



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**Supplementary Report: Proposed Settlement of
Appeals to Official Plan Amendment 199 - Heritage
Policies**

Date:	February 18, 2015
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division City Solicitor, Legal Services
Wards:	All
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions (litigation includes matters before administrative tribunals) and subject to solicitor client privilege
Reference Number:	P:\2015\Cluster B\PLN\PGMC\PG15032

SUMMARY

This report provides information and recommendations with respect to additional proposed settlements pertaining to Official Plan Amendment No. 199.

In the report of January 30, 2015 staff advised that two general appeals submitted by the Building Industry and Land Development (BILD) Association remained unresolved. The first related to the last sentence of Policy 2 in Section 3.1.5 which linked being on the City's Heritage Register to being 'significant' for the purposes of the Provincial Policy Statement. The second was the use of the term 'feasible' in Policies 36 and 37 in reference to whether archaeological resources could be conserved 'in situ'. In addition, city staff and BILD representatives were still negotiating on the wording of a sidebar concerning the identification of 'cultural heritage landscapes'.

A further unresolved issue pertained to a City protocol for the identification and review of heritage places of worship that was requested by Council and relates to the settlement of the appeal of the Archdiocese of Toronto.

On February 6, 2015 city staff reached a tentative settlement on the remaining outstanding matters related to the policy appeals to OPA 199. This report seeks Council direction on these additional settlement proposals that if approved will result in a comprehensive settlement of all general policy appeals to OPA 199 eliminating the need for a full hearing of these matters.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, and City Solicitor, Legal Services recommend that:

1. Council adopt the confidential instructions to staff in Attachment 2.
2. Council authorize the public release of the confidential information and recommendations in Attachment 1, and Attachments 2 and 3, if the confidential recommendations are adopted.

Financial Impact

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

DECISION HISTORY

In April, 2013 Council passed By-law 468-2013 to adopt Official Plan Amendment 199 to add new policies to the Official Plan regarding heritage conservation and public realm views. At that time Council also directed the Chief Planner and Executive Director City Planning to work with the Archdiocese to establish a protocol for the listing, designation, alteration and other treatment of heritage places of worship.

ISSUE BACKGROUND

Official Plan Amendment 199 established new policies to identify, evaluate and conserve cultural heritage resources which would give the City greater ability to fully protect its heritage resources. The staff report dated January 30, 2015 submitted to Planning and Growth Management Committee included recommendations seeking Council direction on settlement proposals that would bring all of OPA 199 into force and effect at the Ontario Municipal Board, save for two policies and a sidebar still subject to negotiations with BILD, as well as the completion and agreement on a protocol for the conservation of heritage places of worship. Following additional mediation before the Ontario Municipal

Board on February 6, 2015, the confidential attachment to this report contains a proposed settlement on the outstanding matters. The proposed settlements maintain the purpose, integrity and effect of the original OPA 199 policies regarding heritage conservation. To resolve the general appeals that remained unresolved at the time of the January 30, 2015 report staff recommend adoption of the additional settlements set out in confidential Attachment 1 to this report.

CONTACT

Kerri A. Voumvakis, Director
Strategic Initiatives, Policy & Analysis
City Planning Division
Phone: 416-392-8148
Email: kvoumva@toronto.ca

Kelly Matsumoto, Solicitor
Planning and Administrative
Tribunal Law, Legal Service
Phone: 416-392-8042
Email: kmatsum@toronto.ca

SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

Anna Kinastowski, LLB
City Solicitor
Legal Services

ATTACHMENTS

Attachment 1: Confidential Information Revisions to Proposed Settlement of Appeals to Official Plan Amendment No. 199 – Heritage Policies

Attachment 2: Confidential Information Further Proposed Settlements of Appeals to Official Plan Amendment No. 199

Attachment 3: Confidential Information Protocol for the Identification and Review of Heritage Places of Worship

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