



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachment**

**Official Plan Urban Design Policy Settlement**

<b>Date:</b>	May 10, 2007
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning and City Solicitor
<b>Wards:</b>	All
<b>Reason for Confidential Information:</b>	This report relates to a litigation matter before the Ontario Municipal Board
<b>Reference Number:</b>	pg #070042

**SUMMARY**

---

The Urban Development Institute (UDI) and the Greater Toronto Home Builders' Association (GTHBA) appealed the entire new Official Plan. Following a series of Ontario Municipal Board Pre-hearings and Settlements authorized by Council, the only remaining policy under appeal by the UDI and GTHBA is Policy 5 in Section 3.1.2 of the Plan. This report recommends a modification to Section 5.1.2 Policy 5(g) in order to settle this last outstanding matter in the UDI and GTHBA appeal of the Plan.

**RECOMMENDATIONS**

---

**The City Planning Division and City Solicitor recommend that:**

1. City Council adopt the recommendations set out in Attachment 1.
2. City Council authorize the public release of the confidential information and recommendations in Attachment 1, subsequent to the Ontario Municipal Board issuing its Order on this matter and in the absence of any appeals or review of the Board's Decision/Order.

## **Financial Impact**

The adoption of this report will eliminate the need for a hearing of the appeal.

## **ISSUE BACKGROUND/COMMENTS**

The majority of the new Official Plan was brought into force and effect in July, 2006. The only general policies that are not yet in force are those relating to floodplain 'Special Policy Areas' and Policy 5 in Section 3.1.2, dealing with the amenities to be provided on public streets and open spaces as part of new development.

Policy 5 in Section 3.1.2 is the last remaining issue in the appeal of the new Plan by UDI/GTHBA. Policy 5 in Section 3.1.2 as originally adopted by Council reads as follows:

- '5. New development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:
  - a) Improvements to adjacent boulevards and sidewalks including street trees, lighting and other street furniture;
  - b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
  - c) Weather protection such as canopies and awnings;
  - d) Landscaped open space within the development site;
  - e) Landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked autos;
  - f) Safe pedestrian routes and tree plantings within surface parking lots; and
  - g) Public art to make the building and its open spaces more attractive and interesting.'

The UDI/GTHBA were originally concerned with the requirement of the policy subsection g) that developers were required to provide improvements to the boulevards and sidewalks adjacent to the development site. The appellants questioned the authority of the City to require improvements such as street trees, lighting, street furniture and public art on the public boulevard adjacent to a development site.

The new City of Toronto Act introduced the authority for the City to require, as part of site plan approval, improvements on the adjacent public boulevard such as trees, plantings, street furniture, waste and recycling containers and bicycle parking facilities. In light of the legislative changes, the only remaining issue the UDI/GHTBA has with Policy 5 pertains to subsections a) and g) which deals with the provision of public art.

This report recommends a modification to subsection g) which would constitute a settlement with UDI/GTHBA.

## **CONTACT**

Barbara Leonhardt  
Director, Policy and Research  
City Planning Division  
Tel: 416-392-7617, Fax: 416-392-3821  
E-Mail: [bleonha@Toronto.Ca](mailto:bleonha@Toronto.Ca)

Rob Balfour  
Solicitor  
Legal Division  
Tel: 416-392-7225, Fax: 416-397-5624  
E-Mail: [Rbalfour@Toronto.Ca](mailto:Rbalfour@Toronto.Ca)

## **SIGNATURE**

---

Ted Tyndorf  
Chief Planner and Executive Director

---

Anna Kinastowski  
City Solicitor

## **ATTACHMENTS**

Attachment 1: Confidential Information