



**STAFF REPORT
INFORMATION ONLY**

**CITY-WIDE OFFICIAL PLAN AMENDMENT REGARDING
THE GROWTH PLAN FOR THE GREATER GOLDEN
HORSESHOE**

Date:	May 25, 2009
To:	City Council
From:	Chief Planner and Executive Director; and City Solicitor
Wards:	All
Reference Number:	IBMS Folders. 2008-228833-CPS-00-OZ p://pub/2009/ClusterB/PLN/cc090030

SUMMARY

At the May 6, 2009 meeting of the Planning and Growth Management Committee, in its consideration of Item PG25.2, the Committee directed City Planning staff to meet with representatives of Home Depot and report directly to Council on the results of the meeting. PG Item 25.2 proposes amendments to the official plan to bring the Official Plan into conformity with the Provincial Growth Plan for the Greater Golden Horseshoe.

Representatives for Home Depot met with City Staff to discuss their concerns with the proposed amendment and their site specific appeal which has been scheduled for a hearing on July 6, 2009. While discussions continue with Home Depot with respect to their site specific application and proposed Amendment No. 72 (the ‘Conformity Amendment’) these discussions do not preclude Council’s adoption of the proposed official plan amendment.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In reports dated April 17 and 24, 2009 to the May 6, 2009 meeting of the Planning and Growth Management Committee (PGM), City planning staff recommended that Council adopt the proposed official plan amendment (OPA 72) to bring the City's Official Plan into conformity with the Provincial Growth Plan by the Provincial deadline of June 16, 2009. Legal representatives for Home Depot attended the May 6th meeting and deputed on this matter advising of their concerns with respect to the proposed deletion of Employment Areas, Policy 4.6.4, which provides that large scale and stand alone retail stores in locations on major streets, shown on Map 3, that do not form the boundary of Employment Areas may be considered by Council by an amendment to the Plan subject to specific criteria.

Planning and Growth Management Committee adopted planning staff's report recommending that Council adopt OPA 72, and directed City Planning staff to meet with representatives of Home Depot and report directly to Council on the results of the meeting.

ISSUE BACKGROUND

Home Depot's concerns with respect to the proposed 'Conformity Amendment's' (Amendment No. 72) proposed deletion of Policy 4 in Official Plan Section 4.6 – Employment Areas, are related in part to its outstanding application to permit the development of major retail uses on lands within an Employment District located at 840-842 York Mills Road and 16 Lesmill Road. City Council refused this application and the appeal was the subject of a phased Ontario Municipal Board hearing held in November 2008. The Board in its decision of January 29, 2009 found in favour of the appellant. The City subsequently sought a review of the above-noted decision, pursuant to Section 43 of the Ontario Municipal Board Act. The Board granted a re-hearing of this matter which was originally scheduled to be heard on May 25, 2009 for five days. As a result of 'without prejudice' discussions between staff and the appellant, in an effort to resolve or narrow the matters in dispute, the Board has been asked to reschedule this matter to July 6, 2009 in order to enable discussions to continue with respect to the site and area specific appeal.

COMMENTS

Discussions with Home Depot with respect to their site and area specific appeal are on going. A re-hearing of the site specific appeal of Home Depot's application that was refused by Council has been rescheduled to July 6, 2009 for one week. Notwithstanding the concerns of Home Depot regarding the proposed amendment, it is important for Council to adopt the proposed OPA 72 to bring the City's Official Plan into conformity with the Growth Plan. The Places to Grow Act, 2005 requires that municipal official

plans are to be brought into conformity with the Growth Plan by June 16, 2009. Council's adoption of the OPA 72 will not preclude discussions with either Home Depot or any other concerned party from taking place and as such it is in the City's interests to adopt the amendment and provide clear direction with respect to the Official Plan's conformity to the Growth Plan.

As such, staff recommend the adoption of the OPA 72.

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