



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

OPA 445 – West Queen West Planning Study (Bathurst Street to Roncesvalles Avenue) – City-initiated Official Plan Amendment – Request for Directions

Date: September 25, 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

On September 30, 2020, City Council adopted Official Plan Amendment 445 (“OPA 445”) which created Site and Area Specific Policy 566 known as the West Queen West Planning Study. OPA 445 was subsequently appealed to the Ontario Land Tribunal (the “OLT”).

On July 19, 2023, City Council adopted a report from the City Solicitor supporting modifications to certain parts of OPA 445, which resulted in resolution of some appeals and narrowing of issues before the OLT. In the same report City Council also instructed the City Solicitor to continue negotiations with the appellants in attempt to bring a resolution to the entire matter.

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 Confidential Attachment 1, Confidential Appendix “A” and Confidential Appendix “B” to this report from the City Solicitor, 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 (“HCD”) 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 HCD Study and endorsed the preparation of the West Queen West HCD Plan and the Parkdale Main Street HCD Plan. The Toronto Preservation Board recommendations may be found here:

<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 OPA 445, incorporating various modifications 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 HCD. The Parkdale Main Street HCD has also been appealed to the OLT. City Council's decision adopting the Parkdale Main Street HCD may be found here: <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. The Executive Committee Decision may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.1>

On July 19, 2023, City Council adopted a report from the City Solicitor supporting modifications to OPA 445 to be brought to the OLT and directed the City Solicitor to continue negotiations with appellants to resolve outstanding issues. City Council's decision may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.20>

COMMENTS

The City Solicitor has implemented Council's instruction to explore resolution of appeals to bring OPA 445 into force.

There are two appellants of OPA 445 who have agreed to adjourn their appeals on a site and policy specific basis, which either have an active application or forthcoming development application. The two appellants are:

- Jameson Plaza (1437 Queen Street West)
- Queen Street West Postal Office "C" (1117 Queen Street West)

With respect to Jameson Plaza, an application for a Zoning By-law Amendment was submitted and deemed complete as of May 19, 2023 under File 23 147008 STE 04 OZ. The application is currently under review with the City.

With respect to the Queen Street West Postal Office "C", there is no development application filed on this property as of the date of this report.

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 "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information