



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachment**

**2900 Steeles Avenue East at Don Mills Road in the Town of Markham – Official Plan Amendment & Zoning By-law Appeals; Request for Directions Report**

<b>Date:</b>	March 8, 2011
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	n/a
<b>Reason for Confidential Information:</b>	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and provides advice that is subject to solicitor-client privilege.
<b>Reference Number:</b>	08 103198 NPS 00 TM

## **SUMMARY**

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On the basis of a revised application, the other parties to the hearing, being the Region of York, the Town of Markham and Markham's German Mills Ratepayer Association, have determined to settle their appeals to the Ontario Municipal Board. This report considers the revised application and seeks Council's instructions to the City Solicitor relating to the revised application and the City's position at the hearing. The Ontario Municipal Board hearing commenced on March 7, 2011 and will resume on April 7, 2011.

## **RECOMMENDATIONS**

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The City Solicitor recommends:

1. that Council adopt the confidential instructions to staff in Attachment 1.

2. that Council release the confidential instructions to staff upon adoption by Council and that the balance of the confidential attachment remains confidential in its entirety due to litigation and solicitor client privilege.

## **FINANCIAL IMPACT**

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The financial impact is referenced in the confidential attachment.

## **DECISION HISTORY**

The subject site is located in the Town of Markham, north of Steeles Avenue East and west of the Don Valley Parkway. The site is 7.2 hectares (17.7 acres) in area and currently contains an enclosed 2-storey shopping centre, two stand-alone restaurants and a drive-through coffee shop with a total floor area of 25,446 m<sup>2</sup> (273,908 ft<sup>2</sup>). The development proposal would upgrade the existing commercial component of the site. In addition, a total of 1,787 apartment dwelling units are proposed most of which are to be located in five buildings ranging in height from 18 to 32 storeys in the eastern portion of the site, which is adjacent to the Don Valley Parkway.

On May 11 and 12, 2010, City Council passed a number of resolutions establishing acceptable parameters for this development proposal. These included the requirement that its density not exceed 1.0 times coverage and 400 units until construction had begun on the Don Mills LRT or similar major public transportation improvements. In addition, Council sought to reduce the maximum height of all buildings to no more than 6 storeys. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY33.45>)

## **ISSUE BACKGROUND**

Details of the applicant's revised proposal have been provided to the City on a confidential basis for the purposes of this report. Settlement in principle has been reached by all other parties to the hearing.

## **COMMENTS**

Comments on the revised proposal and the City's position at the hearing are considered in the confidential portion of this report.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

## **ATTACHMENTS**

Confidential Attachment 1 - Confidential Information