



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

West Queen West Planning Study (Bathurst Street to Roncesvalles Avenue) – Official Plan Amendment – Request for Directions

Date: July 6, 2023

To: City Council

From: City Solicitor

Wards: Ward 4 - Parkdale-High Park, Ward 9 – Davenport, and 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

City Council adopted the West Queen West Planning Study at its meeting of September 30, 2020. The Study resulted in the adoption of Official Plan Amendment 445, which created Site and Area Specific Policy 566. The OPA and SASP were subsequently appealed to the Ontario Land Tribunal (the "OLT" or "Tribunal").

The OLT has scheduled a hearing of the appeal to begin October 23, 2023. This report requests direction from City Council with respect to the ongoing OLT appeal process. This matter is urgent due to the ongoing hearing process and upcoming filing deadlines prior to Council's next scheduled meeting.

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 to this report from the City Solicitor, Confidential Appendix 1, and Confidential Appendix 2 if adopted by City Council.

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

On November 18, 2013, City Council requested the Chief Planner and Executive Director, City Planning Division to undertake a planning study of Queen Street West between Bathurst Street and Roncesvalles Avenue.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE27.66>

On August 12, 2014, Toronto and East York Community Council received a Preliminary report on the "West Queen West, Bathurst Street to Roncesvalles Avenue, Planning Study" which set out a framework and community consultation strategy for the study, and directed City Planning to review the policy context, built-form and heritage value of the properties on Queen Street West, between Bathurst Street and Roncesvalles Avenue.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.77>

On March 31, 2015, City Council authorized a revised West Queen West boundary for study as a potential Heritage Conservation District that extended the study area to Bathurst Street to the east and Roncesvalles Avenue to the West.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.8>

On June 22, 2017, the Toronto Preservation Board accepted the Heritage Conservation District Study and endorsed the preparation of the West Queen West Heritage Conservation District Plan and the Parkdale Main Street Heritage Conservation District Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PB24.2>

On March 12, 2020, Toronto and East York Community Council held a statutory public meeting and recommended City Council adopt the proposed amendments to the City's Official Plan in the form of a new Site and Area Specific Policy 566 to guide development and public initiatives.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.5>

At its September 30 and October 1, 2020 meeting, City Council adopted the proposed amendments as Official Plan Amendment 445, with various revisions responding to comments received at the statutory public meeting.

Since the time of adopting the West Queen West Planning Study, City Council designated much of the western portion of the Study area as the Parkdale Main Street Heritage Conservation District. That HCD has also been appealed to the OLT.
<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.58>

On March 21, 2023, Executive Committee received a report titled Housing Action Plan 2022-2026 – Priorities and Work Plan report (Item 2023.EX3.1) which included direction to prepare as-of-right zoning for mid-rise buildings along Avenues where an Avenue Study has resulted in an Official Plan amendment or Urban Design Guidelines but where no implementing zoning has yet been adopted, such as West Queen West, with targeted completion in Q4 2024.
<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.1>

COMMENTS

On November 18, 2013, City Council requested the Chief Planner and Executive Director, City Planning Division to undertake a planning study of West Queen West between Bathurst Street and Roncesvalles Avenue. Subsequent reports described Queen Street West as one of Toronto's great main streets, recognized the historic evolution of the area, and set out public realm goals for the area. The objective of the Planning Study was to allow opportunities for growth and change through development and public initiatives, while ensuring the many characteristics that contribute to creating Queen Street West as a vital, successful main street continue to do so.

The Official Plan amendments implementing the planning study's recommendations has been appealed to the OLT. Appellants have raised concerns with the built form policies and the regulation of certain street-level uses, among a number of other concerns.

The City Solicitor requires further instructions on this matter. This report is about ongoing 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 Information
2. Confidential Appendix 1 - Confidential Information
3. Confidential Appendix 2 - Confidential Information