



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3125, 3381 and 3389 Steeles Avenue East and 3900- 4000 Victoria Park Avenue - Appeal of OPA 231 - OMB Hearing

Date: October 27, 2017

To: City Council

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

STC Investments Nominee Inc. (STC) has appealed Official Plan Amendment 231 (OPA 231) to the Ontario Municipal Board (OMB) regarding their lands at 3125, 3381 and 3389 Steeles Avenue East and 3900-4000 Victoria Park Avenue. City Council adopted OPA 231 following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding the employment lands. The City Solicitor requires further directions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:
 - a. the recommendations contained in the Confidential Attachment 1, with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege; and
 - b. Confidential Attachment 2.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted OPA 231 with respect to the economic health policies and the policies, designations and mapping for Employment Areas following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The Minister approved the majority of OPA 231 with some modifications in July 2014. The City's and Minister's decisions can be accessed at these links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

The OMB received a total of 178 appeals to OPA 231, including a site specific appeal by STC regarding their lands at 3125, 3381 and 3389 Steeles Avenue East and 3900-4000 Victoria Park Avenue (Appeal No. 166).

The OMB has issued two Orders partially approving OPA 231. The December 2016 Order brought into force the Core Employment Areas and General Employment Areas designations, except for sites under appeal and regarding particular uses that remain contested.

COMMENTS

The STC lands are located directly south of the City of Markham and east of the Don Valley Parkway. The lands are roughly 18 hectares in size, occupied by four office buildings that range in height from two to eleven storeys, and include large areas of surface parking and open space.

In December 2015 STC submitted a Site Plan Control application for a data processing facility on the southern part of the lands. This proposal was approved with conditions in February 2017. When reviewing this application, City staff asked STC to prepare an amendment to the master site plan agreement for the STC lands and prepare plans to show the future development of their lands.

In July 2016 STC submitted a Site Plan Control application representing a master site plan for the remainder of the STC site. This application is currently under review and proposes phased development on the lands including a hotel; six stand-alone buildings with restaurant, retail and service uses (3,902 square metres in total) and an office building (12,814 square metres of offices and 1,159 square metres of ancillary retail uses).

STC's development proposed in this Site Plan Control application is permitted by as-of-right zoning by-law permissions which pre-exist OPA 231 that is under appeal.

This report requests direction from City Council for a January 5, 2018 PHC scheduled by the OMB.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice
Subject to Solicitor-Client Privilege

Confidential Attachment 2 - Confidential Information