

Downtown East Planning Study - Official Plan Amendment – Request for Direction Report

Date: October 31, 2017

To: City Council

From: City Solicitor

Wards: Ward 27 & 28 - Toronto Centre-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

At its meeting of March 31, 2015, City Council adopted the recommendations of the Downtown East Planning Study Final Report from City Planning. The purpose of the Study was to identify opportunities for potential reinvestment in the area including higher density residential and non-residential development and other longer term revitalization initiatives. This area houses a diverse population and includes a range of supportive housing, providing an important resource for the city and the downtown. The area is also characterized by numerous heritage buildings and streetscapes.

The key recommendation was that City Council amend the Official Plan for the lands bounded approximately by Jarvis Street, Carlton Street, Sherbourne Street and Queen Street East. By-law 388-2015 was adopted at that meeting of City Council ("OPA 82").

Following Council's adoption of OPA 82 the amendment was appealed by seven appellants.

The Ontario Municipal Board has convened five pre-hearing conferences in this matter. A sixth is scheduled for December 7, 2017. No hearing has been scheduled.

The City Solicitor seeks revised instruction to deal with matters that have arisen in the course of litigation.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment 1 and the entirety of Confidential Attachment 2, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor as it is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting of March 31, 2015 City Council adopted the recommendations set out in the Final Report (January 22, 2015) prepared by City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE4.8>

COMMENTS

City Initiated Official Plan Amendment Background

Community consultation sessions for the Downtown East Planning Study and Heritage Conservation District Study were held on October 19, 2011, June 24, 2013 and April 29, 2014. A Community Consultation for the larger Downtown East Revitalization Study was held on October 17, 2013.

Three community meetings were held for the Downtown East Planning Study. They were very well attended with an average of 75 community members participating. At the initial community meeting on October 19, 2011, members of the community expressed concern that a land-use planning study would not be sufficient to address systemic issues within the Downtown East. Members of the community identified the following areas of importance that they wanted addressed as part of this study: an enhanced public realm and a "green link" between Allan Gardens and Moss Park; safety concerns around drug use and sales within the area; and problems arising from individuals preying upon the clients of Seaton House.

Through the study process the Garden District Site and Area Specific Policy ("GDSASP") The GDSASP sets a prescriptive framework for new growth and development in areas that can support change, while protecting those areas that should continue to remain stable. The GDSASP supports the revitalization of Seaton House, the protection of important parks and open spaces, reinvestment in the public realm and the provision of new affordable housing. A copy of the adopted Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE4.8>

Subsequent to the plan's adoption by Council the City received an initial seven appeals to the GDSASP. Of the seven appeals, 5 were site specific and 2 were appeals of the entire policy framework. One of the appeals has been resolved through a separate Board process.

OMB Process

The Ontario Municipal Board has convened five pre-hearing conferences in this matter. Of the original seven appellants, five have indicated that their appeals concern specific properties and how OPA may affect their properties and current development proposals. Two appellants have indicated their appeal relates to the entire district document.

At the pre-hearing conferences of January 17, 2017 and June 14, 2017 the OMB heard requests to add four additional parties as appellants to the OPA. Despite submission from the City in opposition to such requests the parties were added, however their status is granted only so long as the policy wide appeals remain in place.

The City Solicitor seeks revised instruction to deal with matters that have arisen in the course of litigation.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations

Confidential Attachment 2 - OPA 82 Document