



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

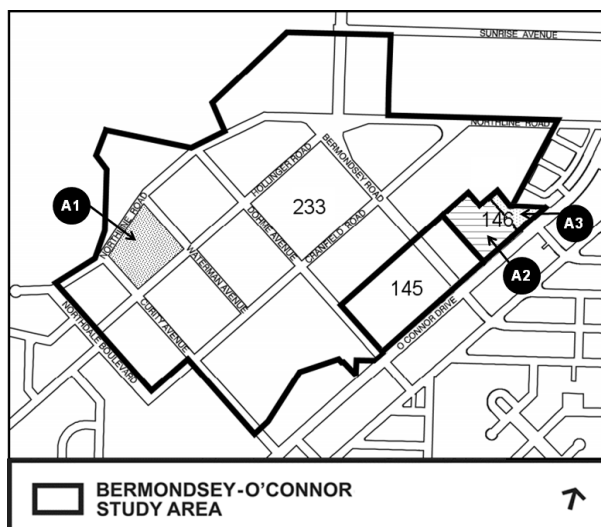
**Appeals to Official Plan Amendment 243 – City-initiated
Amendment to the Bermondsey O'Connor *Employment
Area***

Date:	March 12, 2015
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division City Solicitor, Legal Services
Wards:	31 – Beaches – East York
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. Matters subject to solicitor-client privilege.
Reference Number:	P:\2015\Cluster B\PLN\PGMC\PG15049

SUMMARY

Official Plan Amendment No. 243 was adopted by Council on June 10, 2014 following Council's direction that staff review the suitability of continuing to allow the additional uses permitted by Site and Area Specific Policies 145, 146 and 233 that apply in the Bermondsey O'Connor *Employment Area*. OPA 243 removed uses that are not consistent with the two new *Employment Areas* designations adopted through Official Plan Amendment No. 231.

Three appeals of OPA 243 were submitted to the Ontario Municipal Board. This report seeks Council direction on the proposed settlements.



RECOMMENDATIONS

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

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

Financial Impact

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

DECISION HISTORY

Council adopted Official Plan Amendment No. 243 on June 10, 2014, the effect of which removed from the Bermondsey O'Connor *Employment Area* the permissions set out in three Site and Area Specific Policies that provided for place of worship, institutional and residential uses and limited retail uses in the *Core Employment Area* to the lands fronting Bermondsey Road, north of Northline Road and south of Sunrise Avenue.

BACKGROUND AND COMMENTS

Council directed City Planning staff on December 16, 2013 to review Site and Area Specific Policies (SASP) 145, 146 and 233 that apply in the Bermondsey O'Connor *Employment Area* to consider (i) the appropriateness of continuing the uses permitted by the policies and (ii) the removal of those uses not consistent with the two new *Employment Areas* designations adopted by Council in December 2013 through OPA 231.

SASP 145, 146 and 233 have their origin in the former East York Official Plan by an amendment adopted in 1998 and later approved by the OMB in June 2002. These SASP were carried forward into the Official Plan when Council adopted the Plan in November 2002. In addition to *Employment Area* uses, the SASP permits the following:

- SASP 145, 146 and 233 each permit institutional and commercial uses;
- SASP 146 also permits residential uses subject to conditions; and
- SASP 233 also permits places of worship.

Staff reviewed the three SASP, examined the area, consulted landowners and the public and recommended that SASP 145 and 146 be deleted. The effect of OPA 243 was to remove permissions for institutional and residential uses. Staff also recommended that SASP 233 be amended to (i) remove permissions for institutional and place of worship

uses and (ii) limit retail uses to small and medium scale and to permit them only on lands fronting Bermondsey Road, north of Northline Road and south of Sunrise Avenue.

Planning and Growth Management Committee considered this item on May 29, 2014 and Council adopted Official Plan Amendment No. 243 on June 10, 2014. The Final Report can be accessed at: <http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-69369.pdf> .

OPA 243 was appealed by three parties: Toronto City Church (32 and 36 Curity Avenue), Surrey Plaza Limited (1450 and 1500 O'Connor Drive) and the Scott Mission (1550 O'Connor Drive).

Staff have met with the parties and reached tentative settlements of the three appeals. A prehearing conference was held by the OMB on January 12, 2015. After being informed by the parties of possible settlements, the OMB scheduled a second prehearing conference on May 22, 2015.

CONTACTS

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 Services
Phone: 416-392-8042
Email: kmatsum@toronto.ca

SIGNATURES

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 - Proposed Settlement of Appeals to Official Plan Amendment 243 – City-initiated Amendment to the Bermondsey O'Connor *Employment Area*

Attachment 2: Confidential Information - Amendment No. 243 to the Official Plan Incorporating Proposed Modifications in Bold Font and Strikethrough Font

Attachment 3: Confidential Information - Amendment No. 243 to the Official Plan Incorporating Proposed Settlement Wording

[P:\2015\Cluster B\PLN\PGMC\PG15049]