



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Don Mills Crossing - Request for directions regarding Local Planning Appeal Tribunal Appeal

Date: September 18, 2020

To: City Council

From: City Solicitor

Wards: Ward 16

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

Loblaw Properties Ltd and Damis Properties Limited (the "Appellants") each filed an appeal with the Local Planning Appeal Tribunal ("LPAT") of the Don Mills Crossing Secondary Plan (Official Plan Amendment No. 404). The purpose of this report is to seek instruction for the LPAT appeals. The LPAT hearing has been scheduled for November 24th to December 3rd, 2020.

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 Confidential Appendices "A", "B" and "C" 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

City Council Direction

Direction to undertake the Don Mills Crossing study was provided through the following decisions:

- In August 2014, City Council identified Don Mills and Eglinton as a Focus Area through its adoption of the Eglinton Connects study, and provided direction to staff to develop a Secondary Plan for the Focus Area:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.3>
- As part of an Ontario Municipal Board settlement with Celestica with respect to Official Plan Amendment 231 (Employment Policies), in June 2016, City Council adopted Site and Area Specific Policy (SASP 511) which requires a comprehensive planning framework prior to new development:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC19.8a>

Don Mills Crossing Proposals Report

At its meeting of June 26, 27, 28 and 29, 2018, City Council adopted the Don Mills Crossing Proposals Report, which presented the draft Don Mills Crossing Secondary Plan. The report provided an overview of the policy directions for all elements of the Secondary Plan, elaborating on the comprehensive planning framework to inform future development in the area.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.6>

Celestica lands Redevelopment Request for Directions Report

At its meeting of June 27, 28 and 29, 2018, City Council adopted a Request for Direction Report for appeals of applications for Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision approval for 844 Don Mills Road, 1150 and 1155 Eglinton Avenue East (Celestica lands). The Celestica lands represent 24 hectares of the 52 hectare Don Mills Crossing Secondary Plan area. The proposal, informed by the development of the Secondary Plan, integrates these lands into the larger community through new streets and mobility improvements, providing direct at-grade and underground connections to the future Eglinton LRT; two new public parks, providing for a mix of residential, retail, employment and community uses, requiring a variety of building types and range of residential unit sizes, new affordable housing, and a nonprofit child care facility.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.7>

Don Mills Crossing - Final Report

At its meeting of April 16 and 17, 2019, City Council adopted the Don Mills Crossing - Final Report that adopted the Don Mills Crossing Secondary Plan (Official Plan Amendment No. 404), subject to certain amendments. The Secondary Plan is a comprehensive planning framework for the area around the intersection of Don Mills

Road and Eglinton Avenue East that capitalizes on the significant public investment in new transit infrastructure (Crosstown LRT) by directing development to appropriate locations and securing the public realm amenities and facilities necessary to meet the existing and future needs of residents and workers.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH4.1>

The Appellants appealed the Secondary Plan to the LPAT in separate letters dated May 21, 2019. The appeals were filed under LPAT Case No. PL190242.

Motion for Partial Approval - LPAT

In May 2020, the City brought a motion to the LPAT to scope the policies under appeal by the Appellants and obtain partial approval of the balance of the Secondary Plan. In a decision dated June 25, 2020, the LPAT granted the City's motion, scoped the appeals to a limited number of Secondary Plan policies and approved all policies of the Secondary Plan that were no longer under appeal.

ISSUE BACKGROUND

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

COMMENTS

This report is about litigation before the LPAT 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

Michael Mahoney, Solicitor, Planning & Administrative Law, Tel: (416) 392-4846, Fax: (416) 397-5624, Email: Michael.Mahoney@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1- – Confidential Recommendations and Information

Confidential Appendices "A", "B" and "C" to Confidential Attachment 1 - Confidential Information