

THE CITY OF TORONTO

City Clerk's Office

Minutes of the Planning and Transportation Committee

Meeting No. 3

Thursday, February 5 and Monday February 16, 2004

The Planning and Transportation Committee met on Thursday, February 5, 2004, commencing at 9:40 a.m. and on Monday, February 16, 2004, commencing at 9:38 a.m. in Committee Room No. 1, City Hall, Toronto.

Attendance

Members were present for some or all of the time periods indicated.

	February 5, 2004 9:40 a.m. to 12:35 p.m.	February 5, 2004 2:09 p.m. to 5:08 p.m.	February 16, 2004 9:38 a.m. to 10:10 a.m.
Councillor Gerry Altobello, Chair	X	X	X
Councillor John Filion	X	X	-
Councillor Cliff Jenkins	X	X	X
Councillor Peter Milczyn, Vice- Chair	X	X	X
Councillor Howard Moscoe	-	-	-
Councillor Cesar Palacio	X	X	X
Councillor Bill Saundercook	X	X	X
Councillor Karen Stintz	X	X	X

	February 16, 2004 9:38 a.m. to 10:10 a.m.
Councillor Gerry Altobello, Chair	X
Councillor John Filion	-
Councillor Cliff Jenkins	X
Councillor Peter Milczyn, Vice- Chair	X
Councillor Howard Moscoe	-
Councillor Cesar Palacio	X
Councillor Bill Saundercook	X

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Councillor Karen Stintz	X
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Regrets:

Councillor Howard Moscoe

On motion by Councillor Milczyn, the Planning and Transportation Committee confirmed the Minutes of its meeting held on January 8, 2004.

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

The Planning and Transportation Committee had before it the following report and communication:

- (1) (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; and
- (2) communication (February 4, 2004) from Members of the Save Union Station Committee, recommending that:
 - (1) City Council retain an independent consultant to advise on the contents of a Master Plan for Union Station, as called for in the Secondary Plan approved by Council in 1991;
 - (2) the consultant's report, when available, be the subject of at least one public meeting, with notification going to, among others, those who have already indicated an interest in Union Station;

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- (3) once a Master Plan is adopted by Council, the Union Station lease should be considered by Council and evaluated against the Plan, and the lease should either be amended to comply with the Plan or rejected; and
- (4) any City staff person who served on the Selection Committee should recuse themselves from any involvement or decision-making regarding Union Station.

The Chair advised the Committee that if a person or public body that files a Notice of an Appeal of a decision of City Council in respect of the proposed zoning by-law amendment does not make oral submissions at this public meeting or make written submissions to the City Clerk before the proposed amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

The Planning and Transportation Committee held a statutory public hearing on February 5, 2004, in accordance with The Planning Act and appropriate notice of this meeting was given in accordance with The Planning Act and the regulations thereunder.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Mr. John Sewell, Save Union Station Committee, and filed a written submission with respect thereto;
- Ms. Helen Riley, and filed a written submission with respect thereto; and
- Mr. Lawrence David.

On motion by Councillor Filion, the Planning and Transportation Committee:

- (1) referred the foregoing report and communication to the Toronto South Community Council for report to Council, through the Planning and Transportation Committee, to ensure adequate community consultation in the development of a Master Plan for Union Station prior to consideration of the Zoning By-law by the Planning and Transportation Committee; and
- (2) requested the Toronto South Community Council to consider the retention of an outside consultant to assist in this matter and consider whether the site

plan should be done concurrently with the development of the Master Plan and the processing of the Zoning Application.

The following motion by Councillor Milczyn was **declared redundant**:

“The Planning and Transportation Committee recommends to Council:

- (1) the adoption of Recommendations Nos. (2) and (3) embodied in the report (January 12, 2004) from the Commissioner of Urban Development Services; and
- (2) deferred Recommendations Nos. (1) and (4) to the next Planning and Transportation Committee meeting scheduled to be held on April 28, 2004:
 - (i) require the Site Plan application to be brought to Planning and Transportation Committee for approval; and
 - (ii) prior to the Site Plan being brought forward for approval a public consultation meeting be organized to allow interested members of the public to review and comment on the Site Plan.”

The following motion by Councillor Saundercook was **redundant**:

“That the foregoing motion by Councillor Milczyn be amended to provide that the Chair of the Planning and Transportation Committee be requested to convene a special public meeting to give further consideration to this matter.”

The following motion by Councillor Altobello was **redundant**:

“That the foregoing motion by Councillor Milczyn be amended by referring the Site Plan and the Master Plan to the Toronto East York Community Council for consideration and public consultation.”

(Toronto South Community Council; Commissioner of Urban Development Services; Mr. John Sewell, Save Union Station Committee; Ms. Helen Riley; Mr. Lawrence David – February 5, 2004)

(Clause No. 8(a), Report No. 2)

**3.2 Potential Settlements of Appeals to the New Official Plan
003011**

The Planning and Transportation Committee had before it the following reports:

- (1) (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;
- (2) (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;

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- (3) (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;
 - (3) the City Solicitor be authorized to execute any necessary documentation, including Minutes of Settlement in relation thereto; and
 - (4) 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.

The Planning and Transportation Committee reports, for the information of Council, having also had before it a communication (Undated) entitled "Comments for Chair of Planning and Transportation Re: Official Plan" for the information of the Members of the Committee.

Mr. George Milbrandt appeared before the Planning and Transportation Committee in connection with the foregoing matter.

On motion by Councillor Filion, the Planning and Transportation Committee:

- (A) recommended to Council:
 - (I) the adoption of the joint report (January 15, 2004) from the Commissioner of Urban Development Services and the City Solicitor, wherein it is recommended 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) 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;
- (II) the adoption of the joint report (January 29, 2004) from the Commissioner of Urban Development Services and the City Solicitor, wherein it is recommended 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;

- (III) the adoption of the joint report (February 2, 2004) from the Commissioner of Urban Development Services and the City Solicitor, wherein it is recommended 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;
 - (3) the City Solicitor be authorized to execute any necessary documentation, including Minutes of Settlement in relation thereto; and
 - (4) 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;";
- (IV) that the Chair of the Planning and Transportation Committee and the Commissioner of Urban Development Services be requested to provide the Planning and Transportation Committee with an update report at its meeting scheduled to be held on April 28, 2004;

- (B) requested the Chair of the Planning and Transportation Committee, together with the Commissioner of Urban Development Services to continue their efforts to resolve outstanding issues raised in the appeals by the ratepayer coalitions and report directly to Council on any proposed settlements reached between now and the meeting of Council scheduled to be held on March 1, 2004; and
- (C) requested the Commissioner of Urban Development Services to meet with Councillor Bill Saundercook, prior to the meeting of Council scheduled to be held on March 1, 2004, respecting the site specific policy for 34 Southport Avenue.

(Chair, Planning and Transportation Committee;
Commissioner of Urban Development Services; City
Solicitor – February 5, 2004)

(Clause No. 1, Report No. 2)

3.3 Mechanical Inspection of Licensed Vehicles

The Planning and Transportation Committee had before it a 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.

On motion by Councillor Saundercook, the Planning and Transportation Committee referred the foregoing joint report to the Policy and Finance Committee for consideration.

(Policy and Finance Committee; Commissioner of Urban Development Services; Commissioner of Corporate Services – February 5, 2004)

(Clause No. 8(b), Report No. 2)

**3.4 Status Report – Development Review Task Force
(All Wards)**

The Planning and Transportation Committee had before it the following joint report and communication:

- (1) (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;

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

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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

- (2) This report be forwarded to the Policy and Finance Committee for consideration through the 2004 budget process;
- (2) communications from the following persons respecting the Development Review Task Force:
 - (a) (January 30, 2004) from Mr. Andy Manahan, Development Promotion Representative, Universal Workers Union Local 183;
 - (b) (February 3, 2004) from Mr. Jim Murphy, Director, Government Relations and Ms. Paula J. Tenuta, MCIP, RPP, Municipal Government Advisor;
 - (c) (February 4, 2004) from Mr. Rashmi M. Nathwani, President, Namara Developments Ltd.; and
 - (d) (February 5, 2004) from Ms. Ann Dembinski, President, CUPE Local 79.

The Planning and Transportation Committee:

- (1) referred the foregoing report to the Policy and Finance Committee for consideration; and
- (2) recommended to the Policy and Finance Committee:
 - (i) that the Inter-departmental Steering Committee be requested to report back to the Planning and Transportation Committee within six months on concerns that are not addressing the needs of the stakeholders – mainly from the two industry and labour liaison committees that have participated and provided valuable input into the development review process; (**Motion by Councillor Palacio**) and

Councillor Altobello appointed Councillor Milczyn Acting Chair and vacated the Chair.

- (ii) that a representative of CUPE Local 79 be included on the Inter-Departmental Steering Committee; **(Motion by Councillor Altobello)** and
- (3) requested the Commissioner of Urban Development Services to submit a report to the meeting of the Planning and Transportation Committee scheduled to be held on April 28, 2004, on the Application Review Process. **(Motion by Councillor Saundercook)**

Councillor Altobello resumed the Chair.

(Policy and Finance Committee; Commissioner of Urban Development Services; Commissioner of Corporate Services – February 5, 2004)

(Clause No. 8(c), Report No. 2)

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

The Planning and Transportation Committee had before it a 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

The Planning and Transportation Committee also had before it a communication (February 3, 2004) from Councillor Mike Del Grande, Scarborough-Agincourt, respecting the issue of illegal rooming houses.

The following Members of Council appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Councillor Feldman; and
- Councillor Kelly.

On motion by Councillor Stintz, the Planning and Transportation Committee:

- (1) recommended to Council that the Province of Ontario be requested to develop protocols which facilitate the City's ability to obtain a search warrant where there are suspected instances of building code infractions specifically the construction of illegal rooming houses and those persons residing therein; and
- (2) received the foregoing report (January 13, 2004) from the Commissioner of Urban Development Services.

The following motion by Councillor Palacio was ruled **Out of Order**:

“That the Commissioner of Urban Development Services be requested to submit a report on the feasibility of establishing a “Crime Task Force” to deal with problematic locations.”

(Clause No. 2, Report No. 2)

3.6 Rodent Control

The Planning and Transportation Committee had before it a 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.

On motion by Councillor Saundercook, the Planning and Transportation Committee referred the foregoing report to the Board of Health, the Works Committee and the Economic Development and Parks Committee for information:

(Board of Health; Works Committee; Economic
Development and Parks Committee – February 5, 2004)

(Clause No. 8(d), Report No. 2)

3.7 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

The Planning and Transportation Committee had before it a 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.

Mr. Paul Lewkowicz, on behalf of the Toronto Youth Cabinet appeared before the Planning and Transportation Committee in connection with the foregoing matter and filed a written submission with respect thereto.

The Planning and Transportation Committee:

- (1) referred the foregoing report (November 11, 2003) from the Acting Chair, Toronto Police Services Board to the Commissioner of Urban Development Services for consideration and inclusion in the overall report regarding the removal of graffiti; and
- (2) requested the Commissioner of Urban Development Services to investigate ways by which the City of Toronto can form partnerships with organizations that are dedicated to working with youth for the purposes of graffiti removal and graffiti transformation on City property in support of the objective to engage youth in meaningful civic activities and the beautification of the City. **(Motion by Councillor Stintz)**

(Commissioner of Urban Development Services; Mr. Paul
Lewkowicz – February 5, 2004)

(Clause No. 8(e), Report No. 2)

**3.8 Coinamatic Canada Inc. Carrying on Business as
Park Smart v. City of Toronto, et al Court Application**

The Planning and Transportation Committee had before it a confidential report (January 19, 2004) from the City Solicitor providing an update on the status of a court application brought by Coinamatic Canada Inc., such report to be considered in-camera having regard that the subject matter relates to potential litigation matters.

On motion by Councillor Saundercook, the Planning and Transportation Committee recommended to Council the adoption of the recommendation of the Planning and Transportation Committee contained in the confidential communication (February 5, 2004) from the City Clerk; respecting Coinamatic Canada Inc., Carrying on Business as Park Smart v. City of Toronto, which was forwarded to Members of Council under confidential cover; and further, in accordance with the Municipal Act, discussions pertaining thereto be held in-camera having regard that the subject relates to potential litigation matters.

(City Council; City Solicitor – February 5, 2004)

(Clause No. 3, Report No. 2)

3.9(a) 2004 Operating Budget Review.

The Planning and Transportation Committee had before it:

- (i) the Analyst Briefing Notes with respect to the 2004 Operating Budgets under its purview:

Urban Development Services

- Planning;
- Building;
- Municipal Licensing and Standards; and

- Business Support Services;
- (ii) communication (January 27, 2004) from Chris Benjamin with respect to the official Bike Plan;
- (iii) report (February 3, 2004) from the Commissioner of Urban Development Services providing information regarding the 2004 Budget request for the Graffiti Transformation Grants Program; and recommending that this report be received for information;
- (iv) communication (February 5, 2004) from B. Lew providing comments with respect to the Capital Budget;
- (v) communication (February 5, 2004) from Rhona Swarbrick, Pedestrian Planning Network, providing comments with respect to a project proposal that benefits pedestrians across the city;
- (vi) communication (February 5, 2004) from Laszlo Jarmai providing his comments on the City's budget process;
- (vii) communication (February 5, 2004) from Anne Dembinski, President, CUPE Local 79, providing comments with respect to the 2004 Operating and Capital Budgets;
- (viii) communication (February 5, 2004) from Hamish Wilson providing his comments respecting the Front Street Extension;
- (ix) communication (February 2, 2004) from David Vallance providing his comments respecting the City Budget process;
- (x) communication (February 5, 2004) from James Robinson, Executive Director, Downtown Yonge Business Improvement Association, providing comments respecting the graffiti eradication program;
- (xi) briefing note (February 13, 2004) from the Commissioner of Urban Development Services providing information on Planning and Transportation Committee 2004 Budget Questions;
- (xii) briefing note (February 13, 2004) from the Commissioner of Urban Development Services providing information on changes to the Committee of Adjustment;

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- (xiii) communication (February 13, 2004) from Helen Riley providing comments respecting the Front Street Extension;
- (xiv) communication (February 13, 2004) from Hamish Wilson providing comments respecting the Front Street Extension;
- (xv) communication (February 16, 2004) from Jeff Brown, Conservation chair, Sierra Club of Canada, GTA Group, providing comments respecting the Front Street Extension;
- (xvi) communication (February 16, 2004) from David White, on behalf of the Dundas West Residents Association, providing comments respecting the Front Street Extension;
- (xvii) communication (February 16, 2004) from Joan Doiron, Chair, Better Transportation Coalition of Ontario, providing comments respecting the Front Street Extension; and
- (xviii) communication (February 13, 2004) from Lyn Adamson providing comments respecting the Front Street Extension.

The Commissioner of Urban Development Services gave a presentation to the Planning and Transportation Committee respecting the 2004 Operating Budgets under the purview of the Urban Development Services Department.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Ms. Rhona Swarbrick, and filed a written submission with respect thereto;
- Ms. June MacDonald;
- Mr. James Stewart;
- Mr. David Vallance, and filed a written submission with respect thereto;
- Ms. Anne Dubas, Treasurer, CUPE Local 79, and filed a written submission with respect thereto;
- Ms. Helen Riley;

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- Mr. Les Jarmai, and filed a written submission with respect thereto; and
- Mr. Hamish Wilson, and filed a written submission with respect thereto.

Councillor Altobello appointed Councillor Milczyn Acting Chair and vacated the Chair.

On motion by Councillor Altobello, the Planning and Transportation Committee recommended to the Budget Advisory Committee:

- (1) the adoption of the 2004 EMT recommended Operating Budget respecting the Urban Development Services Department subject to:
 - (i) funds in the amount of \$92,500 being added to the budget for a Graffiti Abatement Coordinator and program funding for the period starting July 1, 2004; and a comprehensive graffiti abatement strategy being undertaken by the department in conjunction with other City departments as required;
 - (ii) a proactive by-law enforcement strategy related to litter and debris being undertaken in 2004;
 - (iii) funds in the amount of \$295,600 being added to the budget for eight (8) additional by-law enforcement officers starting July 1, 2004, and one-time start up costs; and
 - (iv) fees for planning applications being increased by 10 per cent effective July 1, 2004, and that an amount of \$389,000 be added to the 2004 revenue budget of Urban Development Services; and
- (2) that the Commissioner of Urban Development Services be directed to conduct a comprehensive review of fees in the Urban Development Services department in order to move to 100 per cent cost recovery where applicable.

(Budget Advisory Committee; Commissioner of Urban Development Services; Interested Parties – February 16, 2004)

(Clause No. 8(f), Report No. 2)

3.9(b) 2004 – 2013 Capital Budget Review

The Planning and Transportation Committee had before it:

- (i) the Analyst Briefing Notes with respect to the 2004-2013 Capital Budgets under its purview:
 - Urban Development Services;
 - Waterfront Revitalization Initiative; and
 - Yonge/Dundas Square;
- (ii) communication (January 27, 2004) from Chris Benjamin with respect to the official Bike Plan;
- (iii) report (February 3, 2004) from the Commissioner of Urban Development Services providing information regarding the 2004 Budget request for the Graffiti Transformation Grants Program; and recommending that this report be received for information;
- (iv) communication (February 5, 2004) from B. Lew providing comments with respect to the Capital Budget;
- (v) communication (February 5, 2004) from Rhona Swarbrick, Pedestrian Planning Network, providing comments with respect to a project proposal that benefits pedestrians across the city;
- (vi) communication (February 5, 2004) from Laszlo Jarmai providing his comments on the City's budget process;
- (vii) communication (February 5, 2004) from Anne Dembinski, President, CUPE Local 79, providing comments with respect to the 2004 Operating and Capital Budgets;
- (viii) communication (February 5, 2004) from Hamish Wilson providing his comments respecting the Front Street Extension;

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- (ix) communication (February 2, 2004) from David Vallance providing his comments respecting the City Budget process;
- (x) communication (February 5, 2004) from James Robinson, Executive Director, Downtown Yonge Business Improvement Association, providing comments respecting the graffiti eradication program;
- (xi) briefing note (February 13, 2004) from the Commissioner of Urban Development Services providing information on Planning and Transportation Committee 2004 Budget Questions;
- (xii) briefing note (February 13, 2004) from the Commissioner of Urban Development Services providing information on changes to the Committee of Adjustment;
- (xiii) communication (February 13, 2004) from Helen Riley providing comments respecting the Front Street Extension;
- (xiv) communication (February 13, 2004) from Hamish Wilson providing comments respecting the Front Street Extension;
- (xv) communication (February 16, 2004) from Jeff Brown, Conservation chair, Sierra Club of Canada, GTA Group, providing comments respecting the Front Street Extension;
- (xvi) communication (February 16, 2004) from David White, on behalf of the Dundas West Residents Association, providing comments respecting the Front Street Extension;
- (xvii) communication (February 13, 2004) from Joan Doiron, Chair, Better Transportation Coalition of Ontario, providing comments respecting the Front Street Extension; and
- (xviii) communication (February 13, 2004) from Lyn Adamson providing comments respecting the Front Street Extension.

The Commissioner of Urban Development Services gave a presentation to the Planning and Transportation Committee respecting the 2004 Capital Budgets under the purview of the Urban Development Services Department. **(Presentation material filed with Minute No. 3.9(a).)**

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The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Ms. Rhona Swarbrick, and filed a written submission with respect thereto;
- Ms. June MacDonald;
- Mr. James Stewart;
- Mr. David Vallance, and filed a written submission with respect thereto;
- Ms. Anne Dubas, Treasurer, CUPE Local 79, and filed a written submission with respect thereto;
- Ms. Helen Riley;
- Mr. Les Jarmai, and filed a written submission with respect thereto; and
- Mr. Hamish Wilson, and filed a written submission with respect thereto.

Councillor Altobello appointed Councillor Milczyn Acting Chair and vacated the Chair.

On motion by Councillor Altobello, the Planning and Transportation Committee reviewed the 2004-2013 Capital Budget for the Planning and Transportation Committee and took the following action in regard thereto:

Urban Development Services

Recommended to the Budget Advisory Committee, as a result of changes to the Works and Emergency Services scheduling, the adoption of the 2004-2013 EMT recommended Capital Budget respecting the Urban Development Services Department subject to replacing the 2004 Civic Improvement Routes project - "The Queensway" (Claude Avenue to South Kingsway) ranked second in priority at a cost of \$275,000 with College Street (Bathurst Street to Spadina) at a cost of \$275,000 and ranked as third in priority and Port Union Road currently ranked as third now being ranked as second in priority, so that the 2004 Civic Improvement Program Routes are ranked as follows:

Sherbourne Street (Queens Quay to Bloor);
Port Union Road (Lawrence Avenue East to Waterfront);
College Street (Bathurst Street to Spadina);
Danforth Avenue (Warden to Victoria Park); and
Royal York Road (Gardiner Expressway to Mimico Creek).

Waterfront Revitalization Initiative

Recommended to the Budget Advisory Committee the adoption of the 2004-2013 Capital Program for the Waterfront Revitalization Initiative subject to the “Portlands and West Donlands” Precinct Project listed on one line and the “East Bayfront” Precinct Project listed on a second line in Appendix 4 to the Analyst Notes for Waterfront Revitalization being amended to read “Portlands” on one line and “East Bayfront and West Donlands” on the other, with no change to the corresponding funding levels.

Yonge/Dundas Square

Recommended to the Budget Advisory Committee the adoption of the 2004 Capital Program request for Yonge/Dundas Square.

Councillor Altobello resumed the Chair.

(Budget Advisory Committee; Commissioner of Urban Development Services; Interested Parties – February 16, 2004)

(Clause No. 8(g), Report No. 2)

3.10 City of Toronto Position Regarding Ontario Municipal Board Reform

The Planning and Transportation Committee had before it a 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 six 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.

Mr. George Milbrandt appeared before the Planning and Transportation Committee in connection with the foregoing matter and filed a written submission with respect thereto.

Councillor David Shiner, Willowdale, also appeared before the Planning and Transportation Committee in connection with the foregoing matter.

The Planning and Transportation Committee:

(A) recommended to Council:

(1) the adoption of the foregoing report (February 2, 2004) from the Commissioner of Urban Development Services; and

(2) that the Minister of Municipal Affairs and the Attorney General be advised that Toronto City Council believes that:

(i) Municipal Councils have been duly elected and bear the authority to amend Official Plans, Zoning and other planning matters within the boundaries of their municipalities;

(ii) the Ontario Municipal Board is an appointed body that lacks accountability and representation of the community for which it is requested to adjudicate on planning matters;

(iii) the sole authority to amend official plans, zoning and other planning matters should rest fully with the elected representatives of the Municipal Council; and

(iv) the role of the Ontario Municipal Board should have no jurisdiction for the City of Toronto; and **(Motion by Councillor Milczyn on behalf of Councillor Shiner.)**

(B) requested the Commissioner of Urban Development Services to consult with interested ratepayers and interested Councillors on additional recommendations regarding the City of Toronto's position with respect to reforming the Ontario

Municipal Board, and submit a report thereon to the meeting of Council scheduled to be held on March 1, 2004. (**Motion by Councillor Jenkins.**)

(Commissioner of Urban Development Services – February 5, 2004)

(Clause No. 4, Report No. 2)

3.11 Harmonization of By-laws Concerning Long Grass and Weeds

The Planning and Transportation Committee had before it the following report and communication:

- (1) (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 (eight 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; and
- (2) (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.”

On motion by Councillor Palacio, the Planning and Transportation Committee recommended to Council the adoption of the foregoing report (January 29, 2004) from the Commissioner of Urban Development Services, subject to amending Recommendations Nos. (1) and (2) to read as follows:

- “(1) City Council adopt a by-law which prescribes standards for the maintenance of long grass and weeds on private property, and public property, including a responsibility of every property owner to cut and maintain grass at a height not exceeding 20 centimetres (eight 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, as well as unique enforcement provisions for public property; and
- (2) the City Solicitor, in consultation with the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services,

and the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report accompanied by a draft by-law for consideration by City Council at its March meeting”.

(Clause No. 5, Report No. 2)

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

The Planning and Transportation Committee had before it a 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.

On motion by Councillor Saundercook, the Planning and Transportation Committee recommended that Council receive for information, the foregoing report (February 2, 2004) from the City Solicitor.

(Clause No. 6, Report No. 2)

3.13 Ontario Restaurant Hotel and 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

The Planning and Transportation Committee had before it a 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 and 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.

On motion by Councillor Saundercook, the Planning and Transportation Committee:

- (1) recommended that Council receive for information the foregoing report (February 2, 2004) from the City Solicitor; and
- (2) forwarded a copy of the aforementioned report to the Board of Health for information.

(Board of Health – February 5, 2004)

(Clause No. 7, Report No. 2)

3.14 Terms of Reference – Taxicab Advisory Committee and Licensing Sub-Committee

The Planning and Transportation Committee had before it the following Notice of Motion from Councillor Altobello:

Whereas the terms of reference of the Taxicab Advisory Committee (“TAC”) and the Licensing Sub-Committee (“LSC”) were reviewed in the previous term of Council; and

Whereas the term and membership of the TAC and LSC did expire in conjunction with the term of the previous Council; and

Whereas the previous Planning and Transportation Committee recommended that the LSC be disbanded; and

Whereas the previous Council referred the recommendations regarding the TAC and LSC back to the Planning and Transportation Committee for further review; and

Whereas stakeholder consultation is vital in developing appropriate licensing policies and regulations; and

Whereas pursuant to the Procedural By-law deputations may not be delegated solely to a sub-committee, thereby resulting in duplication of deputations and staff resources to the LSC and Planning and Transportation Committee; and

Whereas it is important for the Planning and Transportation Committee to receive public input and provide a framework for a wide sector of public consultation and consensus building on licensing issues;

Now Therefore be it resolved that the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on the establishment of a workgroup to advise the Committee on matters affecting licensing regulations and related policy development and proposals to create an improved framework for public consultation on a wide range of licensing issues as they affect the broader business community and neighbourhoods across the City of Toronto.

Councillor Altobello appointed Councillor Milczyn Acting Chair and vacated the Chair.

On motion by Councillor Altobello, the Planning and Transportation Committee concurred with the recommendation contained in the foregoing Notice of Motion “that the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on the establishment of a workgroup to advise the Committee on matters affecting licensing regulations and related policy development and proposals to create an improved framework for public consultation on a wide range of licensing issues as they affect the broader business community and neighbourhoods across the City of Toronto”.

Councillor Altobello resumed the Chair.

(Commissioner of Urban Development Services –
February 5, 2004)

(Clause No. 8(h), Report No. 2)

The Committee adjourned its meeting at 5:08 p.m. on February 5, 2004 and adjourned at 10:10 a.m. on February 16, 2004.

Chair.

