



REPORT FOR ACTION

Mimico Judson Secondary Plan and 49 Judson Street Official Plan and Zoning By-law Amendment Application Appeals - Ontario Municipal Board Hearing - Request for further Direction

Date: March 19, 2018

To: City Council

From: City Solicitor

Wards: Ward 6 - Etobicoke - Lakeshore

SUMMARY

The Mimico Judson Secondary Plan (OPA 331) was adopted by Council in June 2016. Multiple appeals have been received. The hearing has been bifurcated by the Ontario Municipal Board so that the Plan as it relates to the lands to the east and west of Royal York Road will be considered separately. It is expected that the hearing of the appeals in relation to the lands on the west side of Royal York will commence on April 16, 2018. Five weeks have been set aside for this hearing. There will be up to 20 witnesses providing evidence on behalf of the parties and several participants are expected to provide testimony.

The City Solicitor must seek further direction on this matter no later than the City Council meeting commencing on March 26, 2018. This report seeks authority for the City Solicitor to submit a report directly to City Council on March 26, 2018 for direction on this matter.

RECOMMENDATIONS

The City Solicitor recommends:

1. City Council consider a forthcoming report on a request for direction on this matter directly to City Council at its meeting commencing March 26, 2018.

FINANCIAL IMPACT

There are no financial implications arising out of the recommendations contained in this report.

DECISION HISTORY

At its meeting of December 16-18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) at the conclusion of the Municipal Comprehensive Review of Employment lands as part of the City's Five Year Official Plan Review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific Policies. Through the adoption of OPA 231, lands within the Mimico-Judson area were redesignated from *Employment Areas* to *Regeneration Areas*. Site and Area Specific Policies 433 and 434 were approved for the lands to provide additional direction for future change.

On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the Ontario Municipal Board. The decision history on OPA 231 and the MMAH decision can be accessed at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>
<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

On June 22, 2015, the OMB issued an order partially approving OPA 231. The partial approval brought into effect the *Regeneration Areas* designation for the Mimico-Judson area, along with the associated Site and Area Specific Policies. The OMB Order partially approving OPA 231 can be accessed at this link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20\(June%2022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%2022%202015).pdf)

Mimico-Judson is one of seven areas redesignated to *Regeneration Areas* resulting from City Council's adoption of OPA 231. In advance of the Minister's decision on OPA 231, City Planning staff initiated six of the seven Regeneration Areas studies, including Mimico-Judson. At its meeting on August 25-28, 2014, City Council received a Regeneration Areas Studies Status Report from the Chief Planner and Executive Director, City Planning. The report summarized the work and consultation that had been completed and identified emerging issues for this study. The report also identified additional matters each Regeneration Areas study would address. This Status Report can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.17>

At its meeting of January 20, 2016, Planning and Growth Management (PGM) Committee considered a Directions Report dated October 28, 2015 from the Chief Planner and Executive Director, City Planning (Item PG9.2). This report presented the results of the Mimico-Judson Regeneration Area Study. PGM Committee recommended that staff distribute the draft Secondary Plan to the public, to be considered at a statutory public meeting to be held by PGM Committee on April 6, 2016. This decision can be accessed at this link:

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<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.2>

A Preliminary Report from the Chief Planner and Executive Director City Planning, dated February 10, 2016 was considered by Planning and Growth Management Committee on February 24, 2016. The Planning and Growth Management decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG10.8>

At its meeting of April 6, 2016, Planning and Growth Management (PGM) Committee adjourned the public meeting for the Mimico-Judson Secondary Plan and Urban Design Guidelines until May 11, 2016 and directed the Chief Planner and Executive Director, City Planning to hold a community open house prior to that date. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG11.4>

At its meeting of May 11, 2016, Planning and Growth Management (PGM) Committee adopted the Mimico-Judson Secondary Plan and Urban Design Guidelines with amendments to the Secondary Plan. The amendments included redesignating the lands south of Judson Street between Royal York Road and Willowbrook Road to *Mixed Use Areas* as described as Option 2 in the Urban Strategies Inc. report dated April, 2015, and referenced in the Final Report dated March 16, 2016 from the Chief Planner and Executive Director, City Planning (PG11.4). The Committee amended the staff recommendations in part and requested that the Chief Planner continue to meet with affected landowners to resolve concerns with the Secondary Plan and report directly to City Council on any proposed amendments to address the concerns.

At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan and Urban Design Guidelines, with the amendments noted above, as outlined in a Supplementary Report from the Chief Planner and Executive Director, City Planning dated June 6, 2016. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.8> and
<http://www.toronto.ca/legdocs/bylaws/2016/law0532.pdf>

The City received eleven appeals of the Mimico Judson Secondary Plan, with four appeals relating particularly to the proceeding west of Royal York Road. The owner of 49 Judson Street appealed its site specific applications on May 1, 2017 and the OMB has consolidated these two proceedings.

On May 3, 2017 the applicant submitted a site plan application for 28 as of right employment/industrial office units located on the southerly portion of the subject property.

COMMENTS

It is expected that the hearing of the appeals in relation to the lands on the west side of Royal York will commence on April 16, 2018. Five weeks have been set aside for this hearing. There will be up to 20 witnesses providing evidence on behalf of the parties and several participants are expected to provide testimony.

The City Solicitor must seek further direction on this matter no later than the City Council meeting commencing on March 26, 2018 as this is the last Council meeting before the commencement of the hearing. This report seeks authority for the City Solicitor to submit a report directly to City Council on March 26, 2018 for direction on this matter.

CONTACT

Abbie Moscovich, Solicitor, Tel. No. 416-392-6905 Fax No. 416-397-5624 E-mail: Abbie.Moscovich@toronto.ca

SIGNATURE



Wendy Walberg
City Solicitor

ATTACHMENTS

N/A