

**Historic Yonge Street Heritage Conservation District -
- Request for Direction**

Date: May 14, 2018

To: Toronto and East York Community Council and Toronto Preservation Board

From: City Solicitor

Wards: Ward 27 – Toronto Centre - Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City.

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 Historic Yonge Street Heritage Conservation District (HCD) Plan as it relates to the North Downtown Yonge Site and Area Specific Policy No. 382 (Official Plan Amendment (OPA) 183).

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.

The North Downtown Yonge Site and Area Specific policy 382 - Official Plan Amendment 183 - was adopted by City Council on October 8, 9, 10, and 11, 2013 and was 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 2, 3 and 4, 2012, City Council directed staff to initiate the Historic Yonge Street Heritage Conservation District study as a result of the application of prioritization criteria.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

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 July 28, 2015 the Toronto Preservation Board endorsed the Historic Yonge Street Heritage Conservation District Study, including its recommended boundary and the recommendation to proceed to district designation and the preparation of an HCD Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PB6.1>

On March 10, 2016 City Council, in accordance with Section 41 of the Ontario Heritage Act, designated by by-law the Historic Yonge Street Heritage Conservation District, adopted the Historic Yonge Street Heritage Conservation District Plan, and directed the City Solicitor to appear before Ontario Municipal Board to defend the by-law if there are any appeals.

<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 Preservation Board, the Toronto and East York Community Council and by City Council in camera.

CONTACT

Sharon Haniford, Solicitor, Legal Services Division Tel: 416-392-6975,
sharon.haniford@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1- Confidential Information and Recommendations

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