all phases of each project, from development to realization.

All projects awarded a grant under the A•C•T Program are documented as case studies in order to share information on the initiatives and the benefits of regulatory reform with other Canadian communities. Each case study discusses the regulatory reform initiative, its goals and the lessons learned. Where appropriate, the cost savings resulting from modifications in various planning, development, and construction regulations are calculated and reported.

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PROJECT OVERVIEW

As in many mature municipalities, the City of Ottawa had a relatively complex development approval system for zoning, official plan amendments and site plans. Ottawa's system, however, was perceived by most of those involved as being inefficient and lengthy, and impeded by a lack of communication among stakeholders.

Through the dedicated efforts of an enthusiastic municipal councillor and the cooperation of municipal staff and key stakeholders in both the private and non-profit development industries, the dissatisfaction with the existing system was transformed into a successful regulatory reform effort, which is a model of stakeholder cooperation. This initiative, called the "A Better Way" Task Force, was established by Ottawa City Council to review the City's various

development approval processes, to identify problems and conflicts associated with them, and to develop a set of recommendations for reform.

The Task Force, which comprised representatives of every group involved in the development approval system, stands out not only because of its representative nature, but also for its approach. This approach was a commitment to reaching consensus, despite the diverse nature of the Task Force membership, and to extensive public consultation during the review process.

The Task Force produced a comprehensive set of recommendations which address every level and aspect of the development approval system, from underlying principles to stakeholder roles and responsibilities.

1.0 THE “A BETTER WAY” TASK FORCE

1.1 Introduction

The purpose of the City of Ottawa’s “A Better Way” initiative was to reform the City’s lengthy and sometimes adversarial development approval system. This system can be described as a set of processes for the approval of several types of development applications, including zoning, official plan amendments and site plans. The system involves four main groups of stakeholders: the applicants, who range from do-it-yourself renovators to major commercial developers; community groups; municipal staff, who process the applications; and municipal politicians, who make the final approval decisions.

The City of Ottawa is part of the fourth largest regional municipality in Canada. With a population of 314 000 people and a total land area of 110 km², it represents approximately 46 percent of the population of the Regional Municipality of Ottawa-Carleton.

While it is common for municipalities of Ottawa’s size to have a relatively complex development approval system, Ottawa’s processes were perceived as being especially cumbersome, not only by those who made applications but also by those who processed them. This problem was exacerbated by the fact that, as a mature urban centre, the City of Ottawa experiences more redevelopment than new development, with all the potential for dispute that this entails. (This issue is discussed in Section 3.1.)

In order to reform the existing system so that it could meet the needs of the large and varied group of stakeholders more

effectively, the City conducted an innovative review of the development approval system. The review was more than just a consultation in that it actively involved participation and input from all of the system’s participants: applicants, community groups, staff and politicians.

1.2 The “A Better Way” Approach

The review was carried out in four stages over most of 1993. Stage One involved the promotion of the project at the political level, in order to gain Ottawa City Council’s acceptance and financing. Stage Two involved the identification and appointment of the “A Better Way” Task Force members by Council’s Planning Committee and municipal staff. Stage Three, which was the lengthiest, comprised the deliberation and decision-making process of the Task Force. The fourth and final stage was the presentation of the Task Force’s recommendations to Council for approval. An important, complementary activity to the four stages was the effort to inform and solicit input from the public.

1.2.1 Political Support for the Reform Initiative

Development approvals can be the graveyard of a municipal political career.

*—Councillor Tim Kehoe
Chair, Planning Committee*

The “A Better Way” Task Force was the brainchild of Councillor Tim Kehoe, who was first a member and then Chair of the

Planning Committee. Councillor Kehoe championed the cause for more than a year before Council approved the initiative and allocated the budget. He attributes Council's initial reluctance to a long-standing polarization regarding planning matters, with some councillors in favour of increased development and others against it.

Two important factors contributed to the project's eventual acceptance by Council. First, the application process was too lengthy (e.g. it could take up to twelve months to obtain approval for a complex re-zoning application). Second, there was a high level of distrust amongst applicants for development approval, community groups, municipal staff and municipal politicians.

1.2.2 Forming the Task Force

City Council asked Department of Planning and Development staff, who were very familiar with most of the "players" in the Ottawa development sector, to identify suitable candidates for the Task Force. These included private-sector builders and developers, non-profit housing advocates, community associations and individual professionals, such as planners, architects and lawyers. Groups and individuals were contacted by letter and a public notice was posted in local newspapers to recruit interested members of the public.

Criteria for Task Force Membership Selection

- Past experience with the development approval system
- Interest in the development process
- Municipal experience
- Knowledge of the Planning Act and related legislation
- Experience on other task forces or committees

The selection committee for the Task Force was made up of two Planning Committee members, and was directed by Council to make its final choices based on a set of criteria established by Council in the "Task Force Terms of Reference."¹ The resulting membership profile included three representatives from community associations, three from the development industry and three housing professionals. In addition to the nine volunteer positions, there were two municipal officials: a staff member (the Commissioner of Planning and Development) and a municipal politician (the Chair of the Planning Committee). The Task Force also had a secretariat, which included a professional facilitator, and Department of Planning and Development staff, whose role was to assist with research and documentation.

Having representatives of the complete system in the room was important for good results.

*—Glenn Milne, Facilitator
"A Better Way" Task Force*

¹ The names of the Task Force membership are presented in Appendix A. The "Task Force Terms of Reference" document is contained in Appendix B.

1.2.3 Task Force Deliberations and Decision-Making

The Task Force, which met almost every week from February until September 1993, took a consensus approach to decision-making. That is, the final recommendations of the Task Force were to be agreed upon by all the members and there were to be no abstentions or minority reports. By all accounts, the success of this approach was due to the involvement of the professional facilitator who, as an objective third party, was able to keep the diverse interests at the table focused on common objectives.

The Task Force began its work by ensuring that all members were equally familiar with the general legislative context in Ontario for development approval (i.e. the Planning Act) as well as the City of Ottawa's specific processes. It then identified the major issues and problems associated with these processes. Finally, the Task Force developed a set of recommendations to be presented to Council.

1.2.4 Approval by Council

In October 1993, the "A Better Way" Task Force presented its recommendations to Ottawa City Council for approval.

Consensus was usually reached as no one took an intractable position.

*—John Moser, Director
Land Development Branch
Department of Planning and Development
City of Ottawa*

Council accepted all the recommendations and then struck an internal Implementation Working Group, which was to recommend an implementation plan for a reformed development approval process by June 1994.

1.2.5 Public Input

Throughout the "A Better Way" initiative, the public was informed and encouraged to respond. This was carried out in several ways. Task Force members continually sought advice from their constituents. In June 1993, a general information meeting was held that was both well-attended and televised on a local community station. Subsequently, a draft report was widely circulated for comment. An additional information session for community groups was held in August 1993 and comment forms were placed in the development application information area at Ottawa City Hall.

2.0 TASK FORCE RESULTS

2.1 The Existing Process

In pursuing its mandate to review the development approval processes and to determine major problems and issues associated with the system as whole, the Task Force confirmed the general perception that there were two basic problems: lengthy approval processes and a fundamental lack of trust among stakeholders. The Task Force came to these conclusions by first identifying members' perceived problems with the development approval system and then grouping them into two categories: stakeholder issues and process issues. Some of the major problems identified are outlined below.

2.1.1 Stakeholder Issues

- Stakeholders' roles and responsibilities were not well defined. For example, it was perceived that municipal councillors would sometimes comment on the technical details of an application rather than focusing on its merits, yet at other times they would make decisions without considering applicable planning criteria.
- Opportunities for stakeholders to participate effectively were often limited by lack of communication, information and understanding of basic planning issues.
- Stakeholders had different expectations of the objectives of the development approval system; often they had an unwillingness to recognize the development approval system as a way to manage and direct change.

2.1.2 Process Issues

- The process took too long. For example, it could take twelve months or longer to obtain approval for a re-zoning application (even without an appeal to the Ontario Municipal Board).
- There was a lack of public consultation as well as a lack of assessment of the applications by municipal staff early in the process.
- The development approval system was not readily comprehensible even to experienced stakeholders and it did not have established standards for efficiency, fairness or compliance.

2.2 Task Force Recommendations

The recommendations of the "A Better Way" Task Force² can be divided into three groups:

- Setting the context
- Changing the process
- Implementing the reforms

² A copy of the report containing the "A Better Way" Task Force's recommendations can be obtained from John L. Moser, Director, Land Development Branch, Department of Planning and Development, City of Ottawa, 111 Sussex Drive, Ottawa, Ontario K1N 5A1.

The report may also be purchased or obtained on loan from the Canadian Housing Information Centre, 700 Montreal Road, Ottawa, Ontario K1A 0P7, Tel: (613) 748-2367, Fax: (613) 748-6192, TTY: (613) 748-2143.

2.2.1 Setting the Context

The Task Force defined and recommended the adoption of a “mission statement,” “guiding principles,” and “roles and responsibilities,” in order to provide an overall context for a reformed development approval process.

**Mission Statement for the City of Ottawa’s
Development Application Process**

*The development application process
will be efficient, timely, fair,
open and publicly accountable.*

Guiding Principles

The guiding principles were intended to provide stakeholders with a clear understanding of the tenets underlying the reformed system. The principles are presented below:

- Respect for governing legislation
- Honesty and integrity on the part of all stakeholders
- Efficiency
- Accountability
- Timely decision-making
- Relevant intervention
- Opportunity for public participation

Roles and Responsibilities

Given the potential number of stakeholders involved in the system, it was essential to define the roles and responsibilities of all the players in such a way as to ensure acceptance and consistent adoption. Responsibilities were defined for the following groups:

- Applicants
- Community representatives
- Planning Committee and City Council
- The Department of Planning and Development
- Advocates/Agents
- Professional experts
- Individual interveners
- Ward councillors
- Technical review agencies
- Interest groups

The details of the roles and responsibilities defined for the four key stakeholder groups—applicants, community representatives, Planning Committee and City Council, and the Department of Planning and Development—are outlined in Figure 1 on the next page.³

³ Detailed information on the roles and responsibilities of other stakeholders may be found in the “A Better Way” Task Force’s report. (Available from the City of Ottawa: address in footnote 2 opposite.)

Figure 1. Roles and Responsibilities

	Applicant	Community Representative	Planning Committee and City Council	Department of Planning and Development
Roles	Is a proponent for appropriate development	Presents and advocates a community position on a proposal	Makes decisions based on a proposal's merits and ensures a fair process	Addresses applications fairly and efficiently Ensures that recommendations are developed in accordance with planning principles and Official Plan policies
Responsibilities	<ul style="list-style-type: none"> • Meets with other key stakeholders early in a proposal's development • Determines a proposal's impact on the community, planning principles and municipal standards • Articulates potential positive and negative impact on the community • Accepts that a proposal will be considered on its own merits 	<ul style="list-style-type: none"> • Identifies status as an existing or ad hoc group • Canvasses views of the community • Consults with applicant early in the process • Formulates community position with regard to municipal policies and standards • Responds within official time-frames • Recognizes that there are other valid concerns to be considered by decision-makers 	<ul style="list-style-type: none"> • Evaluates proposals within broader municipal context • Hears all stakeholders open-mindedly • Makes timely decisions and prevents undue delay • Ensures that decision-making criteria are explicit and that the rationale for a decision is explained • Acts as a monitor to ensure that stakeholders conform to newly established principles for the development approval system 	<ul style="list-style-type: none"> • Understands the development approval system from the perspectives of all stakeholders and is able to explain it to them • Facilitates early information exchange and discussions among stakeholders • Gives clear and proper notification of an application • Encourages timely progress of an application but does not undertake mediation • Ensures that recommendations for proposals are based on a professional and objective evaluation, and that the rationale for recommendations is explained to stakeholders • Monitors, reviews and improves development approval system

2.2.2 Changing the Process

The “process recommendations” developed by the Task Force list 24 concrete actions to reform the development approval system. The process recommendations are divided into three groups, each focusing on a particular quality that the Task Force had decided should characterize the reformed system.

The first group of recommendations was intended to ensure that the development approval system be **transparent and informative**; that is, it would be possible to follow an application through the process easily, even if the proposal were complex. The actions proposed to achieve this goal were as follows:

- Develop a multi-media communication program.
- Create a process checklist that would allow the Department of Planning and Development to track the application.
- Develop a computerized monitoring system accessible to stakeholders.
- Review existing application forms and brochures with transparency and informativeness in mind.

The recommendations in the second category, **efficiency and effectiveness**, were proposed so that appropriate decisions could be made within a reasonable time-frame.

Proposed recommendations included the following:

- Assign resources according to an application’s complexity.
- Involve application processing staff earlier.
- Establish an interdepartmental application update system.
- Delegate greater authority to municipal staff to “end” an application if necessary.
- Eliminate irrelevant technical circulation.
- Introduce a voluntary facilitation stage if situation warrants.

The third desirable characteristic for the reformed system was **equitable service**. In this regard, the Task Force stated that the stakeholders in the system must be served well, but not at the expense of others. To this end the Task Force recommended the following actions:

- Create a community assistance program that would provide a focal point for those needing help with a proposal.
- Appoint a staff member to take charge of complex proposals involving several applications.
- Develop training programs for councillors and municipal staff.
- Conduct an annual review of the development approval system (involving all stakeholders).

The Task Force recommendations resulted in a reformed development approval process that stressed an early exchange of information and adherence to agreed upon time-frames. Figure 2 was created by Planning and Development Department staff to show how a re-zoning application would proceed according to the reformed process. The target time-frames for completing each step in the process are presented in the left margin; alternate time-frames, which include additional time for activities that may or may not be required, appear at the right. Figure 3 describes in detail the process presented in Figure 2.

2.2.3 Implementing the Reforms

Finally, Council received proposals for implementing the Task Force's recommendations. The key elements of

the implementation recommendations were as follows:

- The Department of Planning and Development should create a plan to put the reforms into effect.
- An important element of the plan should be a pilot project, which would take four types of development applications through the reformed process in order to evaluate the effectiveness of the recommended changes.

Ottawa City Council accepted the Task Force's recommendations for implementation, including the pilot project concept, and requested that the Department of Planning and Development prepare a detailed implementation plan for June 1994.

Figure 2. Overview of Reformed Development Process: Re-zoning

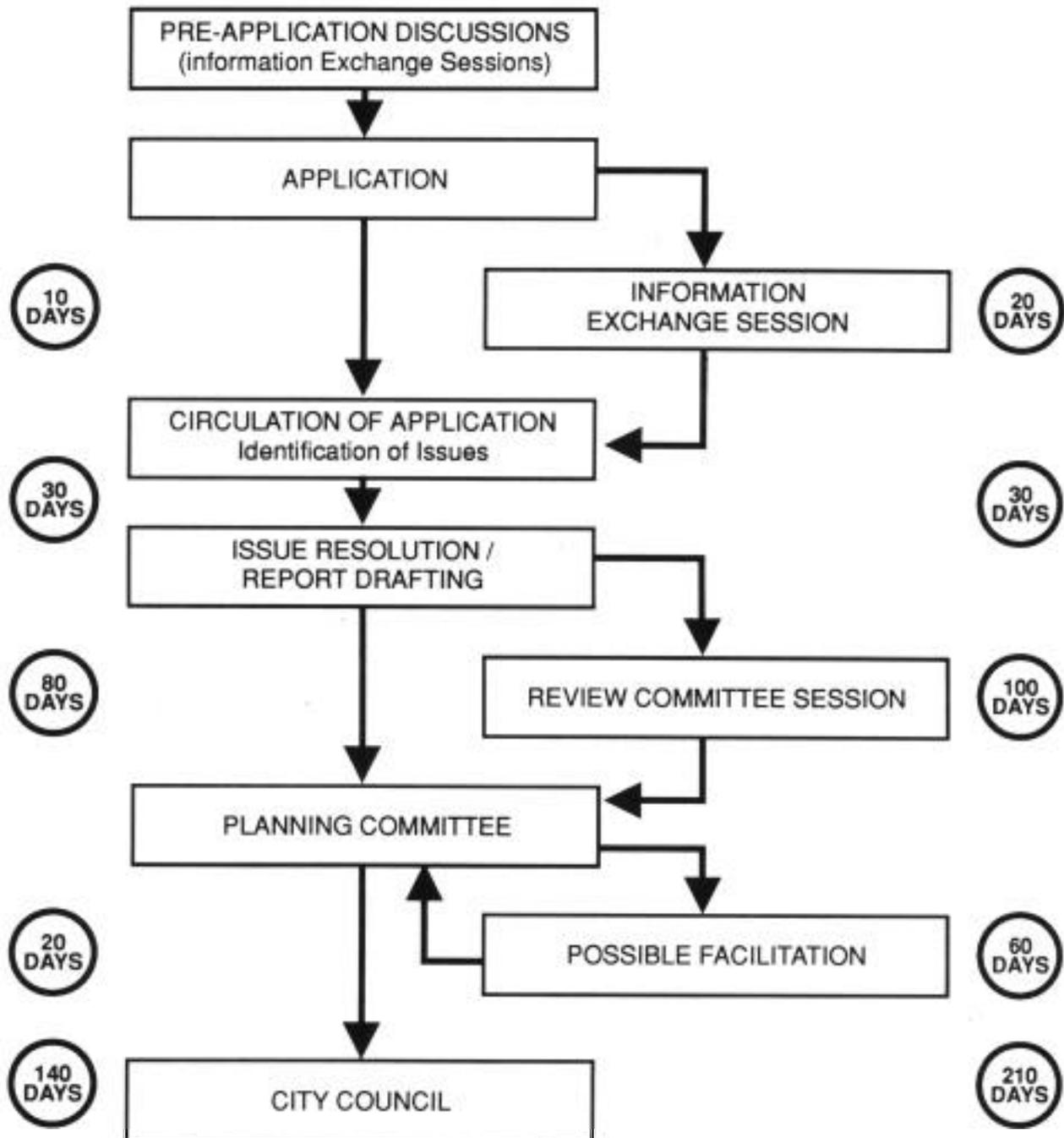
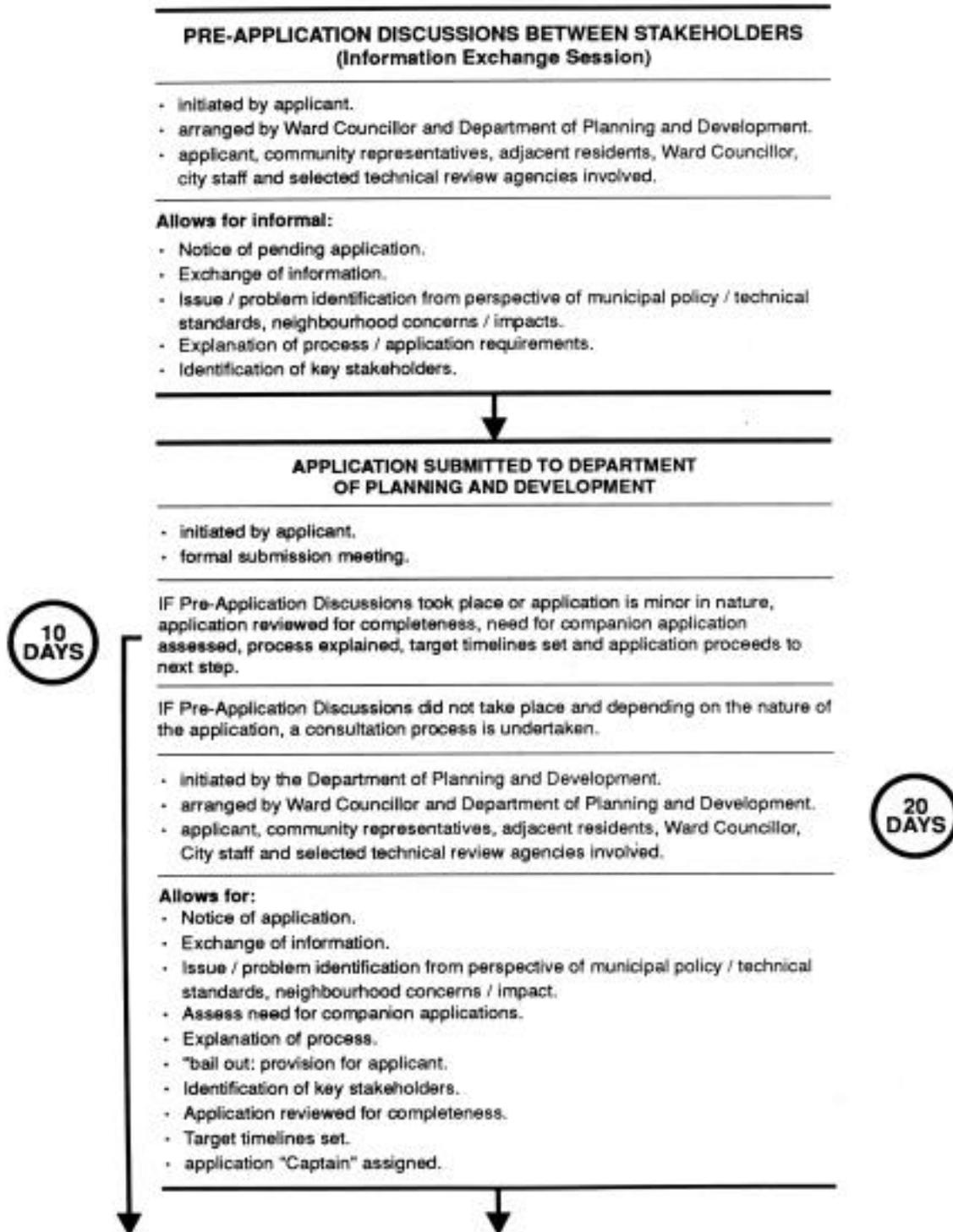
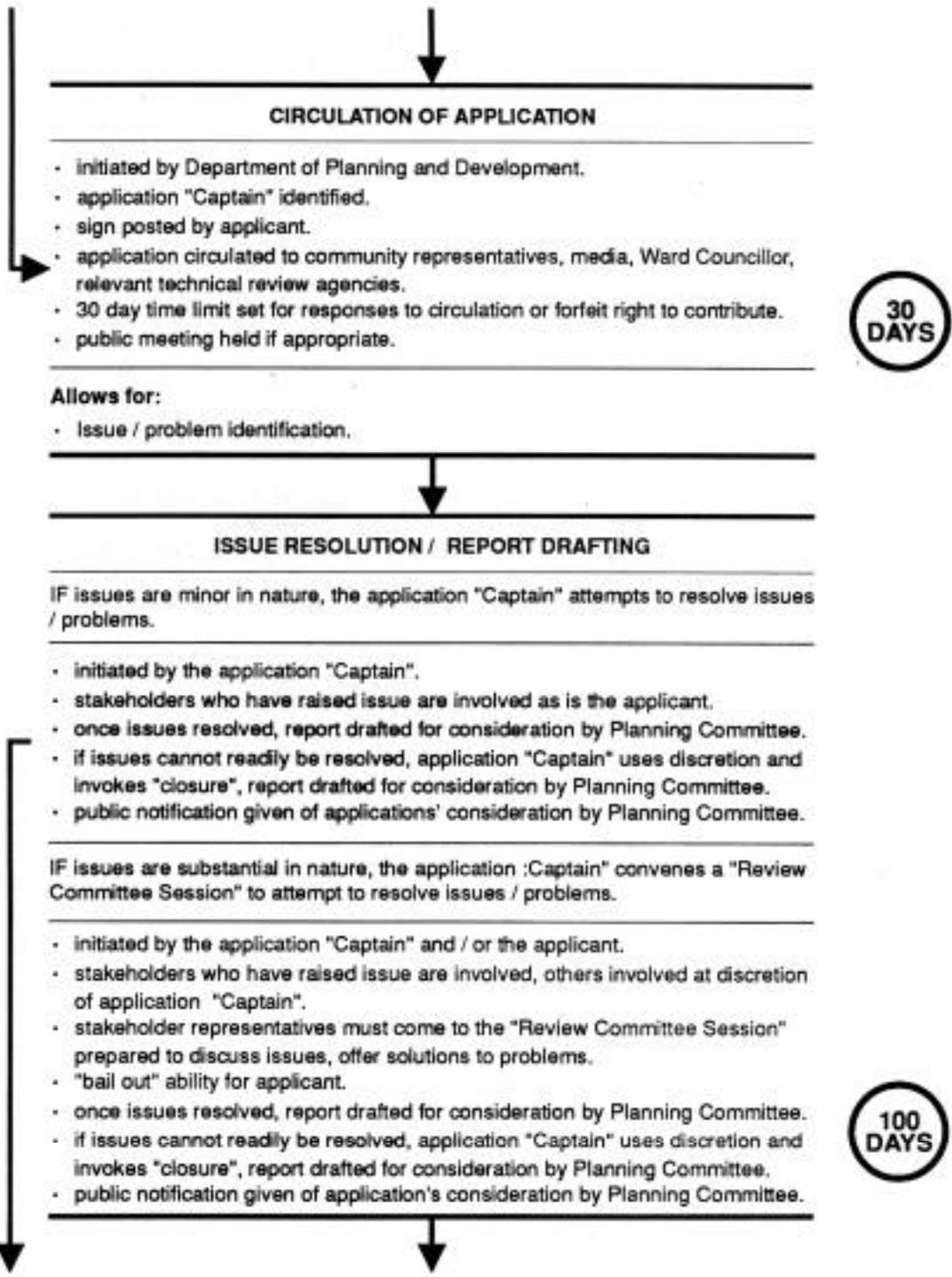


Figure 3. Details of Reformed Development Process: Re-zoning

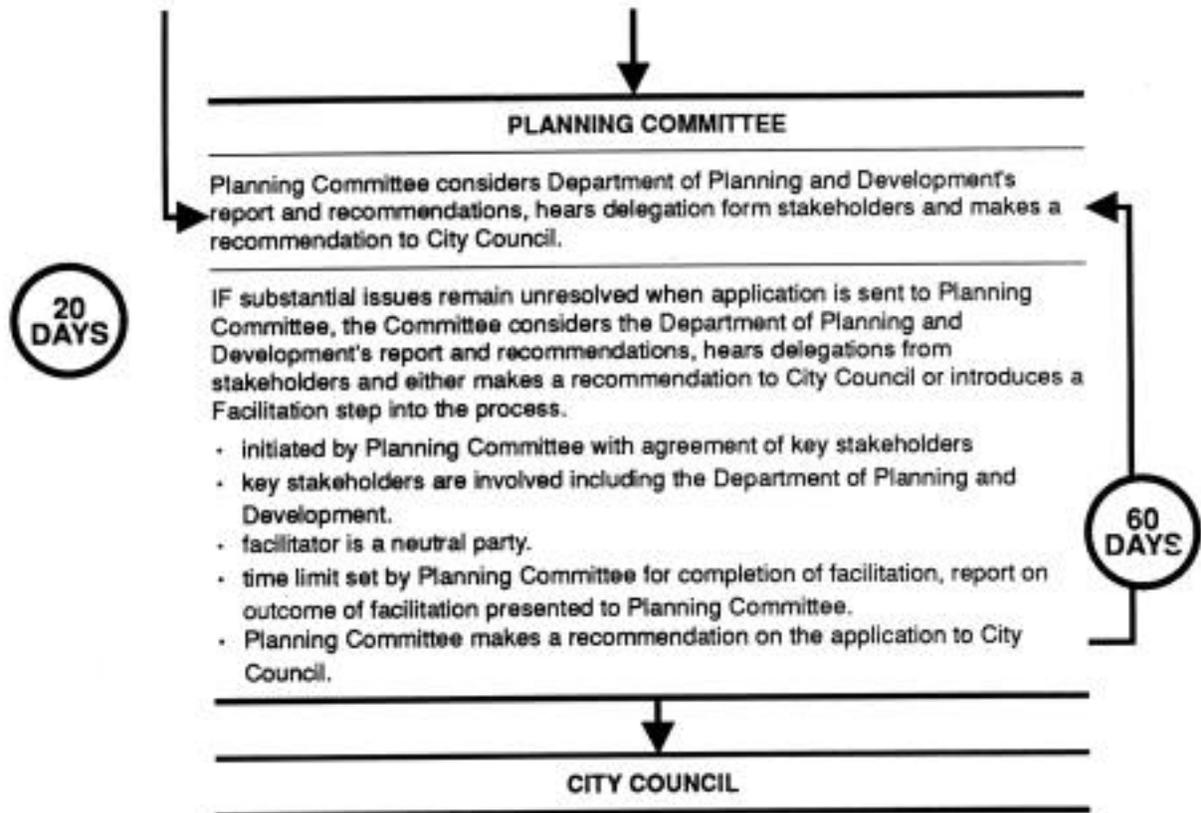




**30
DAYS**

**80
DAYS**

**100
DAYS**



20
DAYS

60
DAYS

3.0 THE COMMUNITY AND THE KEY PLAYERS

3.1 City of Ottawa

In 1992, there were 1 990 housing starts in Ottawa, worth approximately \$105 million. Social housing, which is considered to be an important generator of employment in the development industry, accounted for 859, or 43 percent of the housing starts. Of those 859 social housing starts, 36 percent were constructed by City Living, the City of Ottawa's Non-Profit Housing Corporation, 43 percent by private non-profit sponsors and 21 percent by cooperative sponsors. Because social housing projects are frequently the focus of neighbourhood opposition, these figures underscore the City of Ottawa's motivation to reform the development approval process. "It is also important to note that an analysis of building-permit data in 1992 shows that almost half the residential development in the City of Ottawa was undertaken through redevelopment."⁴

3.2 City of Ottawa Department of Planning and Development

The primary role of the Department of Planning and Development is to support City Council in the management and control of urban development by providing professional planning advice.

Two branches of the department are integral parts of the development approval system. The Land Development

Branch is responsible for all activities related to the processing and approval of development applications, including re-zoning. The Development Information and Applications Centre receives all applications for planning approval and verifies their completeness. The Centre also provides comprehensive development information to the public.⁵

3.3 Other Key Players

Two key development industry associations were represented on the Task Force: the Ottawa-Carleton Home Builders' Association (OCHBA) and the Building Owners and Managers Association of Ottawa-Carleton (BOMA). The OCHBA's membership accounts for approximately 75 percent of all housing built in the region. BOMA, which represents the interests of commercial and office building owners and managers, has more than 270 members.

The community/non-profit housing sector was represented by one citizen-at-large and individuals from three organizations:

- Federation of Citizens' Association (an umbrella group representing about 30 community associations)
- Riverside Park Community Association
- An independent non-profit housing development consultant, who represented the interests of the non-profit and co-operative housing sector

⁴ Housing Policy and Program Development Branch, Department of Housing, City of Ottawa, *City of Ottawa Annual Housing Review 1992* (Ottawa: September 1993), p. 13.

⁵ More information about the Centre can be found in the A•C•T Case Study entitled *One-Stop Development Information and Applications Centre*.

4.0 REGULATORY REFORM INITIATIVES AND IMPACT ON HOUSING COST, CHOICE AND QUALITY

The City of Ottawa expects that the reformed development approval system will reduce the time required to obtain development approval. For example, a complex re-zoning application would have taken a year or more to reach Council. It is anticipated that the reformed system will allow such an application to reach Council in half that time. This efficiency should translate into cost savings for the developer and the consumer.

The trust-building and cooperation that were such an integral part of the “A Better Way” Task Force experience are also expected to have an impact on the Ottawa development sector. The expectation of improved relations in future bodes well for the approval of social housing proposals, where cooperation among

private and non-profit developers, housing proponents and the public is crucial.

Initiatives such as the work of the “A Better Way” Task Force can also serve as a model for regulatory reform in other municipalities. The formation of a task force consisting of representatives of all aspects of a regulatory system with a clearly defined scope of review can be emulated and adapted in other jurisdictions. In addition, the Task Force’s recommendations (in particular, the guiding principles, and the roles and responsibilities) are useful models for other municipalities interested in reviewing their development approval systems. City of Ottawa staff report that several Ontario municipalities have already expressed interest in the work of the “A Better Way” Task Force.

APPENDICES

APPENDIX A: TASK FORCE MEMBERSHIP

Ted Fobert

Planner

Fotenn Consultants Inc.

James Colizza

Architect

Janet Bradley

Lawyer

Soloway Wright

Henry McCandless

Citizen-at-large

Edwin Aquilina

Representative

Federation of Citizens' Associations

Philip Brown

Non-profit Housing and Development Consultant

Jackson-Brown Associates

Karin Howard

Representative

Riverside Park Community and Recreation Association

Barry Lithwick

Representative

Building Owners and Managers Association

S. Mark Purchase

Representative

Ottawa-Carleton Home Builders' Association

Councillor Tim Kehoe

City of Ottawa

Chair, Planning Committee

Ted Robinson

Commissioner

City of Ottawa

Department of Planning and Development

APPENDIX B: TASK FORCE TERMS OF REFERENCE

APPENDIX 1: Task Force Terms of Reference

I Goal

To establish an 'agreed upon' process between the general public, community associations, the development community and the City with respect to the development approval process.

II Objectives

- to fully examine specified current development application processes;
- to identify legislative, administrative and policy guidelines which affect the operation of the process;
- to identify conflicts associated with the process;
- to identify options, evaluate their merits and impact;
- to recommend solutions to conflicts;
- to develop an implementation plan.

III Scope and Content

1. Examine the Existing Process

The following processes will be examined:

- site plan;
- zoning/official plan amendments;
- plans of development;
- demolition control;
- cash-in-lieu;
- Committee of Adjustment.

These programs and the role of the Department of Planning and Development will be examined from the initial early consultation stage of the Development Review Board (DRB), to the application submission requirements, the public participation process, the technical circulation, dispute resolution initiatives, environmental evaluation, to the report to Planning Committee and City Council, and on to the actual development.

2. Identify Guidelines or Parameters

- Legislative parameters such as the Municipal Act, the Planning Act, and the Official Plan will be identified;
- Administrative functions such as the role of the Department of Planning and Development as the co-ordinating body between various City departments and federal, provincial and regional interests will be detailed;
- Policy guidelines such as the priorities for economic development and the early notification process will be identified;
- Role of Planning Committee, City Council and the Department of Planning and Development as the final approval authority will be examined.

3. Identify Conflicts

The wide-ranging representation on the Task Force should enable the group to readily identify conflicts associated with the existing process.

4. Identification and Evaluation of Options

Options will be developed where appropriate to address issues raised with the existing process.

5. Recommendation of Solutions

6. Implementation Plan

IV Criteria for Candidate Selection

The selection committee will review the resumes and background summaries of all nominated candidates with an eye to selecting candidates with an objective, broad-based interest in the existing development application process. The intent will be to recommend those who are keen on the existing processes becoming more meaningful and useful for all. As a result, the Committee will make recommendations to Planning Committee and City Council based on the following criteria:

- past experience with or exposure to the development approval process;
- interest in the development process;
- municipal experience (Ottawa, or other);
- knowledge of Planning Act, and other related legislation;
- experience on other Task Forces or Committees.

V Reporting Lines

The Task Force will report to Planning Committee and City Council through the Commissioner of Planning and Development.

VI Support Services

Secretarial and other support services will be provided through existing resources in the Department of Planning and Development.

VII Meeting Procedures

Meeting times and frequency will be determined by the Task Force members at the first meeting. At the same time, the members will select a Task Force Chairperson. In accordance with the Council approved policy on Task Forces, the Chairperson should not be an elected representative or staff person.

VIII Approach

The approach taken to this project should be clearly phased to provide early identification of issues and concerns. The approach proposed should:

- ensure a participative approach to the project. The proposed approach should include representation by City staff involved in the development application process, City Councillors, and representatives of the various stakeholders in the process;
- recognize the importance of this project to the City through the appropriate allocation of senior resources to the Task Force team;
- post signs in the Development Information and Applications Centre and Committee of Adjustment (ground floor) to solicit suggestions from those currently involved in the development process;
- host public meeting(s) as necessary, to gain feedback from the general public on the current planning processes and suggested reforms.

IX Timing and Schedule

	Target Date
Information report to Planning Committee detailing the Task Force initiative	October 27
Approval of final report by Planning Committee	November 17
Approval by City Council	November 18
Consideration as part of Budget	December 14/15

Initial meeting of Task Force to determine details of process	mid-January
Completion of charting the existing process	mid-February
Meetings with Task Force to review existing processes, identify concerns and seek solutions (minimum of twice weekly)	March - April
Staff prepares report on behalf of Task Force outlining Task Force recommendations	May
Task Force approval of report	late May
Presentation of recommendations to Planning Committee and City Council	early June
Implementation by staff	July-September