



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Downsview Area Secondary Plan – Official Plan
Amendment, Rezoning and Subdivision Applications –
Direction Report for Ontario Municipal Board Hearing**

Date:	June 3, 2011
To:	City Council
From:	City Solicitor
Wards:	Wards 8, 9, 10
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and is about litigation or potential litigation that affects the City or one of its agencies, boards and commissions in connection with appeals currently at the Ontario Municipal Board.
Reference Number:	

SUMMARY

Parc Downsview Park Inc. (PDPI) has applied for an official plan amendment for an updated Downsview Area Secondary Plan, a rezoning and related draft plan of subdivision to permit a primarily residential development in the Stanley Greene District located in the southwestern portion of the Secondary Plan area. The City Solicitor and other staff require instructions in advance of a pre-hearing conference on the matter on June 29, 2011 at the Ontario Municipal Board.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1; and
2. authorize the public release of the confidential instructions in Confidential Attachment 1 and Confidential Attachment 2 if adopted by Council.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The subject lands of the appeal to the Ontario Municipal Board are also the subject of a City-initiated Official Plan Amendment in support of the City-initiated Downsview Area Secondary Plan Review and an Official Plan Amendment Application submitted by Build Toronto Inc. for an updated Downsview Area Secondary Plan.

In April 2008, City Council instructed staff to undertake a review and update of the Downsview Area Secondary Plan. In February 2010, a Final Report from the Director Community Planning, North York District recommended adoption of amendments to the Official Plan, including an up-dated secondary plan and approval of a Transportation Master Plan and Servicing and Stormwater Master Plan. Consideration of the Final Report was deferred three times by North York Community Council.

At its April 21, 2011 meeting, North York Community Council recommended adoption of the secondary plan with certain amendments. At its meeting of May 17, 18 and 19, 2011 City Council referred the recommended plan back to North York Community Council for further consideration following more public consultation.

Background documents regarding the City-initiated Downsview Secondary Plan Area Review can be accessed through the City Clerk's website through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY6.38>

ISSUE BACKGROUND

The Ontario Municipal Board has set a pre-hearing conference regarding this matter for June 29, 2011. A full hearing of the appeal will likely be scheduled for later this summer or early autumn. Staff require instructions in advance of the Ontario Municipal Board hearings.

COMMENTS

Discussion and recommendations regarding the appeals are included in Confidential Attachment 1 to this report.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information

Attachment 2 – Letter dated May 26, 2011 from Goodmans LLP with attachments