

**North Downtown Yonge Site and Area-Specific Policy
No. 382 (Official Plan Amendment 183) – Request for
Direction**

Date: May 14, 2018

To: Toronto and East York Community Council

From: City Solicitor

Wards: 27 – 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.

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

SUMMARY

The purpose of this report is to request City Council's direction with respect to the North Downtown Yonge Site and Area Specific Policy No. 382 (Official Plan Amendment (OPA) 183) as it relates to the Historic Yonge Street Heritage Conservation District (HCD) Plan.

The North Downtown Yonge Site and Area Specific Policy No. 382 (OPA 183) provides a planning framework for new development within an area generally bounded by Charles Street to the north, Church Street to the east, College/Carlton Street to the south, and Bay Street to the west. The policy was approved by City Council in 2013 and was subject to several appeals to the Ontario Municipal Board (OMB).

The appeals that related to the general application of OPA 183, as opposed to site-specific appeals, have now been dealt with through OMB hearings known as Phase 1 and have resulted in an OMB decision and order issued August 25, 2017. The decision brought much of OPA 183 into effect but generally any policy related to heritage preservation and the Yonge Street Character Area is still under appeal and will be dealt with through Phase 2 of the OMB appeals.

City Council designated the Historic Yonge Street HCD on March 10, 2016 and adopted the Historic Yonge Street HCD Plan under by-law 235-2016 in order to manage change within the district and conserve the area's cultural heritage value. Council directed the City Solicitor to appear before the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT), to defend the by-law in the case of any appeals. The designation and Plan were subsequently appealed to the OMB.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to this report as well as Appendix "A" of Confidential Attachment 1 if City Council adopts Recommendation 1, with the remainder of Confidential Attachment 1 to remain confidential as it contains advice subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On October 8, 9, 10 and 11, 2013, City Council decided to amend the Official Plan to include the North Downtown Yonge Site and Area Specific Policy No. 382 (Official Plan Amendment (OPA) 183), adopt the North Downtown Yonge Urban Design Guidelines, direct staff to apply the guidelines for the evaluation of new and current development proposals, and direct staff to repeal Site and Area Specific Policy No. 155 once OPA 183 is in full force and effect.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.14>

On March 10, 2016, City Council decided to designate the Historic Yonge Street Heritage Conservation District (HCD), adopt a by-law for the Historic Yonge Street HCD Plan, direct the City Solicitor to appear before the Ontario Municipal Board to defend the by-law if there are any appeals, and include several Yonge Street properties on the City's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE14.4>

COMMENTS

This report is about litigation and contains advice or communications that are subject to solicitor-client privilege. The attachments to this report contain confidential information and should be considered by the Toronto and East York Community Council and by City Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 – Confidential Information and Recommendations

Confidential Appendix "A" - Confidential Attachment to Confidential Attachment #1