

King-Spadina Secondary Plan - City-initiated Official Plan Amendment - Request for Directions

Date: May 2, 2022

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort 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

On January 29, 2020, City Council adopted Official Plan Amendment 486, which amended the existing Chapter 6, Section 16, King-Spadina Secondary Plan of the Official Plan. The Secondary Plan was subsequently appealed to the Ontario Land Tribunal (the "OLT") by 46 appellants. On December 15-17, 2021, City Council provided directions to the City Solicitor regarding the appeals of OPA 486.

The purpose of this report is to request further instructions in this matter which is the subject of an appeal to the OLT.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that all information contained in Confidential Attachment 1 to the report (May 2, 2022) from the City Solicitor 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

King-Spadina Secondary Plan Review Study (September 2005)

In September 2005, the City retained a consultant to complete a focused review of the King-Spadina Secondary Plan Area. The purpose of the review was to address specific issues which had emerged in the area that were challenging the planning framework. The study was structured into four components examining: the land use policy framework, particularly related to nightclub uses; community facilities; the public realm; and built form.

The consultant's study was completed in June 2006 and a report from the Director, Community Planning, Toronto and East York District, "Final Report – King Spading Secondary Plan Review Study" was received by City Council at the July 25, 26, 27, 2006 meeting. A link to the staff report can be found here:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060725/te6rpt/cl010.pdf>

In accordance with the recommendations set out in the City staff report on the King Spadina Review Study, a follow-up report was adopted, as amended, by City Council at its September 25, 26, and 27, 2006 meeting. The recommendations from this report, included an Official Plan and a Zoning By-law amendment. A link to the staff report can be found here:

<https://www.toronto.ca/legdocs/2006/agendas/council/cc060925/te8rpt/cl001.pdf>

When the updated King-Spadina Secondary Plan comes into force, Official Plan Amendment 2 (921-2009) which continues to be under appeal at the OLT, will be repealed.

King-Spadina East Precinct Built Form Study (April 2008)

On April 8, 2008, Toronto and East York Community Council directed the Acting Chief Planner and Executive Director, City Planning Division to undertake the King-Spadina East Precinct Built Form Study. The purpose of the study was to determine appropriate heights, massing and physical relationships for new buildings in the East Precinct while considering the goals and objectives of the Secondary Plan, the "Living Downtown Study" principles, the heritage character of the area, and the important employment base in the neighbourhood.

Staff completed the King-Spadina East Precinct Built Form Study in 2009 and were directed by City Council to undertake further consultation on the study recommendations. A link to the 2009 City Council decision and report may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.TE27.13>

Since the 2009 Study, the area has experienced increasing pressure for development at heights not contemplated by the study's recommended planning framework, including tall building applications to demolish and/or build on top of heritage buildings.

Status Reports (December 2013, August 2014 and July 2015)

In December of 2013, a status report outlining preliminary findings and potential further directions for the King-Spadina East Precinct Built Form Study was presented to Council. The report was received for information. A link to the 2013 City Council decision and status report may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.42>.

A second status report was considered by City Council at its August, 2014 meeting. City Council endorsed a draft Public Realm Strategy and a series of built form directions, and directed staff to use these documents when evaluating development applications for the East Precinct. Staff were additionally directed to seek the inclusion of family-sized units, require the inclusion of employment uses, and consider the context of a block plan in all development applications. Council also directed Parks, Forestry and Recreation staff to identify potential park acquisition sites. A link to the City Council decision and the 2014 status report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.92>

A third status update was considered by City Council at its July 7, 8, and 9, 2015 meeting. City Council adopted the recommendations contained within the report including an expansion of the boundary of the King-Spadina East Precinct Built Form Study to the Spadina Precinct and a direction to Planning staff to work with Economic Development staff to develop policies to protect and enhance the cultural industries in the area. A link to the City Council decision and the 2015 status report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.62>

Proposed Policy Directions (September 2017)

A report outlining the proposed policy directions for the King-Spadina Area, adopted by Toronto and East York Community Council at its meeting on September 6, 2017, extended the boundaries of the study to include the West Precinct, thereby covering the entire King-Spadina Secondary Plan area. The Committee also directed Planning staff to continue public consultation on the draft policy directions outlined in the report. A link to staff report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>

Official Plan Amendment No. 486

On January 29, 2020, City Council adopted Official Plan Amendment No. 486, being an amendment to Chapter 6, Section 16, the King-Spadina Secondary Plan. The Council decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.4>

By-law 112-2020 adopting OPA 486 may be found here:
<https://www.toronto.ca/legdocs/bylaws/2020/law0112.pdf>

On December 15, 16 and 17, 2021, City Council provided directions to the City Solicitor and City staff regarding the appeals of OPA 486:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.6>

King-Spadina Public Realm Strategy

On July 14, 15 and 16, 2021, City Council adopted the King-Spadina Public Realm Strategy as a tool to implement the Official Plan and the entire King-Spadina Secondary Plan. The Public Realm Strategy will assist in the continued expansion of much needed improvements, help determine priorities and provide guidance on what should be secured through development review and capital planning. It is aligned with the King-Spadina Secondary Plan, the Downtown Plan and with the Downtown Parks and Public Realm Plan. The Council decision may be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.30>

Appeal to OLT

On March 5, 2021, the OLT held the first Case Management Conference for OPA 486. There were 46 appellants of OPA 486 and 4 additional interested persons were granted party status. The City has engaged in Tribunal-led mediation in an attempt to resolve some or all appeals. Subsequent to instructions on December 15-17, 2021, five appeals of OPA 486 have been withdrawn and twenty-two appeals have been scoped on a site and policy specific basis and adjourned sine die to focus on their site-specific development applications. The OLT scheduled a hearing on OPA 486 commencing on July 18, 2022 for 26 days.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information