



STAFF REPORT ACTION REQUIRED

Proposed Modification and Settlement of Appeal to Policy 1(b) of Section 3.5.1 of OPA 231

Date:	December 29, 2015
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2016\ClusterB\PLN\PGMC\PG16003

SUMMARY

This report outlines a recommended policy modification to Official Plan Amendment No. 231, specifically Policy 1 (b) of Section 3.5.1, which if adopted by Council will resolve the appeal by Morguard Investment Limited/Revenue Properties Company Limited. The representative for the appellant has confirmed that upon adoption of the policy modification by Council shown in Attachment 1 to this report the appeal will be resolved as it pertains to this policy.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that:

1. Council adopt the proposed modification to Policy 1(b) of Section 3.5.1 of OPA 231 as shown in Attachment 1;
2. Council direct City Planning and Legal staff to bring the adopted modification as the basis of a partial settlement to the OMB for approval.

Financial Impact

The recommendations in this report have no financial impacts.

DECISION HISTORY

In December 2013, City Council adopted OPA 231 which introduced new economic policies into the Official Plan, including new policies for Toronto's employment lands. The OPA was subsequently approved by the Ministry of Municipal Affairs and Housing in July 2014. The Minister's decision was appealed by a number of parties. Staff are

engaged in discussions with appellants to determine which appeals may be resolved in advance of the full hearing of this matter scheduled to commence in July 2016. The matter that is subject to this report will partially resolve the appeals by two parties to Policy 1(b) of Section 3.5.1 and which may be considered at an upcoming pre-hearing conference by the Ontario Municipal Board in February

The report on OPA 231 and Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

ISSUE BACKGROUND

OPA 231 is currently subject to a number of appeals on both a city-wide and site specific basis. To date there have been 3 pre-hearing conferences with a fourth scheduled for February 9, 2016. The first part of Phase 1 of the hearing is set to begin on June 20, 2016 and is scheduled to last until July 8, 2016.

Over the period between the conclusion of the first pre-hearing held March 12th - 13th, 2015 and the start of the hearing, City Planning and Legal staff have been in contact with all of the parties involved in an attempt to identify and focus issues, structure the appeal process, pursue withdrawals and explore opportunities for potential settlements. The proposed modification to Policy 1(b) of Section 3.5.1 of OPA 231 is a successful example of these ongoing efforts.

COMMENTS

A key objective of OPA 231 was to preserve employment lands and put in place a policy framework that would allow Toronto to maintain and build a diverse and healthy economic base. Section 3.5.1 of OPA 231 entitled "Creating a Strong and Diverse Civic Economy" provides a multi-faceted approach with policies that seek to:

- Promote office growth on rapid transit; retaining Employment Areas;
- Provide appropriate locations for the retail and institutional uses as they expand to serve a growing population; and
- Promote the cultural sector as an important element of our economy.

Although the majority of the policies in Section 3.5.1 are under appeal by multiple parties, only one party has appealed a portion of Policy 1, which reads as follows:

- "1. Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by:
 - a) Maintaining a strong and diverse economic base;
 - b) Contributing to a broad range of stable full-time employment opportunities for all Torontonians;
 - c) Maintaining a healthy tax base for the City;

- d) Promoting export-oriented employment;
- e) Attracting new and expanding employment clusters that are important to Toronto's competitive advantage;
- f) Offering globally competitive locations for national and international business and offering a wide choice of sites for new business;
- g) Promoting international investment in Toronto;
- h) Providing incubation space for new start-up firms to establish themselves and grow;
- i) Supporting employment and economic development that meets the objectives of Toronto's Workforce Development Strategy, including people-based planning and the Vision Statement on Access, Equity and Diversity and promoting infrastructure and support programs to ensure that all Torontonians, particularly equity-seeking groups, such as racialized youth, persons with disabilities, single mothers and newcomers, especially refugees, have equitable access to employment opportunities; and
- j) Recognizing the full diversity of employment activities that are increasingly taking place in non-traditional employment areas, such as homes and public spaces, and strengthening the necessary regulatory frameworks and policies to support this employment."

On July 28, 2014 Morguard Investment Limited/Revenue Properties Company Limited (the Appellant) appealed numerous portions and policies contained in OPA 231 including Policy 1(b) above on the basis that the language adopted by Council was overly broad. Following dialogue between City Planning, Legal Services staff and the appellant's legal representative, City Planning and Legal staff are recommending a proposed modification as shown in Attachment 1 to address the appellant's concerns. The effect of the proposed modification changes the wording of the original policy to ensure that part-time job opportunities are not precluded from the City's employment mix. City Planning staff have received confirmation from the appellant's legal representative that the proposed modified wording as shown in Attachment 1 is acceptable as the basis of a settlement before the OMB.

In the event Council adopts the recommended modification, City staff would be in a position to settle the one outstanding appeal to Policy 1 enabling sub-policy (b) to come into effect thereby completely bringing all of Policy 1 in its entirety into full force and effect by the Ontario Municipal Board.

In the opinion of City Planning staff the proposed modified wording maintains the overall intent of promoting stable full time employment for all Torontonians. As such City Planning staff recommend that Council adopt the modified policy as set out above and direct staff to bring the modified policy as shown in Attachment 1 as the basis of a settlement with the Appellant before the OMB for approval.

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SIGNATURE

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ATTACHMENT

Attachment 1: Recommended Modification to Sec 3.5.1 of OPA 231

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Attachment 1: Recommended Modification to Sec 3.5.1 of OPA 231

Policy 1(b) of Section 3.5.1 of OPA 231 is modified to change the subsection to read as follows:

- "1. Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by:
 - b) Contributing to a broad range of employment opportunities for all Torontonians, with an emphasis on stable full-time employment;"