



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Official Plan Amendment 573 - Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue)

Date: December 4, 2023

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto - Danforth

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 April 7, 2022, the City enacted By-law 269-2022, adopting Official Plan Amendment 573 (OPA 573), implementing Site and Area Specific Policy 772 and Urban Design guidelines for Danforth Avenue extending from the Don Valley in the west to Coxwell Avenue. OPA 573 was appealed to the Ontario Land Tribunal (OLT) by four property owners and two Case Management Conferences have been held at the OLT. At the first Case Management Conference 6 property owners obtained added party status. OLT mediation has been agreed to by the parties and will be scheduled in early 2024. At the next scheduled Case Management Conference on December 8, 2023, it is anticipated that a hearing will be scheduled in the late fall of 2024.

At its meeting on November 8 and 9, 2023, City Council adopted the recommendations, as amended, for Item EX9.3 - Generational Transformation of Toronto's Housing System to Urgently Build More Affordable Homes. In doing so, City Council added Recommendation 30, requesting the City Solicitor, in consultation with the Deputy City Manager, Development and Growth Services, to report directly to the December 13, 14, and 15, 2023, meeting of City Council on a City-initiated revision to Site and Area Specific Policy 772 (SASP 772) as part of the Ontario Land Tribunal's adjudication of appeals, in the context of the Zoning By-law Amendment application for 1095-1111 Danforth Avenue, which would support the redevelopment of the existing non-profit housing site at 1117 Danforth to rebuild and modernize the existing units, and include net new affordable rental and rent-geared-to-income units, subject to the appropriate

arrangements being made to secure the affordable rental and rent-geared-to-income units in perpetuity.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendation contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendation contained in Confidential Attachment 1 to this report from the City Solicitor and 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

At its meeting on February 16, 2022, Toronto and East York Community Council considered item TE31.12, Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue) – City-Initiated Official Plan Amendment and Urban Design Guidelines – Final Report (January 31, 2022) from the Director, Community Planning, Toronto and East York District. Toronto and East York Community Council forwarded the item to City Council without recommendations.

At its meeting on April 7 and 8, 2022, City Council adopted the recommendations, as amended, in item TE31.12, Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue) – City-Initiated Official Plan Amendment and Urban Design Guidelines – Supplementary report (March 4, 2022) from the Chief Planner and Executive Director, City Planning and Further Supplementary report (March 29, 2022) from the Chief Planner and Executive Director, City Planning. In doing so, Council City enacted By-law 269-2022, adopting OPA 573.

The Council decision and reports can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.12>

At its meeting on November 8 and 9, 2023, City Council adopted the recommendations, as amended, for Item EX9.3 - Generational Transformation of Toronto's Housing System to Urgently Build More Affordable Homes.

The Council decision and reports can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX9.3>

COMMENTS

City Council has requested that the City Solicitor report on this matter, in consultation with the Deputy City Manager, Development and Growth Services, directly to the City Council meeting on December 13, 14 and 15, 2023. 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