



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

City Initiated Official Plan Amendment 379 - College Street Study - Request for Direction Regarding LPAT Hearing

Date: July 16, 2020

To: City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

At its meeting on May 24, 2017, City Council adopted the College Street Site and Specific Policy Official Plan Amendment ("**OPA 379**"), which was the recommended Official Plan Amendment resulting from the College Street Study (the "**Study**"). The Study reviewed the policy context for College Street (generally from University Avenue to Bathurst Street) (the "**Study Area**") to address land use and the inclusion of institutional uses within mixed-use buildings; building scale and height; and public realm, including special places and pedestrian improvements. OPA 379 clarifies the expectations for the built form for new developments falling within the Study Area. While OPA 379 provides general direction for the entire Study Area, it also provides further direction specific to development in six distinct Character Areas (A through F) to reflect the unique characteristics of each respective Character Area.

Council also adopted the College Street Urban Design Guidelines (the "**Guidelines**"), which are intended to support OPA 379 and be used as a tool to evaluate proposed developments in the Study area so as to ensure that such development is compatible with the existing context.

The Governing Council of University of Toronto (the "**University**") appealed City Council's decision to adopt OPA 379 to the Ontario Municipal Board (the "**OMB**"), now known as the Local Planning Appeal Tribunal (the "**LPAT**"). The University was of the view that OPA 379 and the accompanying Guidelines did not sufficiently recognize the unique urban design circumstances of the University's St. George Campus and the

concurrent planning processes undertaken by the City with respect to the St. George Campus.

The purpose of this report is to request further instructions with respect to the University's appeal. City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, and authorize the public release of Confidential Attachment 2, and Confidential Appendices "A" through "C" to this report, 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 contains advice which is 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

At its meeting of February 14, 2012, Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District, to review the policy context for College Street generally from University Avenue to Bathurst Street and report back to Toronto and East York Community Council. The review was to address land use and the inclusion of institutional uses within mixed-use buildings; building scale and height; and -public realm including special places and pedestrian improvements.

A link to the Community Council decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE13.16>

At its meeting of September 10, 2013, Toronto and East York Community Council received for information the report from the Director, Community Planning, Toronto and East York District titled "College Street Built Form Study – Preliminary Report".

A link to the Community Council decision and report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.62>

At its meeting of August 12, 2014, Toronto and East York Community Council received for information the report from the Director, Community Planning, Toronto and East York District titled "College Street Built Form Study – Status Report". This report provided an update on the College Street Study process. Toronto and East York Community Council also requested that the study purpose be amended to include "the social value of buildings, in addition to built form and physical character".

A link to the Community Council decision and report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.91>

At its meeting on May 24, 2017, City Council considered a report from the Director, Community Planning, Toronto and East York District titled "College Street Built Form Study – Final Report", which recommended that City Council adopt the College Street Site and Specific Policy Official Plan Amendment 379 and the College Street Urban Design Guidelines.

A link to the City Council decision and report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE24.3>

COMMENTS

The City Solicitor requires further instructions with respect to the University's appeal. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

Gabe Szobel, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1889; Fax: (416) 397-5624; Email: gabe.szobel@toronto.ca

Jason Davidson, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4835; Fax: (416) 397-5624; Email: jason.davidson@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Appendix "A": - Confidential Information
4. Confidential Appendix "B" - Confidential Information
5. Confidential Appendix "C" - Confidential Information