



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**3105 to 3133 Sheppard Avenue East – Official Plan  
Amendment and Zoning By-law Amendment  
Applications – Request for Direction Report**

<b>Date:</b>	March 31, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 40 – Scarborough-Agincourt
<b>Reason for Confidential Information:</b>	This report is about litigation that affects the City and contains advice or communication that are subject to solicitor-client privilege
<b>Reference Number:</b>	14 265429 ESC 40 OZ

**SUMMARY**

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This application proposes to amend the Official Plan and Zoning By-law to permit a 30-storey mixed use building including a 6-storey podium at 3105 to 3133 Sheppard Avenue East. The proposal consists of 365 apartment dwelling units and ground floor commercial uses fronting Sheppard Avenue East. Three levels of underground parking are proposed with driveway access proposed from Pharmacy Avenue.

The purpose of this report is to seek further instructions for the Ontario Municipal Board ("**OMB**") hearing.

City Planning has been involved in preparation of this report.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the Recommendations in Confidential Attachment 1;

2. City Council authorize the public release, at the end of the Council meeting, of the Confidential Recommendations in Attachment 1, including Appendices "A" and "B", if adopted by City Council; and
3. All other information contained in the Confidential Attachment 1 is to remain confidential.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

At its meeting on April 14, 2015, Scarborough Community Council adopted the recommendations of the Preliminary Report on the above-noted applications, with an amendment to expand the notification area for the community consultation meeting. The Preliminary Report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC5.25>

On June 29, 2015, the owner appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A pre-hearing conference was held on September 29, 2015 with a second pre-hearing conference scheduled on January 26, 2016. A full hearing is scheduled for 10 days beginning April 18, 2016 at the Scarborough Civic Centre.

### **ISSUE BACKGROUND**

This application proposes to demolish the existing commercial plaza and amend the Official Plan from *Neighbourhoods* to *Mixed Use Areas* and Zoning By-law to permit a 30-storey mixed use building including a 6-storey podium.

The U-shaped podium extends along the Sheppard Avenue frontage and partially along the Pharmacy Avenue frontage and east property line. The tower element sits atop the podium along the northwest portion of the site towards the intersection.

The proposal consists of 365 apartment dwelling units and 1,190 square metres of ground floor commercial uses fronting Sheppard Avenue East. The total proposed gross floor area is 29,005 square metres or approximately 5.84 times the area of the lot.

## **COMMENTS**

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council *in camera*.

Further Council instruction is required for the purpose of attendance at the Ontario Municipal Board.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 – Confidential Information