



**PLANNING AND TRANSPORTATION COMMITTEE
AGENDA
MEETING NO. 3**

Date of Meeting: Thurs. February 5/12, 2004 **Enquiry:** Patsy Morris
Time: 9:30 a.m. **Committee Administrator**
Location: Committee Room 1 **(416) 392-9151**
City Hall **pmorris@toronto.ca**
100 Queen Street West

Declarations of Interest Pursuant to the Municipal Conflict of Interest Act

Confirmation of January 8, 2004, Minutes

Deputations/Presentations:

List to be distributed at the meeting.

February 5, 2004

Respecting Item No. 9: 2:00 p.m.
Presentation and Deputations respecting the 2004 Operating and Capital Budgets.

February 6, 2004 (if necessary)

Respecting Item No. 9: 9:30 a.m.
2004 Operating and Capital Budget Review.

Communications/Reports:**Public Meeting under the Planning Act****10:00 a.m.**

**1. Application to Amend Zoning By-law No. 168-93
61-71 Front Street, City of Toronto
(Ward 28 – Toronto Centre-Rosedale)**

Report (January 12, 2004) from the Commissioner of Urban Development Services recommending that City Council:

- (1) adopt the Master Plan attached as Attachment No. 1;
- (2) amend Zoning By-law 168-93 for 61-71 Front Street West (Union Station) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and
- (4) advise the applicant of the conditions outlined in Attachment No. 5 pertaining to the Site Plan Approval application.

**2. Potential Settlements of Appeals to the New Official Plan
003011**

Joint report (January 15, 2004) from the Commissioner of Urban Development Services and the City Solicitor recommending that:

- (1) Council approve the settlement of certain appeals to the new Official Plan and the modification of certain policies for the purpose of clarification in the form of the modifications set out in Appendix A;
- (2) the City Solicitor be authorized to take the necessary actions at the upcoming Ontario Municipal Board hearing to give effect to such settlements and recommended modifications; and
- (3) that the appropriate civic officials be authorized to execute any necessary documentation, including Minutes of Settlement in relation thereto, in a form satisfactory to the City Solicitor.

3. Mechanical Inspection of Licensed Vehicles

Joint report (January 22, 2004) from the Commissioner of Urban Development Services and the Commissioner of Corporate Services recommending that:

- (1) approval be given to Urban Development Services to enter into a Service Level Agreement with the Fleet Services Division of Corporate Services, commencing on September 1, 2004, to provide the mandatory inspections of taxicabs and driving school vehicles licensed in the City of Toronto under the terms of the Licensing provisions contained in the Municipal Code. This will be provided at an estimated annual cost to Fleet Services, recovered from Urban Development Services, of \$458,342.00 beginning in 2005, and will require costs in 2004 of \$124,560.00 toward the renovation of City-owned properties to accommodate the provision of this service, acquire necessary equipment and hire staff, and \$25,000 for the provision of inspection services from September 1, 2004 to December 31, 2004;
- (2) the Commissioner of Corporate Services be authorized to hire an additional two staff in 2004 and four additional staff in 2005 within the Fleet Services Division (totalling six) in order to provide the mandatory inspections service of vehicles licensed under the terms of the Licensing provisions of the Municipal Code;
- (3) the Toronto Fire Services be requested to expedite its move from the 843 Eastern Avenue garage facility to accommodate the inspection service;
- (4) the Planning and Transportation Committee refer this matter to the Policy and Finance Committee for consideration with the 2004 operating budget; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

4. Status Report – Development Review Task Force (All Wards)

Joint report (January 21, 2004) from the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism recommending that:

- (1) Council reaffirm its support for the process of continual improvements and reforms to the current service model with respect to the review of development applications and the issuance of construction permits as outlined in this report,
- (2) The Development Review Task Force be replaced by the sponsoring Commissioners and an inter-departmental Steering Committee to be comprised of senior staff from Economic Development Culture and Tourism, Legal, Urban

Development Services and Works and Emergency Services, with a mandate to oversee improvements to the City's development application review process and oversee the existing staff development review co-ordinating body, and

- (3) This report be forwarded to the Policy and Finance Committee for consideration through the 2004 budget process.

5. Status Report on Studies on Rooming Houses and Second Suites and Measures in Place to Deal with Illegal Rooming Houses

Report (January 13, 2004) from the Commissioner of Urban Development Services providing a status report on studies commissioned by the Community and Neighbourhood Services Department dealing with second suites and rooming houses, respectively. In addition, this report provides an overview of the measures currently in place which deal with illegal rooming houses; advising that there are no financial implications resulting from the adoption of this report; and recommending that this report be received for information

6. Rodent Control

Report (December 1, 2003) from the Medical Officer of Health responding to the request of the Planning and Transportation Committee for the definition of rodent, the issue of rodents as carriers of disease, successful methods to eradicate rats, and the coordination of efforts between the City Departments and Divisions in effective rodent controls across the City; advising that there are no financial implications arising from this report; and recommending that that this report be referred to the Board of Health, the Works Committee and the Economic Development and Parks Committee for information.

7. Graffiti: Recommendation for a By-law Governing the Removal of Graffiti and Request to the City of Toronto to Remove Graffiti from City-owned Property

Report (November 11, 2003) from the Acting Chair, Toronto Police Services Board recommending that the Planning and Transportation Committee:

- (1) consider the feasibility of establishing a by-law under the City of Toronto Municipal Code-Property Standards regarding the removal of graffiti and request that By-Law Enforcement Officers enforce that new by-law in the same manner they would enforce other property standards provisions, such as garbage; and
- (2) consider sending a recommendation to Toronto City Council requesting that the City vigorously remove all the graffiti on City-owned property.



**PLANNING AND TRANSPORTATION COMMITTEE
SUPPLEMENTARY AGENDA
MEETING NO. 3**

Date of Meeting: February 5 and 16, 2004 **Enquiry:** Patsy Morris
Time: 9:30 a.m. **Committee Administrator**
Location: Committee Room 1 **(416) 392-9151**
City Hall pmorris@toronto.ca
100 Queen Street West

Additional communications/reports

**2(a). Supplementary Report – Proposed Settlement of Appeal No. 14
to the New Official Plan - 003011**

Joint report (January 29, 2004) from the Commissioner of Urban Development Services and the City Solicitor recommending that Council:

- (1) approve the Settlement of Appeal No. 14 to the new Official Plan as it pertains to the Central Finch Area Secondary Plan and the North York Centre Secondary Plan as set out in Appendix A;
- (2) authorize the appropriate civic officials to execute any necessary documentation including Minutes of Settlement, in relation thereto, in a form satisfactory to the City Solicitor; and
- (3) authorize the City Solicitor to take the necessary actions at the upcoming Ontario Municipal Board pre-hearing to give effect to such settlement.

2(b). Proposed Partial Settlement of Appeal Nos. 6 and 14 to the New Official Plan - 003011

Report (February 2, 2004) from the Commissioner of Urban Development Services and City Solicitor recommending that:

- (1) Council approve the partial settlement of certain appeals to the new Official Plan as shown in Appendix A to this report for the purpose of facilitating a settlement of appeals to the new Official Plan by certain Ratepayer Associations and to strengthen the Official Plan's neighbourhood protection policies;
- (2) the City Solicitor be authorized to take the necessary actions at the upcoming Ontario Municipal Board hearing to give effect to such modifications and/or settlements;
- (4) the City Solicitor be authorized to execute any necessary documentation, including Minutes of Settlement in relation thereto; and
- (5) Committee direct the Commissioner of Urban Development Services to report directly to Council on the proposed settlement of any of the outstanding items raised in the appeal by the ratepayer coalition.

4(a). Status Report – Development Review Task Force

Communication (January 30, 2004) from Mr. Andy Manahan, Development Promotion Representative, Universal Workers Union, Local 183 expressing support for the continuation of the work of the Development Review Task Force.

9(a). 2004 Operating and Capital Budget Review

Communication (January 27, 2004) from Chris Benjamin with respect to the official Bike Plan.

9(b). Communication (Undated) from B. Lew respecting the 2004 Capital Budget.

10. City of Toronto Position Regarding Ontario Municipal Board Reform

Joint report (February 2, 2004) from the Commissioner of Urban Development Services recommending that:

- (1) the Minister of Municipal Affairs be advised that City of Toronto Council:
 - (a) supports the proposed legislative changes in Bill 26 affecting the role of the OMB, namely the increased application processing timeframes and the protection of Provincial interests in planning decisions and appeals;
 - (b) supports consultation by the Province with all stakeholders including municipalities on further improvements to planning-related legislation and the Provincial Policy Statement and specifically request that the City of Toronto be consulted;
 - (c) recommends that the legislation governing the planning process and appeals to the Ontario Municipal Board be amended to reflect the primacy of municipal decision-making on planning matters, subject to consistency with declared Provincial interests, and more particularly:
 - (i) a full OMB hearing “de novo” on an appeal of a planning application should not be automatic and should only be scheduled if the Board finds that a municipality has acted unreasonably, or in a manner not consistent with the Provincial Policy Statement;
 - (ii) the *Planning Act* be amended to incorporate the concept that a “complete application” includes any information reasonably required by the municipality to make a sound planning decision;
 - (iii) the municipality be afforded flexibility and discretion in determining what information is necessary in the submission of a “complete application”;
 - (iv) the municipality be afforded adequate time to review and decide on an application even where the legislated timeframes cannot be met, taking into account the complexity of the planning application and context and when the applicant has submitted the necessary information;
 - (v) after an initial municipal review, the applicant and the municipality negotiate a realistic schedule for submission of necessary information and processing of the application;

- (vi) the OMB take on a case management role in mediating and/or adjudicating disputes or appeals based on “failure to proceed” by the municipality within the legislated timeframes; and
 - (vii) the OMB refer back to Council for processing those “failure to proceed” appeals where the required information is incomplete or there has been inadequate time for proper municipal review and decision-making;
- (d) recommends revision of the Board practices and procedures so as to facilitate improved public participation in OMB hearings and proceedings through:
- (i) the establishing of a fund by the Province for public participation in “de novo” hearings with clear criteria to define eligibility for such funding;
 - (ii) the preparation and publication of an OMB hearings guidebook explaining the process and the Board’s expectations of participants; and
 - (iii) the designation of a senior case manager as a special assistant to the public participants, acting as a resource regarding Board practices and procedures.
- (e) recommends that the administrative practices with respect to OMB appointments be revised to promote an independent, fair and competent tribunal, such that:
- (i) Board members be appointed for a term of 6 years;
 - (ii) required qualifications and candidate evaluation criteria be developed and used in selecting candidates;
 - (iii) member selection follow an open process with a non-partisan, multi-stakeholder screening committee making recommendations to Cabinet;
 - (iv) performance measures and annual performance reviews and human resource protocols for appointment renewals be developed and implemented; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

11. Harmonization of By-laws Concerning Long Grass and Weeds

Report (January 29, 2004) from the Commissioner of Urban Development Services recommending that:

- (1) City Council adopt a by-law which prescribes standards for the maintenance of long grass and weeds on private property, including a responsibility of every property owner to cut and maintain grass at a height not exceeding 20 centimetres (8 inches) on their property; a responsibility of every property owner to destroy and remove weeds on their property; enforcement procedures for the issuance of a notice, the service of the notice, the City's authority to charge back the costs of any work done; a procedure for applying for an exemption from the by-law for a "natural garden"; and an offence section for failing to comply with the provisions of the by-law;
- (2) the City Solicitor, in consultation with the Commissioner of Urban Development Services, be requested to prepare a draft by-law for consideration by City Council at its March meeting, and;
- (3) appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

11(a). Communication (February 3, 2004) from the City Clerk advising that City Council, at its meeting held on January 27, 28 and 29, 2004, referred the following Motion to the Planning and Transportation Committee:

J(9)

Moved by: Councillor Altobello

Seconded by: Councillor DeBaeremaeker

"WHEREAS on July 9, 2003, City of Mississauga Council adopted a by-law under the Municipal Act, 2001, S.O. 2001, Chapter 25, to prescribe standards to maintain private property free of tall grass and weeds; and

WHEREAS it is the interest of the City of Toronto to have a harmonized by-law of a similar nature;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, in consultation with the Commissioner of Urban Development Services, be requested to submit a report, accompanied by a draft by-law, for consideration by the Planning and Transportation Committee at its meeting on June 1, 2004."

12. Recent Court Decisions - *City of Toronto v. Goldlist Properties Inc. et al* (Official Plan Amendment No. 2) and *Mattamy (Rouge) v. City of Toronto*

Report (February 2, 2004) from the City Solicitor providing the Planning and Transportation Committee with a report on the results of the Court decisions relating to *City of Toronto v. Goldlist Properties Inc. et al* (Official Plan Amendment No. 2) and *Mattamy (Rouge) v. City of Toronto*; advising that there are no financial implications resulting from the adoption of this report; and recommending that this report be forwarded to City Council for information.

13. Ontario Restaurant Hotel & Motel Association v. City of Toronto and Board of Health for the City of Toronto Health Unit - Application to quash section 30.1(3) of by-law 574-2000 requiring eating and drinking establishments to post most recent food safety inspection notice

Report (February 2, 2004) from the City Solicitor providing Council and the Board of Health with an update on the status of the court application brought by the Ontario Restaurant Hotel & Motel Association ("ORHMA") seeking to quash subsection 30.1(3) of by-law 574-2000; and recommending that:

- (1) the Planning and Transportation Committee forward a copy of this report to the Board of Health for its information; and
- (2) this report be forwarded to Council for its information.