

City-Initiated Official Plan Amendment 478 - Main Street Planning Study - Request for Direction for OLT Hearing

Date: September 22, 2021

To: City Council

From: City Solicitor

Wards: 19 - Beaches-East York

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 December 17, 2019, City Council adopted Official Plan Amendment Number 478 ("**OPA 478**"), to implement the outcome of the Main Street Planning Study, and to unlock the development potential of the study area, which consists of properties along Danforth Avenue, Main Street, Dawes Road and the intersection of Gerrard Street East and Main Street, all generally within 500 to 800 metres of the Main Street subway station and the Danforth GO station. It was intended that OPA 478 guide the study area's growth and intensification into a transit-oriented complete community that conforms to and is consistent with Provincial Plans and policies.

There were eight appeals of OPA 478 to the Local Planning Appeal Tribunal (the "**LPAT**"). The LPAT has conducted the first Case Management Conference on December 16, 2020, at which Metrolinx and Minto (Dawes) GP Inc. were granted party status, and the Royal Canadian Legion was granted participant status, all on consent. The LPAT is now known as the Ontario Land Tribunal ("**OLT**").

The next Case Management Conference is scheduled for January 31, 2021. The Tribunal has scheduled a six-week hearing commencing on April 4, 2022.

The purpose of this report is to request further instructions with respect to the appeals of OPA 478. 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 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 Appendices 1, 2 and 3, if adopted by City Council, only at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 and Confidential Appendix 4 is to remain confidential, as it contains advice which is subject to solicitor-client and litigation 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 November 7, 2017, City Council adopted recommendations pertaining to the initiation of a study focusing on development potential, built form and public realm within proximity of the Main Street subway station and Danforth GO station. As part of this recommendation, staff were also directed to establish a community consultation process. The meeting minutes from that meeting are available at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.42>

On July 4, 2018, Toronto and East York Community Council received an update report (dated June 15, 2018) on the Main Street Planning Study which outlined the purpose of the study, the draft terms of reference, and details on the first community consultation meeting. Toronto and East York Community Council also adopted a motion requesting that Transportation Services review safety improvements and/or opportunities for public realm enhancements at the intersection of Main Street and Stephenson Avenue as well as for Parks, Forestry and Recreation staff to review opportunities for parkland acquisition within the study area. The meeting minutes from that meeting are available at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.91>

At its meeting of July 23, 2018 City Council adopted the report "Danforth Avenue Planning Study (Coxwell Avenue to Victoria Park Avenue) - City-initiated Official Plan Amendment - Final Report" and its associated Official Plan Amendment 420 (By-law 1136-2018). The report concluded the first phase of a larger Avenue Study on Danforth Avenue. The Official Plan Amendment was appealed to the LPAT (LPAT File No.

PL180744) and was brought into force in December, 2020
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.22>

On October 29, 2019, City Council adopted a recommendation to develop a facility plan to ensure the Main Square Community Recreation Centre's continuation, through either future revitalization of the existing facility or new facilities to accommodate the growth expected through the forthcoming Main Street Planning Study and report on capital needs to support the plan as required in future years' Capital Plans. The meeting minutes from that meeting are available at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.5>

On July 14, 2021, City Council adopted a Request for Direction Report in respect of OPA 478, the recommendations of which remain confidential. The City Council decision is available at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC35.10>

The OLT has conducted three Case Management Conferences in this matter. A fourth Case Management Conference is scheduled for January 31, 2022, and a 6-week hearing is scheduled to commence on April 4, 2022.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information.
2. Confidential Appendix 1 - Confidential Information.
3. Confidential Appendix 2 - Confidential Information
4. Confidential Appendix 3 - Confidential Information
5. Confidential Appendix 4 - Confidential Information