

Golden Mile Secondary Plan - City-Initiated Official Plan Amendment - Ontario Land Tribunal Hearing - Request for Directions

Date: March 13, 2023

To: City Council

From: City Solicitor

Wards: Ward 16 - Don Valley East; Ward 20 - Scarborough Southwest; Ward 21 - Scarborough Centre

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 October 27, 28 and 30, 2020, City Council adopted Official Plan Amendment 499, which, among other matters, created Chapter 6, Section 45, Golden Mile Secondary Plan. The Secondary Plan was subsequently appealed to the Ontario Land Tribunal (the "OLT") by 20 appellants and the OLT added three additional parties.

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

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.

3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

Eglinton Connects

In May 2014, City Council directed City Planning staff to undertake further study of the six focus areas that were identified in the Eglinton Connects Planning Study, including the Golden Mile. Further information regarding the Eglinton Connects Planning Study can be found at:

<https://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-68062.pdf>

Golden Mile Market Analysis and Economic Study

The Golden Mile Market Analysis and Economic Strategy Study was completed in December 2016. The Study analyzed the existing economic and employment conditions in the Golden Mile. Further information regarding the Golden Mile Market Analysis and Economic Strategy Study can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC21.12>

Golden Mile Secondary Plan Study and Proposed Secondary Plan

In May 2016, City Planning staff initiated the GMSP Study to develop a vision and comprehensive planning framework for the Golden Mile area that would include Secondary Plan policies and guidelines/strategies that direct:

- Built form, public realm, community infrastructure, and public art strategies;
- A transportation master plan and master servicing plan;
- Urban design guidelines; and
- Implementation/financial strategies.

In consultation with staff from other City divisions and agencies, City Planning staff worked with a team of land use planning, urban design, transportation, servicing, and community services and public engagement consultants led by SvN Architects + Planners Inc. ("**SvN**"). The GMSP Study concluded its three phase study approach, including several public consultations and discussions with landowners, key

stakeholders and interested persons and a Secondary Plan and proposed policies were prepared for consideration at a Statutory Public Meeting Scheduled for July 17, 2020.

On July 17, 2020, Scarborough Community Council commenced a Statutory Public Meeting on Official Plan Amendment 499 ("**OPA 499**"), including the Golden Mile Secondary Plan ("**Secondary Plan**") and associated Urban Design Guidelines. Scarborough Community Council adjourned the Public Meeting and deferred consideration on OPA 499 to the Scarborough Community Council meeting on October 16, 2020. The decision of Scarborough Community Council, the proposed OPA 499 and reports from City Planning may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC16.3>

On October 27, 28 and 30, 2020, City Council adopted Official Plan Amendment 499, which contains the Golden Mile Secondary Plan. City Council also adopted the Golden Mile Urban Design Guidelines. City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

By-law 911-2020 adopting OPA 499 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2020/law0911.pdf>

On March 9, 2022, City Council adopted a report from the City Solicitor regarding modifications to Official Plan Amendment 499, which contains the Golden Mile Secondary Plan. City Council's decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC41.9>

Appeal to OLT

On May 19, 2021, the OLT held the first Case Management Conference on OPA 499. The Tribunal confirmed the twenty (20) appellants. No parties or participants were identified. The City had engaged in Tribunal-led mediation in an attempt to resolve some or all appeals. The Tribunal had scheduled a second case management conference on December 8, 2021, which was adjourned to April 1, 2022. A new Case Management Conference date will be sought for April 2023.

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.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information