



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 179 - 181 Sheppard Avenue East OMB Appeal – Further Request for Direction

**Date:** March 16, 2018  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 23 – Willowdale

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

#### **SUMMARY**

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In September 2016, an application for a Zoning By-law Amendment was submitted to the City to permit a 10-storey mixed use building with 230 residential units and 1,750 square metres of ground floor retail space (that includes tenanting the existing Beer Store), and 4 levels of underground parking at 179-181 Sheppard Avenue East. A Refusal Report from the Director, Community Planning, North York District dated January 4, 2017, was adopted by Council at its meeting on January 31, 2017. The applicant appealed Council's Refusal of the application to the Ontario Municipal Board (OMB) and a five-day hearing was scheduled at the OMB commencing on March 19, 2018.

On February 1, 2018, a with prejudice, revised proposal was submitted to the City for a 9-storey building with an overall height of 34 metres, containing 185 residential units with ground floor retail space (the "Revised Proposal"). The five-day OMB hearing scheduled to commence on March 19 has since been adjourned, and a three-day hearing is scheduled to commence on June 12, 2018.

The City Solicitor requires further direction from Council on the Revised Proposal no later than the completion of the City Council meeting which starts on March 26, 2018.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of the recommendations contained in Confidential Attachment 1, with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the confidential recommendations.

## **DECISION HISTORY**

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City Council, at its meeting on January 31, 2017, adopted the recommendations in Item NY19.35, a Refusal Report from the Director, Community Planning, North York District dated January 4, 2017. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY19.35>

City Council, at its meeting on May 24, 25 and 26, 2017, adopted the recommendations in Item NY22.1, a report from the Director, Transportation Services, North York District dated March 19, 2017, to permanently close to vehicular traffic the east-west portion of the public lane at the rear of 179-181 Sheppard Avenue East. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY22.1>

## **COMMENTS**

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Revisions made in the Revised Proposal in comparison to the original proposal include the following:

- A reduced building height from 10 storeys to 9 storeys (reduced the overall building height from 34 metres to 30.5 metres);
- A modified rear portion of the building that originally met a 60 degree angular plane from the rear of the property that now more closely complies with a 45 degree angular plane, with some intrusions starting on the 4th floor;

- A modified front portion of the building to fully comply with the 45 degree angular plane from Sheppard Avenue East;
- Access from the rear east-west laneway, which has now been closed off by the City, has been eliminated and a direct access into the building from Willowdale Avenue is proposed;
- An exclusive service access solely for loading purposes is proposed for the Beer Store at the west side of the building, using the opened north-south public laneway; and
- A 307 square metre public park near the intersection of Willowdale Avenue and Sheppard Avenue East is provided as part of the development.

The below table provides a numerical comparison of the original proposal from September, 2016, and the Revised Proposal.

	Original Proposal	Revised Proposal
Building Height (storeys and metres)	10 storeys (34 metres)	9 storeys (30.5 metres)
Gross Floor Area (square metres)	17,400 square metres	14,800 square metres
Density (Floor Space Index)	5.2 FSI	4.42 FSI
Overall Number of Units	230	185
Vehicular Parking Spaces	220	173
Parkland Dedication (square metres)	0 square metres	307 square metres
Rear Angular Plane	60 degrees	45 degrees (intrusion through the 4th to 9th storeys)

Architectural drawings prepared by Page and Steele Group Architects for the Revised Proposal are on file with the City Clerk for the purpose of the March 26, 27 and 28, 2018 Council Meeting.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Report from the City Solicitor

Public Architectural drawings prepared by Page and Steele Group Architects for the Revised Proposal are on file with the City Clerk for the purpose of the March 26, 27 and 28, 2018 Council Meeting.