

City Council

Motion Without Notice

MM5.12	ACTION			
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2900 Steeles Avenue East at Don Mills Road in the Town of Markham - Request for Directions - by Councillor David Shiner, seconded by Councillor Maria Augimeri

** This Motion has been deemed urgent by the Chair.
Council has added this Motion to the agenda for debate.*

Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and solicitor client privilege

Recommendations

Councillor David Shiner, seconded by Councillor Maria Augimeri, recommends that:

1. City Council receive the report (March 8, 2011) from the City Solicitor.
2. City Council adopt the confidential instructions to staff contained in the confidential attachment #2 from Councillor Shiner.
3. City 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.

Summary

In October 2007, the Town of Markham received an application to amend the Markham Official Plan followed in March 2008 by an application for a zoning by-law amendment to permit the redevelopment of the property know as the Shops on Steeles. In January 2008 due to the concerns of area residents Councillor Shiner scheduled the first community consultation meeting to address the residents' questions and the show the plans for the redevelopment. For the past 3 ½ years Councillor Shiner and residents of Toronto have participated in many working group meetings with Markham staff, residents and the applicant in an effort to find a resolution to the concerns raised regarding this development.

In particular, Markham and Toronto planning staff commented that the plan proposed by the developer to bulk the residential component of this intensification on approximately 1/3 of the site at the eastern edge was not acceptable and recommended instead that the residential

intensification be spread across the whole site. The residents expressed the same concern regarding the massing of this development in condominium towers as tall as 32 stories and the proposed density. Although the density applied for was 2.5 times coverage on the entire site, the proposed density on this eastern portion was over 5 times coverage.

Toronto City Council considered this application at its meeting of May 11 and 12, 2010 and passed a number of resolutions establishing acceptable parameters for this development. Toronto City Council at its meeting of April 28 and 29, 2008 also considered an April 24, 2008 report regarding the City of Toronto's Planning Authority with respect to Steeles Ave. in York Region and advised the Regional Municipality of York of the City of Toronto's intention to exercise its rights under the April 1974 Agreement regarding the redevelopment proposal at 2900 Steeles Ave. East.

The April 24, 2008 report to City Council states "the City does have authority to zone lands immediately adjacent to Steeles Ave. within York Region"

In reporting to their council, the Town of Markham planning staff comments were similar to those of Toronto with the exception of the number of units and density where they recommended 1000 units and a gross density over the entire site of 1.5 times coverage. If the density of 1.5 is spread over the entire site, my Toronto residents have indicated that this is much more reasonable.

Last Tuesday evening, March I at 9:00 pm I spoke at the Markham Council meeting in support of the Town's continued refusal of this development. The Town went into private session and the local councillor requested I stay and be available to comment on a settlement offer they were going to consider. At approx. 11:30 pm the Council resumed in public session and passed a motion to accept a settlement. No details were provided. Subsequently I was advised that the 1472 units proposed on the eastern portion of the site were reduced to 1235. The density was not known although it appears to be over 5 times coverage on this portion and the building heights were reduced slightly.

The OMB hearing commenced yesterday at which the Town advised it had reached a settlement. The City of Toronto's solicitor advised the OMB that the City still wants to know what the height of the towers will be and what the final unit count/floor space index and the distribution of build form. The Toronto solicitor argued that Markham is not leaving Toronto, which wasn't part of the settlement discussion, enough time to review the details.

The OMB advised that the hearing would recommence on April 7th.

In addition to the importance of getting the right development along Steeles Ave., whether it is on either side of a Toronto roadway, the issue of Toronto's rights per the 1974 agreement must be resolved.

Neither of these are resolved in the March 8, 2011 report from the City Solicitor.

Independent legal advice recommends that the city should take legal proceedings to set aside the OMB's decision to re-commence on April 7, 2011. The city as of today is not yet aware of the finalized terms of the settlement.

(Submitted to City Council on March 8, 2011 as MM5.12)

