

Consolidated Clause in Planning and Transportation Committee Report 5, which was considered by City Council on July 20, 21 and 22, 2004.

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Status Report on Negotiations of Ratepayer Appeals of the New Official Plan

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting Recommendations (1), (2) and (3) of the Planning and Transportation Committee and inserting instead the following recommendations:

“(1) that the following statement be incorporated into the new Official Plan:

‘Wherever warranted, intensification of land along major roadways will be done through Secondary Plans, Avenue Studies and area specific policies, as determined by Council, created in consultation with local communities and designed to carefully control development so that adjacent neighbourhoods are protected from significant negative impact.’;

(2) that Policy 5 in Section 5.6 of the new Official Plan be revised to read as follows:

‘Boundaries of land use designations on Maps 13-18 inclusive are general except where delimited by a defined Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses or other clearly defined physical features. In all other instances, regard will be had for existing zoning and land use patterns in locating the boundaries of land use designations. Where the intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan. In those situations where Council determines that greater certainty is desirable, area specific mapping will be adopted through an amendment to this Plan.’; and

(3) that Council direct staff of Urban Development Services to:

(a) meet with the Councillor of each Ward to identify areas of sensitivity regarding land use boundaries with respect to the Official Plan and to report to the next meeting of the Planning and Transportation Committee with recommendations on addressing such boundary concerns by means of area specific policies, area specific mapping, or other like modifications, through modifications to the Plan; and

- (b) *prepare an amendment re-designating the northern part of the 4570 Yonge Street mausoleum property to the same designation as the southern part, in keeping with its cemetery use, for consideration at a statutory public meeting to be held in September.”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The Planning and Transportation Committee recommends that City Council adopt the following:

- (1) that the following statement be incorporated into the new Official Plan:**

“Secondary Plans and area specific policies should be created in consultation with local communities and should be designed to carefully control development so that adjacent neighbourhoods are protected from significant negative impact.”;

- (2) that Policy 5 in Section 5.6 of the new Official Plan be revised to read as follows:**

“Boundaries of land use designations on Maps 13-18 inclusive are general except where delimited by a defined Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses or other clearly defined physical features. In all other instances, regard will be had for existing zoning and land use patterns in locating the boundaries of land use designations. Where the intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.”;

- (3) that the boundaries of mixed use intensification areas in Wards 13, 16, 23 and 25, and other wards in which local councillors so request, be clearly defined and be forwarded to Council through the Planning and Transportation Committee by amendments to the Official Plan prior to the issue being finalized by the Ontario Municipal Board;**
- (4) that the deleted Sheppard Avenue Commercial Area Secondary Plan be reinstated, and that staff prepare the appropriate Official Plan amendment;**
- (5) that the City Solicitor be authorized to add these modifications to the list of modifications before the Ontario Municipal Board; and**
- (6) the appropriate City officials be authorized to take the necessary action to give effect thereto.**

The Planning and Transportation Committee submits the following report (June 28, 2004) from Mayor David Miller:

I am writing to Committee to provide an update on the progress of discussions with representatives of ratepayer organizations who appealed the City's new Official Plan. As your Committee will recall, when considering the last settlement report (dated February 24, 2004) regarding the ratepayer appeals, City Council directed that all outstanding unresolved ratepayer issues and directly-related matters, be referred to my office for consideration, in consultation with the Chair of the Planning and Transportation Committee and Members of Council, representing ratepayers directly involved in the discussions. I was asked to subsequently report to Council, through the Planning and Transportation Committee, on these matters.

The four outstanding appeal items identified in the February staff report dealt with:

- (i) natural heritage policies;
- (ii) Section 37 policies;
- (iii) the nature of the land use maps; and
- (iv) five Secondary Plans in the North Toronto area of the former City of Toronto.

An additional issue relating to the need for a secondary plan or area policy where intensification is proposed adjacent to a Neighbourhood or Apartment Neighbourhood designation was also put forward by the residents' associations. They view this issue as related directly to the issue regarding land use maps.

Since this matter was referred to my office, I have held two meetings involving the representatives of the ratepayer groups. My staff, as well as City staff and the City's Special Counsel for the Official Plan have continued discussions in an effort to mediate a resolution of the ratepayer concerns. The results of these discussions can be summarized as follows:

- (i) Discussions on the Natural Heritage policies have been fruitful. Staff has drafted modifications to try to meet the ratepayers concerns and have circulated these to the City's partner, the TRCA for their consideration. If the Toronto Region Conservation Authority (TRCA) is agreeable to the new policies, staff will provide the proposed modifications to the ratepayer groups and the modifications will be presented to Council in a report that will be available for public review. While I am hopeful that this issue may still be resolved, the Natural Heritage policies have also been linked to the mapping issue discussed below, and while this is the case, I cannot confirm that a concrete resolution is at hand.
- (ii) With many other parties to the hearing appealing the Section 37 policies, this matter will need to be adjudicated by the OMB. There has been agreement, however, that staff will bring forward to Planning and Transportation Committee, Section 37 guidelines to assist in guiding the implementation of the Section 37 policies. This process will involve public deputations, and in that context the ratepayers we be able to provide input. In the event the ratepayers find that the guidelines address their concerns, they can subsequently withdraw their appeal at the OMB on this matter. In the event they are not satisfied with the outcome of that guideline process, they will still be able to pursue their outstanding issues at the OMB.

- (iii) Of the five Secondary Plans in the former City of Toronto, a report is before Planning and Transportation Committee today settling the concern related to the Bathurst-St. Clair Secondary Plan. The Yonge-Eglinton Plan is undergoing a focussed review together with the community and was the subject of a well-attended public meeting on June 22, 2004. A formal report is anticipated in the fall of 2004. Planning Staff have met with representatives of the Avenue-Bay-Cottingham Association regarding the North Midtown Plan and are preparing some additional policies to present to that group. Residents associations in the area covered by the Yonge-St. Clair and Yonge-Summerhill Secondary Plans had requested an opportunity to prepare issue papers prior to meeting with staff. I am advised that staff recently received this material and a meeting will take place in July as requested by the representatives of the residents associations.
- (iv) The issue of the level of detail of the land use designation mapping has not been resolved to date. There has also been no resolution to date of the ratepayer request for a policy requiring a secondary plan when intensification is proposed adjacent to a 'Neighbourhood' or 'Apartment Neighbourhood' designation.

The mapping and "neighbourhood protection" issue has been particularly thorny. The concern expressed by ratepayers representatives is that the generalized land use maps do not provide sufficient detail to establish the location of boundaries and would allow for too much discretion in establishing land use boundaries when a development proposal is submitted. As a result, it is their view that in future developers could argue that a boundary between a stable area and a redevelopment area (Neighbourhood and Mixed-use, for example) is located in a manner that does not adequately protect stable residential neighbourhoods.

Staff have responded that the level of mapping requested by the ratepayers is inconsistent with the nature of the Plan as approved by Council. Staff note that the level of mapping contained in the Plan is consistent with mapping in many other municipal plans in Ontario which do not show all streets. As well, the Plan's mapping standard is similar to, and in some cases more detailed than, mapping found in some of the former plans, such as Etobicoke, East York and Scarborough. The new Plan's maps are consistent with the Planning Act's concept of an official plan as a policy document to guide long-term growth, i.e., the maps are illustrative not prescriptive.

Staff and the City Solicitor also identified concerns with the impact the introduction of new mapping could have on the conduct of the OMB hearing, both in terms of timing (delay) and the potential to expand the hearing as new parties sought status at the hearing. The addition of the full street grid would constitute a significant amendment to the OP and would require notification, whether by the City or the OMB. At this point in the proceedings, issues are being narrowed and many appeals have even been withdrawn or settled. A significant change of this nature could mean a considerable lengthening of the process.

Staff also identified other resource and timing difficulties with generating new maps showing all streets. The task would not be a simple matter of graphically importing the City's full street grid into the existing land use maps, but would require re-mapping to adjust the scale of maps to be readable with all streets shown and to "ground-truth" the new maps.

An effort was made to resolve this issue by adding language to the interpretation provisions of the Plan, but, despite interest in the approach from both staff and the appellants, the issue has not been settled.

The Planning and Transportation Committee also considered the following communications:

- (1) (June 25, 2004) from Mr. Steven Trumper, President, Lawrence Park-Bayview Property Owners Associations;
- (2) (June 23, 2004) from Ms. Frances Labelle, Director, Swansea Area Ratepayers' Association;
- (3) (June 22, 2004) from Mr. G. S. Belza, Partner, ANALOGICA;
- (4) (June 28, 2004) from Mr. David Vallance, Chair, The Confederation of Resident and Ratepayer Associations in Toronto (CORRA); and
- (5) (June 25, 2004) from Mr. Mark Flowers, Davies Howe Partners.

The following persons appeared before the Planning and Transportation Committee:

- Mr. George Belza, on behalf of several ratepayer clients, and filed a submission;
- Mr. William Roberts;
- Ms. Arlena Hebert, President - Lytton Park Residents' Organization Inc.;
- Ms. Carol Seljak, Bloor Dufferin Residents Committee;
- Mr. George Milbrandt, Co-Chair, Fontra;
- Mr. Peter Baker, President, Sherwood Park Residents Association;
- Mr. James K. Stewart appearing on behalf of Fontra members at large;
- Mr. John McGinnis, President, Deer Park Ratepayer's Group Inc., and filed a submission;
- Mr. Patrick Smith, Vice President, Avenue Road Eglinton Community Association;
- Mr. Ken Dunsmore, Don Mills Residents Inc., and filed a submission;
- Mr. Brian Maguire, Secretary, North Hill District Home Owners' Association, and filed a submission;

- Ms. Barbara Volk, Treasurer, Summerhill and Residents Association, and filed a submission;
- Mr. David Vallance, Chair, CORRA;
- Mr. John Robinson, York Mills Ratepayers Association Inc. and filed a submission;
- Mr. George Carere;
- Mr. John Smart, President, Teddington Park Residents Association;
- Mr. Louis Gris, President, Swansea Area Ratepayers' Association; and
- Ms. Marion Lick, Lansing Community Association, and Willowdale Central Ratepayers' Association.

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Council also considered the following communications:

- (1) *(July 14, 2004) from Paul J. Bedford, FCIP, RPP; and*
- (2) *(July 19, 2004) from William R. Davis, President, Summerhill Residents Association.*