

320 McCowan Road – Zoning By-law Amendment and Site Plan Control Applications – Request for Directions

Date: July 5, 2022

To: City Council

From: City Solicitor

Wards: Ward 20 – Scarborough Southwest

REASON FOR CONFIDENTIAL INFORMATION

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

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

SUMMARY

The applicant appealed its zoning by-law amendment application and site plan control application to the Ontario Land Tribunal (the "Tribunal") on April 7, 2022. The Tribunal has scheduled the first case management conference in this matter for August 4, 2022. The Tribunal's rules expect parties to the appeal to be prepared with issues in respect of the appeal by the first case management conference.

The applicant has gone on the public record indicating their willingness to mediate the appeals.

Further direction from City Council is required on this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (July 5, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to the Report (July 5, 2022) from the City Solicitor in the event City Council adopts Recommendation 1.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (July 5, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this Report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Preliminary Report from the Director, Community Planning, Scarborough District, dated June 23, 2020 was considered by Scarborough Community Council on July 15, 2020. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC16.5>

COMMENTS

A Preliminary Report from the Director, Community Planning, Scarborough District, dated June 23, 2020 set out staff's concerns with the development proposal. Those concerns included:

- Evaluation of the proposal to determine its consistency with Provincial Policy Statement and conformity with the Growth Plan for the Greater Golden Horseshoe;
- Conformity with the Official Plan and in particular *Mixed Use Areas*, Built Form, Public Realm and *Healthy Neighbourhoods* policies;
- The appropriateness of the proposed building heights and massing within the existing and planned context for the area;

- The compatibility of the proposal with the adjacent *Employment Areas* to the west of the subject property;
- The appropriateness of the proposed development from a site location and organization perspective, how it defines the edges of adjacent streets, the location and organization of vehicular parking, vehicular access, service areas and utilities, to minimize their impacts on surrounding properties and to improve the safety and attractiveness of adjacent streets;
- The evaluation of the proposal in light of existing and planned transit stations;
- The Avenue segment review's acceptability and consistency with relevant official plan policy and the planned context;
- The compatibility of the proposal with the adjacent rail corridor;
- The evaluation of the Avenue Segment Study to determine if the proposed buildings scale and type is appropriate, to assess its implications for Eglinton Avenue East and if the development it is consistent with relevant Official Plan policies and planned context for the area;
- Whether the application is supported by Official Plan policies related to increasing the amount of tree canopy coverage;
- How the proposal addresses 'Growing Up: Planning for Children in New Vertical Communities' Urban Design Guidelines with specific regard to unit sizes and additional building and site design elements to support a broad range of households, including families with children;
- The impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population;
- The impact of the development on the City's municipal servicing infrastructure and watercourses to determine whether there is sufficient capacity to accommodate the proposed development and if new infrastructure or any improvements to the existing infrastructure are required;
- Impacts on the transportation system and travel demands emanating from the proposed redevelopment; and
- TGS compliance.

A final recommendation from Community Planning staff has not yet been made in respect of the proposal discussed in the Preliminary Report.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Report from the City Solicitor