



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Midtown in Focus Parks, Open Space and Streetscape Plan (OPA 289) - Request for directions regarding Ontario Municipal Board Appeal

Date: March 16, 2018

To: City Council

From: City Solicitor

Wards: Wards 16, 22 and 25

REASON FOR CONFIDENTIAL INFORMATION

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

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek instruction for an Ontario Municipal Board (OMB) Hearing on the above-noted matter. The hearing is scheduled to commence on April 16, 2018.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and Appendices A and B be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting of August 27, 2014 City Council adopted the report of July 8, 2014 from the Chief Planner & Executive Director, City Planning Division, entitled Midtown in Focus – Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area, which is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.21>

The Parks, Open Space and Streetscape Plan recognized that the study area has a distinct quality and character, consisting of a vibrant mixed use community with an open and green landscaped character. Focusing on the public realm as a fundamental contributor to quality of life in Midtown, the Plan provides a vision for the maintenance and enhancement of this character and identifies a number of goals, strategies and initiatives to achieve these objectives. The Plan also outlines five Place-Making Moves that, together with other streetscape improvements and the enhancement and expansion of parkland in the area, will form a thriving system of parks, open spaces and streets.

City Council adopted Official Plan Amendment (OPA) 289 on June 12th, 2015 as part of the implementation of the Midtown in Focus: Parks, Open Space and Streetscape Plan: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

OPA 289 provides public realm policy direction for the area around the Yonge-Eglinton Centre, and details specific objectives to guide City-initiated improvements and development. The OPA also introduced new maps identifying, among other items, a Parks & Open Space Network Plan for the area, policies related to the impacts of private developments on the public realm, an enhanced parkland acquisition strategy and Section 37 implementation priorities.

OPA 289 was appealed to the OMB by over 20 appellants with site specific concerns. The Toronto District School Board (TDSB) filed the only general appeal to the Plan. OMB pre-hearings took place in July 2016 and February 2017.

A three week OMB hearing into the matter is scheduled to begin on April 16, 2018. The majority of the appellants have now either withdrawn their appeals or come to a resolution with the City to have their appeals adjourned pending finalization of certain planning approvals. The appeal of the TDSB remains outstanding.

ISSUE BACKGROUND

Further information has been received which has resulted in the need for direction from City Council.

COMMENTS

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

CONTACT

Jessica Braun, Solicitor, Planning & Administrative Law, Tel: (416) 392-7237, Fax: (416) 397-5624, Email: Jessica.Braun@toronto.ca

SIGNATURE



Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1

Appendices "A" and "B" - Confidential Information