



**NORTH YORK COMMUNITY COUNCIL
DECISION DOCUMENT
MEETING 7**

Report 7 to be considered by City Council on September 28, 29 and 30, 2005

Date of Meeting: September 19, 2005
Time: 9:30 a.m.
Location: Council Chambers
North York Civic Centre
5100 Yonge Street
Toronto, Ontario

Enquiry: Francine Adamo
Committee Administrator
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This Decision Document is for preliminary reference purposes only. Please refer to the Committee's Report to City Council or to the minutes for the official record.

How to Read the Decision Document

- *recommendations of the Committee to City Council are in bold type after the item heading;*
- *action taken by the Committee on its own authority does not require Council's approval – it is reported to Council for information, and is listed in the decision document in bold type under the heading "Action taken by the Committee"; and*
- *Declarations of Interest, if any, appear at the end of an item.*

Minutes Confirmed – Meeting of July 5, 2005

Communications/Reports:

1. **Draft By-laws – To Rename Part of Bales Avenue south of Avondale Avenue as Harrison Garden Boulevard and To Rename Part of Terlean Road as Avondale Avenue (Ward 23 – Willowdale)**

Report 7, Clause 1

The North York Community Council recommends that the by-laws in the form of the draft by-laws be enacted, and that the necessary Bills be introduced in Council to give effect thereto.

Draft By-laws from the City Solicitor.

- 1(a). Consolidated Clause 30 of North York Community Council Report 3, titled “Renaming of Portion of Bales Avenue to “Harrison Garden Boulevard” and Renaming of Terlean Road to “Avondale Avenue” (Ward 23 – Willowdale)”, which was adopted, without amendment, by City Council on April 12, 13 and 14, 2005.

2. **Draft By-law to Permanently Close a Portion of the public highway Phippen Avenue (Commonly known as Parklea Drive), abutting 206 Hanna Road (Ward 26 – Don Valley West)**

Report 7, Clause 2

The North York Community Council recommends that a by-law in the form of the draft by-law be enacted, and that the necessary Bill be introduced in Council to give effect thereto.

City Solicitor submitting a Draft By-law to Permanently Close a Portion of the public highway Phippen Avenue (Commonly known as Parklea Drive), abutting 206 Hanna Road (Ward 26 – Don Valley West)

- 2(a). Consolidated Clause 28 of North York Community Council Report 4, titled “Sale of Surplus Portion of the Phippen Avenue Road Allowance (Commonly known as Parklea Drive), abutting 206 Hanna Road (Ward 26 – Don Valley West), which was adopted, without amendment, by City Council on May 17, 18 and 19, 2005.

3. **Request for Fence Exemption – 157 Sherwood Avenue (Ward 25 – Don Valley West)**

Report 7, Clause 3

The North York Community Council recommends that City Council adopt Recommendation (2) contained in the Recommendations Section of the report (August 30, 2005) from the North District Manager, Municipal Licensing and Standards Division, and the request for an exemption from the City of Toronto Municipal Code, Chapter 447 Fences, for 157 Sherwood Avenue, be approved, subject to the applicant bringing the fence into compliance with Chapter 447 Fences or its successor by-law when the fence is replaced.

Report (August 30, 2005) from the North District Manager, Municipal Licensing & Standards Division, reporting on a request by the owner of 157 Sherwood Avenue for an exemption from the City of Toronto Municipal Code Chapter 447 Fences.

Recommendations:

It is recommended that one of the following two options be accepted:

- (1) The application not be approved, or,
- (2) If approved, conditions be imposed requiring the applicant to bring the fence into compliance with Chapter 447 Fences or its successor by-law when the fence is replaced.

4. Request for Fence Exemption – 35 Glen Forest Road (Ward 25 – Don Valley West)

Report 7, Clause 4

The North York Community Council recommends that City Council adopt staff Recommendation (2) in the Recommendations Section of the report (August 30, 2005) from the North District Manager, Municipal Licensing and Standards Division, and the request for an exemption from the City of Toronto Municipal Code, Chapter 447 Fences, for 35 Glenforest Road, be approved, subject to the applicant bringing the fence into compliance with Chapter 447 Fences or its successor by-law when the fence is replaced.

Report (August 30, 2005) from the North District Manager, Municipal Licensing & Standards Division, reporting on a request by the owner of 35 Glen Forest Road for an exemption from the City of Toronto Municipal Code Chapter 447 Fences.

Recommendations:

It is recommended that one of the following two options be accepted:

- (1) The application not be approved, or,
- (2) If approved, conditions be imposed requiring the applicant to bring the fence into compliance with Chapter 447 Fences or its successor by-law when the fence is replaced.

5. Request for Approval of Variances from the former City of York Sign By-law No. 3369-79, as amended, for the erection of a back to back third party advertising roof sign at 1840 Eglinton Avenue West (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 5

The North York Community Council recommended that City Council:

- (1) **not adopt the report (August 30, 2005) from the Director of Building and Deputy Chief Building Official; and**

- (2) **approve the request for a variance from the former City of York Sign By-law No. 3369-79, as amended, for the erection of a back to back third party advertising roof sign at 1840 Eglinton Avenue West, subject to:**
- (a) **the removal of the sign at 2388 Dufferin Street, with the permission of the owner of 2388 Dufferin Street to do so; and**
 - (b) **no further roof sign being erected at 2388 Dufferin Street.**

Report (August 30, 2005) from the Director of Building and Deputy Chief Building Official, reviewing and making recommendations on a request by Sid Catalano of Pattison Outdoor, on behalf of Li III Limited, property owner of 1840-1842 Eglinton Avenue West, for a variance from the former City of York Sign By-law No. 3369-79, as amended, to permit the erection of a back to back off premise roof sign.

Recommendation:

It is recommended that the request for variance be refused for the reasons outlined in this report.

5(a). Communication (September 15, 2005) from Albert Kwan.

6. **Request for Approval of Variances from the former City of North York Sign By-law No. 30788, as amended, for the erection of 5 (five) projecting signs at 2877 Bayview Avenue (Ward 24 – Willowdale)**

Report 7, Other Items Clause 43(a)

The North York Community Council postponed indefinitely, the report (August 30, 2005) from the Director of Building and Deputy Chief Building Official, North District:

Report (August 30, 2005) from the Director of Building and Deputy Chief Building Official, reviewing and making recommendations on a request by Isabella Matte of International Neon, on behalf of Loblaws Properties Ltd., for a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of 5 (five) projecting signs at the above location.

Recommendations:

It is recommended that:

- (1) the request for the variance be approved; and

- (2) the applicant be advised, upon approval of the variance, of the requirement to obtain the necessary sign permits from the chief building official.

7. Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit driveway widening for a second parking space at 349 Briar Hill Avenue (Ward 16 – Eglinton-Lawrence)

Report 7, Other Items Clause 43(b)

The North York Community Council deferred the report to its next meeting on October 18, 2005, to allow the applicant an opportunity to address the North York Community Council.

Report (June 13, 2005) from the Director, Transportation Services, North York District, reporting on a request for an exemption from Municipal Code Chapter 248, Parking Licenses, of the former City of Toronto Municipal Code, to permit driveway widening for a second parking space at 349 Briar Hill Avenue, which does not meet the requirements of the Code.

Recommendation:

The application for driveway widening for a second parking space at 349 Briar Hill Avenue be denied.

8. Request for Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 129 Edith Drive (Ward 16 – Eglinton-Lawrence)

Report 7, Clause 6

The North York Community Council recommended that City Council:

- (1) not adopt the report (August 23, 2005) from the Director, Transportation Services, North York District; and
- (2) approve the request for an exemption from Chapter 248 of the Former City of Toronto Municipal Code to permit driveway widening for a second parking space at 129 Edith Avenue, subject to the following conditions:
 - (a) the new parking area not exceeding 2.2 metres by 5.9 metres in dimension;
 - (b) both parking areas being paved with semi-permeable paving materials, such as ecostone pavers or approved equivalent paving treatment acceptable to the General Manager of Transportation Services;

- (c) **the applicant providing the landscape features substantially in accordance with the plan as shown on Attachment-1, to the satisfaction of the General Manager of Transportation Services; and**
- (d) **the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code.**

Report (August 23, 2005) from the Director, Transportation Services, North York District, reporting on a request for an exemption from Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code, to permit driveway widening for a second parking space at 129 Edith Drive, which does not meet the requirements of the Code.

Recommendation:

It is recommended that the application for driveway widening for a second parking space at 129 Edith Drive be denied.

- 9. Request for an Exemption from Chapter 400 of the former City of Toronto Municipal Code to permit Front Yard Parking for two vehicles at 179 Ranleigh Avenue (Ward 25 – Don Valley West)**

Report 7, Clause 7

The North York Community Council recommended that City Council:

- (1) **not adopt the report (August 23, 2005) from the Director, Transportation Services, North York District; and**
- (2) **approve the request for an exemption from Chapter 400, Traffic and Parking, of the Former City of Toronto Municipal Code to permit front yard parking for two vehicles at 179 Ranleigh Avenue, subject to the following conditions:**
 - (a) **the new parking area not exceeding 2.6 metres by 5.6 metres in dimension;**
 - (b) **both parking areas being paved with semi-permeable paving materials, such as ecostone pavers or approved equivalent paving treatment acceptable to the General Manager of Transportation Services;**
 - (c) **the City sidewalk not being encumbered at any time by vehicles overhanging the sidewalk and pedestrian traffic being maintained at all times;**

- (d) **when the existing below grade garage is eliminated and changed to habitable space;**
- (e) **the applicant providing the landscape features substantially in accordance with the plan as shown on Attachment-1, to the satisfaction of the General Manager of Transportation Services; and**
- (f) **the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code.**

Report (August 23, 2005) from the Director, Transportation Services, North York District, reporting on a request for an exemption from Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, to permit front yard parking for two vehicles at 179 Ranleigh Avenue, which does not meet the requirements of the Code.

Recommendation:

It is recommended that the application for front yard parking for two vehicles at 179 Ranleigh be denied.

10. Request for a Variance to the Circular Driveway Entrance Policy – 110 York Mills Road (Ward 25 – Don Valley West)

Report 7, Clause 8

The North York Community Council recommended that City Council:

- (1) **not adopt the report (August 23, 2005) from the Director, Transportation Services, North York District; and**
- (2) **approve the request for a variance to the Circular Driveway Entrance Policy at 110 York Mills Road.**

Report (August 23, 2005) from the Director, Transportation Services, North York District, reporting on a request to allow a variance to the Driveway Entrance Policy for a Circular Driveway at 110 York Mills Road.

Recommendation:

It is recommended that the application for this variance to the driveway entrance policy be denied.

10(a). Communication (September 16, 2005) from Councillor Jenkins, forwarding a communication (September 16, 2005) from Cindy Weiner, President, St. Andrew's Ratepayers Association.

11. Request for Driveway Entrance Widening – 54 Otter Crescent (Ward 16 – Eglinton-Lawrence)

Report 7, Clause 9

The North York Community Council recommended that City Council:

- (1) not adopt the report (August 25, 2005) from the Director, Transportation Services, North York District; and**
- (2) grant conditional approval to widen the driveway entrance at 54 Otter Crescent from 3.0 metres to 5.3 metres, only until such time as the street is re-paved with curbs.**

Report (August 25, 2005) from the Director, Transportation Services, North York District, reporting on a request to widen the driveway entrance at 54 Otter Crescent from 3.0 metres to 5.3 metres.

Recommendation:

It is recommended that the request for a variance from the residential driveway entrance policy be denied.

11(a). Communication (September 15, 2005) from Marie Desilets, applicant.

12. Encroachment Agreement – 399 Cortleigh Boulevard (Ward 16 – Eglinton-Lawrence)

Report 7, Clause 10

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 15, 2005) from the Director, Transportation Services, North York District.

Report (August 15, 2005) from the Director, Transportation Services, North York District, reporting on a request for encroachment into the future right-of-way of Bathurst Street.

Recommendations:

It is recommended that:

- (1) the requirement to convey 3.44 metres on the Bathurst Street road allowance be waived.
- (2) City officials be authorized to take the actions necessary to take effect thereto.

13. Traffic Calming Measures (speed humps) – Hillhurst Boulevard, Bathurst Street to the west limit of cul-de-sac (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 11

The North York Community Council recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (August 23, 2005) from the Director, Transportation Services, North York District, and that traffic calming measures (speed humps) not be installed on Hillhurst Boulevard, Bathurst Street to the west limit of the cul-de-sac.

Report (August 23, 2005) from the Director, Transportation Services, North York Services, reporting on the need for traffic calming measures and results of the traffic calming poll on Hillhurst Boulevard, Bathurst Street to the west limit of cul-de-sac.

Recommendation:

It is recommended that traffic calming measures (speed humps) not be installed on Hillhurst Boulevard, Bathurst Street to the west limit of cul-de-sac.

14. Authority to Amend the Designation By-law and the Heritage Easement Agreement – 18 Harrison Garden Boulevard (Elihu Pease House) (Ward 23 – Willowdale)

Report 7, Clause 12

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 4, 2005) from the Director, Policy and Research, City Planning Division.

Report (August 4, 2005) from the Director, Policy & Research, City Planning Division, requesting that City Council authorize the amending of the Designation By-law No. 31251 and the Heritage Easement Agreement for the Elihu Pease House, formerly located at 34 Avondale Road and now located at 18 Harrison Garden Boulevard.

Recommendations:

It is recommended that:

- (1) City Council authorize the amending of By-law No. 31251, designating under Part IV of the *Ontario Heritage Act* the Elihu Pease House, formerly located at 34 Avondale Road and now located at 18 Harrison Garden Boulevard;
- (2) City Council authorize the amending of the Heritage Easement Agreement for the Elihu Pease House, registered on February 12, 2003 as Instrument No. AT100301 on lands at 34 Avondale Road, to reflect its current location at 18 Harrison Garden Boulevard; and,
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

14(a). Communication (September 2, 2005) from the Toronto Preservation Board, recommending to the North York Community Council that City Council adopt the staff recommendations in the Recommendations Section of the report (August 4, 2005) from the Director, Policy and Research, City Planning Division.

15. Intention to Designate under Part IV of the Ontario Heritage Act – 59 Wynford Drive (Bata International Building) (Ward 26 – Don Valley West)

Report 7, Clause 13

The North York Community Council recommended that City Council:

- (1) **amend Recommendation (1) in the Recommendations Section of the report (May 13, 2005) from the Director, Policy and Research, City Planning Division, as follows:**
 - “(1) City Council state its intention not to designate the property at 59 Wynford Drive (Bata International Building) under Part IV of the Ontario Heritage Act.”**
- (2) **delete Recommendations (2), (3) and (4) in Recommendations Section of the report (May 13, 2005) from the Director, Policy and Research, City Planning Division;**
- (3) **request the Aga Khan Foundation to incorporate an installation on the site to commemorate the Bata International building as an important example of modernist architectural design, and in so doing, request the Aga Khan Foundation to work with the Toronto Preservation Board, the Toronto Society of Architects and appropriate staff in Heritage Preservation Services, Policy and Research, City Planning Division.**

Action Taken by the Committee:

The North York Community Council requested that:

- (i) prior to the City Council's meeting on September 28, 2005, the City Solicitor obtain an undertaking from the Aga Khan Foundation Canada not to demolish the Bata building until site plan approval and a building permit is available for the Ismaili Centre; and
- (ii) the Director, Policy and Research, Planning Division and Director, Community Planning, obtain an undertaking from the Aga Khan Foundation Canada to properly document the Bata building as part of the site plan for the new Ismaili Centre.

Report (May 13, 2005) from the Director, Policy & Research, City Planning Division, recommending that City Council state its intention to designate the property at 59 Wynford Drive (Bata International Building) under Part IV of the Ontario Heritage Act.

Recommendations:

It is recommended that:

- (1) City Council state its intention to designate the property at 59 Wynford Drive (Bata International Building) under Part IV of the *Ontario Heritage Act*;
 - (2) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
 - (3) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
 - (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
- 15(a).** Communication (August 26, 2005) from Brad Teichman, McCarthy Tetrault, addressed to Brian Gallagher, Heritage Preservation Co-ordinator, Heritage Preservation Services, requesting that this matter be deferred at the Preservation Board meeting of September 1, 2005 to its meeting on September 29, 2005 and further requesting the North York Community Council to defer consideration of this matter to its meeting of October 18, 2005.
- 15(b).** Communication (September 2, 2005) from the Toronto Preservation Board, recommending to the North York Community Council that City Council adopt the staff recommendations in the Recommendations Section of the report (May 13, 2005) from the Director, Policy and Research, City Planning Division.

- 15(c). (September 16, 2005) from Richard Moorhouse, Executive Director, Ontario Heritage Foundation;
- 15(d). (September 16, 2005) from Alex Grenzebach;
- 15(e). (September 14, 2005) from Maggie Demeter, President, North York Historical Society;
- 15(f). (undated) from Edith Geduld, Chair, North York Community Preservation Panel;
- 15(g). (September 10, 2005) from Councillor Nadir Jamal, Township of Ramara; and
- 15(h). copy of communication (September 15, 2005) from Councillor Pitfield, Ward 26 – Don Valley West, addressed to the Committee Secretary, Toronto Preservation Board.

16. Parking Prohibitions – Wilmont Drive (Ward 8 – York West)

Report 7, Clause 14

The North York Community Council recommended that City Council adopt the staff recommendation in the Recommendations Section of the report (February 7, 2005) from the Director, Transportation Services, North York District.

Report (February 7, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the parking regulations on Wilmont Drive.

Recommendation:

It is recommended that Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on both sides of Wilmont Drive, from the easterly limit of Driftwood Avenue to the westerly limit of Forge Drive.

17. Parking Prohibitions – Whitehorse Road (Ward 8 – York West)

Report 7, Clause 15

The North York Community Council recommended that City Council adopt the staff recommendation in the Recommendations Section of the report (July 12, 2005) from the Director, Transportation Services, North York District.

Report (July 12, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the existing parking regulations on Whitehorse Road.

Recommendation:

It is recommended that Schedule VIII of by-law No. 31001, of the former City of North York, be amended to prohibit parking from 8:00 a.m. to 6:00 p.m., Monday to Friday, on the west side of Whitehorse Road, from the southerly limit of Steeprock Drive to the northerly limit of Rimrock Road.

18. Removal of a Parking Space for the Disabled – 3 Allenvale Avenue (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 16

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (July 27, 2005) from the Director, Transportation Services, North York District.

Report (July 27, 2005) from the Director, Transportation Services, North York District, seeking approval to rescind an on-street disabled persons' parking space adjacent to 3 Allenvale Avenue.

Recommendations:

It is recommended that:

- (1) the regulation for the designation of the disabled persons' parking space for 3 Allenvale Avenue be rescinded; and
- (2) the appropriate City officials be authorized and directed to take any action necessary to give effect hereto, including the introduction in Council of any Bills that may be required.

19. Amendment to Stopping Prohibitions – Driftwood Avenue (Ward 8 – York West)

Report 7, Clause 17

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (July 27, 2005) from the Director, Transportation Services, North York District.

Report (July 27, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the existing stopping regulations on Driftwood Avenue.

Recommendations:

It is recommended that:

- (1) Schedule IX of By-law No. 31001, of the former City of North York, be amended by deleting the No Stopping, 8:00 a.m. to 6:00 p.m., Monday to Friday, prohibition on the south side of Driftwood Avenue, from a point 106.75 metres north of the northerly limit of Stong Court to a point 213.5 metres north of the northerly limit of Stong Court; and
- (2) Schedule IX of By-law No. 31001, of the former City of North York, be amended by installing a No Stopping, 8:00 a.m. to 6:00 p.m., Monday to Friday, prohibition on the south/east side of Driftwood Avenue, from the northerly limit of Stong Court to a point 250 metres north of the northerly limit of Stong Court.

20. 40 km/h Speed Limit – Laurelcrest Avenue (Ward 10 – York Centre)

Report 7, Clause 18

The North York Community Council recommended that City Council:

- (1) **not adopt the report (July 28, 2005) from the Director, Transportation Services, North York District; and**
- (2) **approve the request for a 40km/h speed limit on Laurelcrest Avenue.**

Report (July 28, 2005) from the Director, Transportation Services, North York District, reporting on a request from Councillor Michael Feldman to introduce a 40 km/h speed zone on Laurelcrest Avenue.

Recommendation:

It is recommended that this report be received for information only.

21. Parking Prohibitions – Tribute Homes Development – Murray Ross Parkway and Sentinel Road (Ward 8 – York West)

Report 7, Clause 19

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 18, 2005) from the Director, Transportation Services, North York District.

Report (August 18, 2005) from the Director, Transportation Services, North York District, seeking approval to introduce parking prohibitions on the newly constructed public roads and public lanes within the Tribute Homes Development project on the north side of Murray Ross Parkway.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the north and east sides of Delabo Drive, from the easterly limit of Sentinel Road to the southerly limit of Cook Road;
- (2) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the west side of Kidd Terrace, from the northerly limit of Delabo Drive to the southerly limit of Cook Road;
- (3) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the west side of Aldwinckle Heights, from the northerly limit of Delabo Drive to the southerly limit of Cook Road;
- (4) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the south side of Cook Road, from the easterly limit of Delabo Drive to the westerly limit of Leitch Avenue;
- (5) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the west side of Mansur Terrace, from the northerly limit of Murray Ross Parkway to the southerly limit of Bowsfield Road;
- (6) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the west side of Haynes Avenue, from the northerly limit of Murray Ross Parkway to the southerly limit of Cook Road;
- (7) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the west side of Herzberg Gardens, from the northerly limit of Murray Ross Parkway to the southerly limit of Bowsfield Road;
- (8) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the west side of Leitch Avenue, from the northerly limit of Murray Ross Parkway to the southerly limit of Cook Road; and
- (9) Schedule VIII of By-law No. 31001, of the former City of North York be amended by prohibiting parking at anytime on the south side of Bowsfield Road, from the westerly limit of Leitch Avenue to the easterly limit of Sentinel Road.

22. Parking Prohibitions – Yewtree Boulevard (Ward 8 – York West)

Report 7, Clause 20

The North York Community Council recommended that City Council adopt the staff recommendation in the Recommendations Section of the report (August 18, 2005) from the Director, Transportation Services, North York District.

Report (August 18, 2005) from the Director, Transportation Services, North York District, seeking approval to amend parking restrictions on Yewtree Boulevard.

Recommendation:

It is recommended that Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on both sides of Yewtree Boulevard, from the easterly limit of Jane Street to the westerly limit of Driftwood Avenue.

23. Westbound Right Turn Lane Designation – Steeles Avenue East at Laureleaf Road (Ward 24 – Willowdale)

Report 7, Clause 21

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 17, 2005) from the Director, Transportation Services, North York District.

Report (August 17, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the lane designation on Steeles Avenue East at Laureleaf Road.

Recommendations:

It is recommended that:

- (1) the northerly westbound curb lane on Steeles Avenue East at Laureleaf Road, be designated for right turning vehicles only, buses excepted, from the westerly limit of Canadiana Drive to the easterly limit of Laureleaf Road; and
- (2) the appropriate City Officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.

24. Intersection Stop Controls – Mallory Crescent (Ward 26 – Don Valley West)

Report 7, Clause 22

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 11, 2005) from the Director, Transportation Services, North York District.

Report (August 11, 2005) from the Director, Transportation Services, North York District, seeking approval for the installation of stop controls at the south end of Mallory Crescent.

Recommendations:

It is recommended that:

- (1) the existing Through Street designation on Mallory Crescent, between the east and west legs of Moore Avenue, be deleted;
- (2) the west leg of Mallory Crescent be designated as a Through Street, from the southerly limit of Moore Avenue to a point 95 metres south of the southerly limit of Leacrest Road;
- (3) the east leg of Mallory Crescent be designated as a Through Street, from the southerly limit of Moore Avenue to a point 95 metres south of the southerly limit of Leacrest Road;
- (4) compulsory stops on Mallory Crescent at Mallory Crescent (east leg) be required for northbound, eastbound and southbound vehicles;
- (5) compulsory stops on Mallory Crescent at Mallory Crescent (west leg) be required for westbound vehicles;
- (6) the appropriate City Officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.

25. Pedestrian Crossing Prohibition – Leslie Street at Bannatyne Drive (Ward 25 – Don Valley West)

Report 7, Clause 23

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 23, 2005) from the Director, Transportation Services, North York District.

Report (August 23, 2005) from the Director, Transportation Services, North York District, seeking approval to prohibit pedestrian crossings on the south side of Leslie Street at Bannatyne Drive.

Recommendations:

It is recommended that:

- (1) pedestrian crossings be prohibited on Leslie Street, between the north curb line of Bannatyne Drive and a point 30.5 metres south of the south curb line of Bannatyne Drive; and
- (2) the appropriate City Officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.

26. Follow-up Notice of Completion – Dervock Crescent Cul-de-Sac (Ward 24 – Willowdale)

Report 7, Clause 24

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 23, 2005) from the Director, Transportation Services, North York District.

Report (August 23, 2005) from the Director, Transportation Services, North York District, informing Council of follow-up traffic studies related to the Dervock Crescent Cul-de-Sac and seeking Council's approval to authorize publication of the follow-up Notice of Completion for the Municipal Class Environmental Assessment for the Dervock Crescent Cul-de-Sac.

Recommendations:

It is recommended that:

- (1) The follow up Notice of Completion for the Dervock Crescent Cul-de-Sac, as per the Minister of the Environment's order, be published; and
- (2) the appropriate City officials be authorised to take whatever action is necessary to give effect thereto, including the introduction in Council of any Bills that might be necessary.

26(a). Communication (September 16, 2005) from Robert L. Burton, Burton-Lesbury Holdings Limited.

27. All Way Stop Control – Barksdale Avenue at Evanston Drive (Ward 10 – York Centre)

Report 7, Clause 25

The North York Community Council recommended that City Council:

- (1) not adopt the report (August 25, 2005) from the Director, Transportation Services, North York District; and**
- (2) approve the request to install an all way stop control at the intersection of Barksdale Avenue and Evanston Drive.**

Report (August 25, 2005) from the Director, Transportation Services, North York District, reporting on the feasibility of installing an all way stop control at the intersection of Barksdale Avenue and Evanston Drive.

Recommendation:

It is recommended that this report be received for information.

28. Parking Prohibitions – Wicksteed Avenue (Ward 26 – Don Valley West)

Report 7, Clause 26

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 26, 2005) from the Director, Transportation Services, North York District.

Report (August 26, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the parking regulations on Wicksteed Avenue.

Recommendations:

It is recommended that:

- (1) parking be prohibited at anytime on the north side of Wicksteed Avenue, from the easterly limit of Beth Neilson Drive to the easterly limit of Wicksteed Avenue; and
- (2) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

29. Parking/Stopping Restrictions – Viewmount Avenue (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 27

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 26, 2005) from the Director, Transportation Services, North York District.

Report (August 26, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the existing parking and stopping restrictions on Viewmount Avenue, between Bathurst Street and Glenmount Avenue.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking, 9:30 a.m. to 2:30 p.m. and 6:00 p.m. to 8:00 a.m., prohibition on the north side of Viewmount Avenue, from a point 35 metres west of the westerly limit of Bathurst Street to a point 52 metres east of the easterly limit of Glenmount Avenue;
- (2) Schedule IX of By-law No. 31001, of the former City of North York, be amended to delete the No Stopping Anytime prohibition on the north side of Viewmount Avenue, from the westerly limit of Bathurst Street to a point 35 metres west of the westerly limit of Bathurst Street;
- (3) Schedule IX of By-law No. 31001, of the former City of North York, be amended to delete the No Stopping Anytime prohibition on the north side of Viewmount Avenue, from the easterly limit of Glenmount Avenue to a point 52 metres east of the easterly limit of Glenmount Avenue; and
- (4) Schedule X of By-law No. 31001, of the former City of North York, be amended to delete the 15 Minute Permitted Parking, 8:00 a.m. to 9:30 a.m. and 2:30 p.m. to 6:00 p.m., Monday to Friday, restrictions on the north side of Viewmount Avenue, from a point 35 metres west of the westerly limit of Bathurst Street to a point 52 metres east of the easterly limit of Glenmount Avenue.

30. School Zone Review – Calico Public School (Ward 9 – York Centre)

Report 7, Clause 28

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 29, 2005) from the Director, Transportation Services, North York District.

Report (August 29, 2005) from the Director, Transportation Services, North York District, seeking approval to amend the limits of the school bus loading zone and parking/stopping regulations on Calico Drive and Giltspur Drive.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking, 8:00 a.m. to 4:00 p.m., Monday to Friday, prohibition on the west side of Calico Drive, from the southerly limit of Thurrock Drive to the northerly limit of Giltspur Drive;
- (2) Schedule IX of By-law No. 31001, of the former City of North York, be amended to install a No Stopping, 8:00 a.m. to 4:00 p.m., Monday to Friday, prohibition on the west side of Calico Drive, from the northerly limit of Giltspur Drive to a point 15 metres south of Dombey Road;
- (3) By-law No. 32759, of the former City of North York, be amended to delete the School Bus Loading Zone on the east side of Calico Drive, from a point 91 metres north of the northerly limit of Giltspur Drive to a point 101 metres northerly thereof;
- (4) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to install a No Parking Anytime, prohibition on both sides of Calico Drive, from a point 15 metres south of Dombey Road to a point 15 metres north of Dombey Road;
- (5) Schedule IX of By-law No. 31001, of the former City of North York, be amended to install a No Stopping, 8:00 a.m. to 4:00 p.m., Monday to Friday, prohibition on the west side of Calico Drive, from a point 15 metres north of Dombey Road to the southerly limit of Thurrock Road;
- (6) Schedule IX of By-law No. 31001, of the former City of North York, be amended to install a No Stopping, 8:00 a.m. to 6:00 p.m., Monday to Friday, prohibition on the east side of Calico Drive, from the northerly limit of Giltspur Drive to a point 111 metres north of the northerly limit of Giltspur Drive;

- (7) By-law No. 32759, of the former City of North York, be amended to install a School Bus Loading Zone on the east side of Calico Drive, from a point 35 metres north of the northerly limit of Giltspur Drive to a point 111 metres northerly thereof;
- (8) Schedule X of By-law No. 31001, of the former City of North York, be amended to install a 15 minute permitted parking restriction on the east side of Calico Drive, from a point 111 metres north of the northerly limit of Dombey Road to a point 189 metres north of the northerly limit of Giltspur Road;
- (9) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking Anytime, prohibition on the north side of Giltspur Drive, from the easterly limit of Jane Street to the westerly limit of Northover Street;
- (10) Schedule IX of By-law No. 31001, of the former City of North York, be amended to delete the No Stopping, 8:00 a.m. to 6:00 p.m., Monday to Friday, prohibition on the north side of Giltspur Drive, from the easterly limit of Calico Drive to a point 91.5 metres east of the easterly limit of Calico Drive;
- (11) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to install a No Parking Anytime, prohibition on the north side of Giltspur Drive, from the easterly limit of Jane Street to the westerly limit of Calico Drive;
- (12) By-law No. 32759, of the former City of North York, be amended to delete the School Bus Loading Zone on the north side of Giltspur Drive, from a point 49 metres east of the easterly limit of Calico Drive to a point 91 metres east of the easterly limit of Calico Drive;
- (13) Schedule X of By-law No. 31001, of the former City of North York, be amended to install a 15 minute permitted parking, 8:00 a.m. to 4:00 p.m., Monday to Friday, restriction on the north side of Giltspur Drive, from a point 49 metres east of the easterly limit of Calico Drive to a point 91 metres east of the easterly limit of Calico Drive;
- (14) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to install a No Parking Anytime, prohibition on the north side of Giltspur Drive, from a point 91 metres east of the easterly limit of Calico Drive to the westerly limit of Northover Street; and
- (15) Schedule IX of By-law No. 31001, of the former City of North York, be amended to install a No Stopping, 8:00 a.m. to 4:00 p.m., Monday to Friday, prohibition on the south side of Giltspur Drive, from the easterly limit of Chateau Court to the westerly limit of Buckland Road; and

- (16) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

31. One Way Designation – Neptune Drive (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 29

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 7, 2005) from the Director, Transportation Services, North York District.

Report (September 7, 2005) from the Director, Transportation Services, North York District, seeking approval to maintain one way traffic operations on Neptune Drive.

Recommendations:

It is recommended that:

- (1) Schedule XII of By-law No. 31001, of the former City of North York be amended by deleting the one way anytime eastbound traffic designation on Neptune Drive, from the southerly limit of Wasdale Crescent to a point 73 metres west of the westerly limit of Bathurst Street;
- (2) Schedule XII of By-law No. 31001, of the former City of North York be amended by introducing a one way anytime eastbound traffic designation on Neptune Drive, from the southerly limit of Wasdale Crescent to the westerly limit of Bathurst Street;
- (3) By-law No. 32-92, of the former Municipality of Metropolitan Toronto, be amended to prohibit northbound left turns and southbound right turns at the intersection of Bathurst Street and Neptune Drive; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any Bills that may be required.

32. Assumption of Services – Subdivision owned by Pleasantville Gardens Inc. – Plan 66M-2381, Subdivision File UDSB-1249 – Doubletree Road (Ward 33 – Don Valley East)

Report 7, Other Items Clause 43(c)

The North York Community Council deferred the report to its next meeting on October 18, 2005.

Report (August 15, 2005) from the Director, Development Engineering, advising Council that the municipal services installed under the terms of the Subdivision Agreement for Plan 66M-2381, dated March 12, 2002, between Pleasantville Gardens Inc. and the City of Toronto are in the required condition to be assumed by the City.

Recommendations:

It is recommended that:

- (1) An assumption by-law be passed to assume the municipal services in Subdivision Plan 66M-2381.
- (2) The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

33. Assumption of Services – Subdivision owned by Perennial Growth Inc. – Plan 66M-2360, Subdivision File UDSB-1244 – Bethesda Ct. (Ward 25 – Don Valley West)

Report 7, Clause 30

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 15, 2005) from the Director, Development Engineering.

Report (August 15, 2005) from the Director, Development Engineering, advising Council that the municipal services installed under the terms of the Subdivision Agreement for Plan 66M-2360, dated April 19, 2001, between Perennial Growth Inc. and the City of Toronto are in the required condition to be assumed by the City.

Recommendations:

It is recommended that:

- (1) An assumption by-law be passed to assume the municipal services in Subdivision Plan 66M-2360.

- (2) The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

34. Naming of Proposed Private Lane at 134, 136 and 138 Finch Avenue West (Ward 23 – Willowdale)

Report 7, Clause 31

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 26, 2005) from the City Surveyor, Technical Services.

Report (August 26, 2005) from the City Surveyor, Technical Services, recommending that the proposed private lane at 134, 136 and 138 Finch Avenue West be named "Routliffe Lane".

Recommendation:

It is recommended that:

- (1) the proposed private lane at 134, 136 and 138 Finch Avenue West, be named "Routliffe Lane";
- (2) Berkley Homes pays the costs, estimated to be in the amount of \$200.00, for the fabrication and installation of a street name sign; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

35. Sale of Surplus Property – Portion of the Keswick Road and Plewes Road road allowance (Ward 9 – York Centre)

Report 7, Clause 32

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 26, 2005) from the Chief Corporate Officer.

Report (August 26, 2005) from the Chief Corporate Officer, reporting on authorizing the sale of a portion of the Keswick Road and Plewes Road road allowance.

Recommendations:

It is recommended that:

- (1) the Offer to Purchase from Avvro Developments Inc. to purchase a portion of the City-owned Keswick Road road allowance located at the east terminus of Plewes Road on the east side of Keswick Road, shown as Part 1 on Sketch No. PS-2004-100b; and to purchase another portion of City-owned property at Plewes Road located at the north terminus of Keswick Road on the north side of Gilley Road, shown as Part 3 on Sketch No. PS-2004-100b (the “Highway”), in the amount of \$305,000.00, plus GST, and subject to retaining a permanent easement in favour of the City on Closing for existing services located on the Property, be accepted substantially on the terms and conditions outlined in the body of this report, and that either one of the Chief Corporate Officer or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
 - (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this Highway;
 - (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other relevant transaction dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
 - (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
- 35(a).** Consolidated Clause 45 of North York Community Council Report 5, titled “Surplus Land Declaration and Proposed Closing of a Portion of the Keswick Road and Plewes Road Road Allowance (Ward 9 – York Centre)”, which was adopted, without amendment, by City Council on June 14, 15 and 16, 2005.

36. Style of Staff Reports

Report 7, Other Items Clause 43(d)

The North York Community Council referred the following recommendations to the Administration Committee:

- (1) that in the future, all reports tabled at the North York Community Council contain only a single set of recommendations that reflect the staff recommendations within the body of the report;**
- (2) that in the event that Community Council does not support the staff recommendations in a report when the matter goes to Council, staff report on the best way to expedite Community Council’s decision and that this additional staff**

report be submitted to City Council for consideration with the appropriate Community Council Clause;

- (3) that on the occasion when staff feel they cannot be definitive in their recommendations, staff be permitted to introduce an either/or recommendation in the staff report; and**
- (4) this policy be recommended to Council to be adopted as a general policy by the City for all reports.**

Councillor Moscoe, Ward 15 – Eglinton-Lawrence, submitting the following Resolution for consideration by the North York Community Council:

“WHEREAS staff reports like those on applications for front yard parking, driveway widening and tree removal applications usually contain, within the body of the report, a specific set of recommendations for or against approval; and

WHEREAS recently in North York and increasingly, the style of these reports has been changed to provide optional, either/or sets of recommendations at the beginning of the report; and

WHEREAS this style often generates the impression that there is no council policy and undermines the professional integrity of staff reports;

THEREFORE BE IT RESOLVED THAT in the future, all reports tabled at the North York Community Council contain only a single set of recommendations that reflect the staff recommendations within the body of the report; and

BE IT FURTHER RESOLVED THAT this policy be recommended to Council to be adopted as a general policy by the City for all reports;

Or alternatively

BE IT RESOLVED THAT the style of recommendations in traffic calming reports be adjusted to conform with the style of recommendations in front yard parking, driveway widening and tree removal application reports.”

37. By-law to Provide a Right to Enter Adjoining Land to Make Repairs and Alterations

Report 7, Other Items Clause 43(e)

The North York Community Council referred the following recommendations to the Planning and Transportation Committee for consideration at its meeting on October 6, 2005:

- (1) that the staff recommendations in the Recommendations Section of the report (June 8, 2005) from the Executive Director, Municipal Licensing and Standards Division, be adopted;**
- (2) that the proposed by-law:**
 - (a) apply only to repairs and alterations to existing structures and only where there exists less than 4 feet between the property line and the building to be repaired or altered; and**
 - (b) include a requirement that reasonable notice must be provided and be in the following form:**
 - (i) written;**
 - (ii) provided 10 days before the proposed access, except in an emergency; and**
 - (iii) consent be obtained, but not unreasonably withheld.**

Communication (June 27, 2005) from the Planning and Transportation Committee, advising that the Planning and Transportation Committee at its meeting on June 27, 2005, referred the report (June 8, 2005) from the Executive Director, Municipal Licensing and Standards, respecting a By-law to Provide a Right to Enter Adjoining Land to Make Repairs and Alterations, to the Etobicoke York Community Council and the North York Community Council for consultation and report thereon to the Planning and Transportation Committee meeting scheduled to be held on October 6, 2005.

- 38. Appointment of Members of Council to the Gibson House/Zion Schoolhouse Community Museum Management Board, and the North York Community Preservation Panel.**

Report 7, Clause 33

The North York Community Council recommended that:

- (1) Councillor Shelley Carroll be appointed to the Gibson House/Zion Schoolhouse Community Museum Management Board, for a term of office ending November 30, 2006 and until her successor is appointed; and**
- (2) Councillor Clifford Jenkins be appointed to the North York Community Preservation Panel for a term of office ending November 30, 2006 and until his successor is appointed; and**

- (3) **the appropriate City officials be allowed and directed to take any necessary action to make these appointments effective.**

Report (August 18, 2005) from the City Clerk, forwarding information and a list of Members' preferences for appointment to the Gibson House/Zion Schoolhouse Community Museum Management Board and the North York Community Preservation Panel, so that Community Council may nominate Members for appointment by Council.

Recommendations:

It is recommended that:

- (1) North York Community Council consider Members' preferences listed in the attached Schedule 1 and recommend to Council the appointment of:
 - (a) one or two Members to the Gibson House/Zion Schoolhouse Community Museum Management Board; and
 - (b) one or two Members to the North York Community Council Preservation Panelfor a term of office ending November 30, 2006 and until successors are appointed; and
- (2) the appropriate City Officials be allowed and directed to take any necessary action to make these appointments effective.

39. Ontario Municipal Board Decision – Severance Approval – 23 Hedgewood Road (Ward 25 – Don Valley West)

Report 7, Other Items Clause 43(f)

The North York Community Council received the report.

Report (August 31, 2005) from the City Solicitor, reporting on the decision of the Ontario Municipal Board respecting Committee of Adjustment application for 23 Hedgewood Road.

Recommendation:

It is recommended that this report be received for information.

40. Proposal Report – Bayview Avenue Area Study, Finch Avenue to Highway 401 (Ward 23 – Willowdale)

Report 7, Other Items Clause 43(g)

The North York Community Council approved the staff recommendations in the Recommendations Section of the report (August 31, 2005) from the Director, Community Planning, North York District.

Report (August 31, 2005) from the Director, Community Planning, North York District, reviewing and recommending next steps in undertaking an area study for the west side of Bayview Avenue, in order to review appropriate development options for the lots fronting onto Bayview Avenue.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor in the fall of 2005 on the issues raised in this report;
- (2) notice for the community consultation meeting be given to all residents within 120 metres of the study area;
- (3) staff be directed to form a Community Working Group at the community consultation meeting in conjunction with the local ward Councillor;
- (4) notice for a Public Meeting under the Planning Act be given in accordance to the regulations under the Planning Act.

40(a). Communication (September 19, 2005) from Jason Wu.

41. Bennington Heights Character Guideline Study – Terms of Reference – North District Application – 05 167803 NPS 00 TM (Ward 26 – Don Valley West)

Report 7, Clause 34

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 6, 2005) from the Director, Community Planning, North York District.

Report (September 6, 2005) from the Director, Community Planning, North York District, responding to a motion by the Ward Councillor to North York Community Council on a process to develop a set of Character Guidelines for the Community of

Bennington Heights. This report is to set out a Terms of Reference for creating a set of Character Guidelines for the Bennington Heights study area.

Recommendations:

It is recommended that:

- (1) the Terms of Reference (Attachment #1), which is described in this report, be approved.
- (2) notice for the community consultation meeting be given to landowners and residents within the study area.

42. Preliminary Report – Official Plan Amendment Application – 05 125835 NNY 09 OZ and Condominium Conversion Application – 05 125840 NNY 09 CD – Michael Vaughan – 5 Hartham Place (Ward 9 – York Centre)

Report 7, Other Items Clause 43(h)

The North York Community Council approved the staff recommendations in the Recommendations Section of the report (August 30, 2005) from the Director, Community Planning, North York District.

Report (August 30, 2005) from the Director, Community Planning, North York District, providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor.
- (2) notice for the community consultation meeting be given to all existing tenants of 5 Hartham Place as well as landowners and residents within 120 metres of the site;
- (3) the applicant be requested to place an advertisement in a local community newspaper to provide notice of the community consultation meeting; and
- (4) that notice for the Public Meeting under the *Planning Act* be given according to the regulations under the *Planning Act*.

43. Preliminary Report – Rezoning Application – 05 150264 NNY 10 OZ – Billy Fung, John Shuki Lau Architect Inc. - 129 Gorman Park Road (Ward 10 – York Centre)

Report 7, Other Items Clause 43(i)

The North York Community Council approved the staff recommendations in the Recommendations Section of the report (August 24, 2005) from the Director, Community Planning, North York District.

Report (August 24, 2005) from the Director, Community Planning, North York District, providing preliminary information on the above-noted application and seeking Community Council's direction on further processing of the application and on the community consultation process.

Recommendations:

- (1) Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
- (2) Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- (3) Notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.

44. Preliminary Report – OPA & Rezoning Application – 05 142549 NNY 23 OZ – Lansing Residence Inc. – 258, 260, 264 Sheppard Avenue West (Ward 23 – Willowdale)

Report 7, Other Items Clause 43(j)

The North York Community Council referred the report back to the Director, Community Planning, North York District and directed that a report on the site of the new application be submitted.

Report (September 1, 2005) from the Director, Community Planning, North York District, providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor.
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.

45. Preliminary Report – Official Plan Amendment Application – 05 109083 NNY 23 OZ and Condominium Application – 05 106904 NNY 23 CD – Miller Thomson, Llp. – 2, 4 and 6 Forest Laneway (Ward 23 – Willowdale)

Report 7, Other Items Clause 43(k)

The North York Community Council approved the staff recommendations in the Recommendations Section of the report (September 1, 2005) from the Director, Community Planning, North York District.

Report (September 1, 2005) from the Director, Community Planning, North York District, providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

- (1) staff schedule a community consultation meeting together with the Ward Councillor this fall.
- (2) notice for the community consultation meeting be given to existing tenants of the three buildings as well as landowners and residents within 120 metres of the site.
- (3) notice for a subsequent Public Meeting under the *Planning Act* be given according to the regulations under the *Planning Act*.

- 46. Final Report – Part Lot Control Exemption Applications – 05 107815 NNY 08 PL (Phase 2) – 05 107821 NNY 08 PL – 05 107825 NNY 08 PL – 05 107826 08 PL – 05 107829 NNY 08 PL - Walker Nott Dragecivic Associates Limited – 4700 Keele Street (Ward 8 – York West)**

Report 7, Clause 35

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 16, 2005) from the Director, Community Planning, North York District.

Report (August 16, 2005) from the Director, Community Planning, North York District, reporting on a request for an exemption from Part Lot Control to allow 138 semi-detached dwelling units to be conveyed into separate ownership.

Recommendations:

It is recommended that:

- (1) The applications be approved as shown in Attachments 1 to 10 (inclusive);
 - (2) The City Solicitor be authorized to introduce the necessary Bills in Council to give effect to recommendation 1;
 - (3) The By-laws shall expire one year from the date of enactment;
 - (4) The appropriate City Officials be authorized and directed to register the By-laws on title; and
 - (5) The Owner shall provide tax certificates that confirm that all municipal taxes have been paid.
- 47. Final Report – Part Lot Control Application – 05 173703 NMI 25 PL – Georgian Bond Avenue Inc. – 28, 30, 32A & 36 Preakness Drive (Ward 25 – Don Valley West)**

Report 7, Clause 36

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 30, 2005) from the Director, Community Planning, North York District.

Report (August 30, 2005) from the Director, Community Planning, North York District, reporting on a request for an exemption from part lot control in order that 4 semi-

detached dwelling units along the west side of Preakness Drive may be conveyed into separate ownership.

Recommendations:

It is recommended that:

- (1) The application be approved;
- (2) The City Solicitor be authorized to introduce the necessary Bills in Council to give effect to recommendation 1;
- (3) Staff obtain proof of payment of all current property taxes for the subject site from the owner prior to the enactment of the Part Lot Control Exemption By-law;
- (4) The by-law shall expire one year from the date of enactment; and,
- (5) The appropriate City Officials be authorized and directed to register the By-law on title.

48. Final Report – OPA & Rezoning Application – 05 103706 NNY 10 OZ – Franco Romano, Action Planning Consultants – Y.T. Architectural Services Inc. – 865-869 Sheppard Avenue West (Ward 10 – York Centre)

Report 7, Clause 37

The North York Community Council recommends that City Council:

- (1) **adopt the staff recommendations in the Recommendations Section of the report (August 29, 2005) from the Director, Community Planning, North York District; and**
- (2) **adopt the following Resolution submitted by Councillor Feldman, Ward 10 – York Centre:**

“WHEREAS the applicant has agreed in writing, to make a voluntary financial contribution in the amount of \$25,000.00, to be held in a Parks, Forestry and Recreation Division account, for use toward the construction of Banting Park, located in Ward 10, York Centre;

THEREFORE BE IT RESOLVED THAT staff be directed to take the necessary action to ensure that the funds are directed to the Parks, Forestry and Recreation Division, North District, and that any appropriate agreements are in place prior to the issuance of a building permit.”

Report (August 29, 2005) from the Director, Community Planning, North York District, reviewing and recommending approval of an application to amend the Official Plan and the Zoning By-law for a 6 storey mixed-use building at 865-869 Sheppard Avenue West.

Recommendations:

It is recommended that City Council

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
- (2) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment No. 8.
- (3) amend the Zoning By-law for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9.
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (5) before introducing the necessary Bills to City Council for enactment, require the applicant to obtain Notice of Approval Conditions from the Director, Community Planning, North York District.

48(a). (September 14, 2005) from K. Akvan, applicant;

48(b). (September 18, 2005) from Fabio Gisone; and

48(c). (September 19, 2005) from Katerina Tzaneteas.

49. Final Report – Draft Official Plan Amendment No. 567 – 05 117545 NPS TM - North York Centre Secondary Plan – Proposed Amendments to Density Incentives for Bicycle Storage (Wards 23 and 24 – Willowdale)

Report 7, Clause 38

The North York Community Council recommended that City Council:

- (1) **adopt the staff recommendations in the Recommendations Section of the report (September 1, 2005) from the Director, Community Planning, North York District**

and the revisions “(a)”, “(b)”, “(c)” and “(e)” outlined in the submission (September 16, 2005) from Mr. George Belza, Partner, Analogica;

- (2) reduce the requirement to provide locker space for developments containing 100 units, to 25 units; and**
- (3) exclude the floor space for showers from the Gross Floor Area calculations.**

Action Taken by the Committee:

The North York Community Council requested the Director, Community Planning, North York District to:

- (a) review the revised draft amendments to the North York Centre Secondary Plan and the North York Centre Parking Policy, prior to their adoption by City Council with Mr. Belza; and
- (b) submit a report to City Council, for its meeting on September 28, 2005, explaining the recommendations proposed in the submission (September 16, 2005) from George Belza, Partner, Analogica.

Report (September 1, 2005) from the Director, Community Planning, North York District, reviewing and recommending approval of a City-initiated amendment to the North York Centre Secondary Plan respecting bicycle storage density incentive policies.

Recommendations:

It is recommended that City Council:

- (1) adopt amendments to the current North York Centre Secondary Plan, substantially in accordance with the draft Official Plan Amendment in Attachment No. 3.
 - (2) adopt amendments to the North York Centre Parking Policy, substantially in accordance with the draft in Attachment No. 4.
 - (3) authorize the City Solicitor to bring forward to the Ontario Municipal Board a modification to the North York Centre Secondary Plan of the new Official Plan, substantially in accordance with the proposed modifications contained in Attachment 5.
 - (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Appendix as may be required.
- 49(a).** (September 11, 2005) from Clay McFayden;
- 49(b).** (September 14, 2005) from Patrick Berne, Pemberton Group;

- 49(c). (September 16, 2005) from George S. Belza, Partner, Analogica; and
- 49(d). (September 14, 2005) from Paula J. Tenuta, Greater Toronto Homebuilders' Association.
50. **Final Report – Official Plan Amendment and Rezoning Application – 04 126102 NNY 24 OZ and Site Plan Application – 04 126118 SA NNY 24 – Eugene Zaraska - 5795 Yonge Street (1984) Ltd. – 5791 – 5795 Yonge Street**

- and -

**Addendum to Exhibit 24 of the Uptown Service Road and Associated Road Network Environmental Study Report May 1993
(Ward 24 – Willowdale)**

Report 7, Other Items Clause 43(l)

The North York Community Council:

- (1) deferred consideration of the application outlined in the report (August 31, 2005) from the Director, Community Planning, North York District, so that a meeting can be held between the applicant, Eugene Zaraska; the Turnberry Court Condominium Corporation; and Silvercore Properties Inc., the owners of Newtonbrook Plaza to the north, in an effort to work out access through the signalized intersection;**
- (2) requested the applicant to consider revising the application to include “street related retail”;**
- (3) requested the Director, Community Planning, North York District to report back to the North York Community Council, no later than the meeting scheduled for November 15, 2005, on the progress made regarding the outstanding issues; and**
- (4) requested the Director, Community Planning, North York District, to hold a community consultation meeting with the residents of 5765, 5785 and 5793 Yonge Street, prior to the North York Community Council meeting on November 15, 2005.**

Report (August 31, 2005) from the Director, Community Planning, North York District, reviewing and recommending approval of applications to amend the Official Plan and Zoning By-law and approve the Site Plan for a residential building having a maximum gross floor area, excluding density incentives, of 32,004 square metres; and further reporting on and recommending an Addendum to Exhibit 24 of the Uptown Service Road Environmental Study Report of May 1993.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment 8.
- (2) modify the City of Toronto Official Plan substantially in accordance with the draft Official Plan Modification attached as Attachment 9, and authorize the City Solicitor to take any necessary actions at the Ontario Municipal Board hearing to have the modification approved
- (3) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor, to provide or fund the following facilities, services and / or matters:
 - (i) a minimum of 1.5 m² per dwelling unit of private indoor amenity area to be provided on site,
 - (ii) a public art program in the value of \$300,000.00
 - (iii) secure the obligation that arrangements be made for deferred conveyance of unencumbered title to a triangular portion of land at the north-west corner of the site measuring approximately 9.0m and 27.0 m along the west and north property lines respectively for nominal consideration in the event that the City provides notice that the lands are required for public road purposes.
- (6) before introducing the necessary Bills to City Council for enactment:
 - (i) require the Owner to provide a written undertaking in a form satisfactory to the City Solicitor indicating that the Owner's appeal of the new Toronto Official Plan respecting the lands will be settled upon the necessary modification to the new Toronto Official Plan being made to reflect the Official Plan Amendment and Zoning By-law as finally approved;
 - (ii) require the owner to confirm to the satisfaction of the City Solicitor that the revised shared access arrangements have been made between the applicant and the Turnberry Court condominium to the east;

- (iii) require the owner to confirm to the satisfaction of the City Solicitor that easement arrangement in favour of the Turnberry Court condominium for pedestrian access through the south portion of applicant's site to Yonge Street have been made;
 - (iv) require owner to confirm to the Manager, Technical Services, North York District that conditions A - 1 to 5 of his memorandum dated August 29, 2005 have been complied with.
- (7) approve in principle the site plan as indicated on the drawings listed in Attachment 11 subject to the conditions of approval as listed in Attachment 11.
 - (8) authorize the Chief Planner or his designate to give final approval to the site plan when the conditions to be satisfied prior to site plan approval as set out in Attachment 11 of this report have been fulfilled.
 - (9) direct the City Solicitor to prepare and register the necessary site plan agreement.
 - (10) authorize the Director, Community Planning, North York District to execute the agreement.
 - (11) amend the Uptown Service Road and Associated Road Network Environmental Study Report in accordance with attached addendum to Exhibit 24 as attached in Attachment 12.
- 50(a).** (September 14, 2005) from Vasin Saedi; and
 - 50(b).** (September 16, 2005) from Mr. & Mrs. N. Federico; and
 - 50(c).** (September 19, 2005) from John A.R. Dawson, McCarthy Tetrault, on behalf of Silvercore Properties Inc., the owners of the Newtonbrook Plaza; and
 - 50(d).** (September 15, 2005) from Serbio Diseri.
 - 50(e).** (September 16, 2005) from Christina Betcke;
 - 50(f).** (September 19, 2005) from Noreen Chalmers;
 - 50(g).** (undated) from Senta Hodes-Gilbert;
 - 50(h).** (September 16, 2005) from Charles Chow;
 - 50(i).** (September 16, 2005) from Annie Reisler Thomas and Stanley Greenberg;
 - 50(j).** (September 17, 2005) from Mario Paglieri;
 - 50(k).** (September 15, 2005) from Ingeborg Kies;
 - 50(l).** (September 18, 2005) from Silva John;
 - 50(m).** (September 15, 2005) from Stanislaus Sun;
 - 50(n).** (September 19, 2005) from Sherry Gundu and Majia Qureshi;
 - 50(o).** (September 17, 2005) from Ilona Liszka;
 - 50(p).** (September 14, 2005) from Jin Soo Lee;
 - 50(q).** (September 19, 2005) from Silvestre Nelson Lobo;
 - 50(r).** (September 14, 2005) from Captain C. Kandasamy;
 - 50(s).** (September 15, 2005) from David Avitam;
 - 50(t).** (September 15, 2005) from Janis Lowachee;
 - 50(u).** (September 14, 2005) from Donna Betts;

- 50(v).** (September 16, 2005) from Jie Wei;
50(w). (September 18, 2005) from Bridget Tellis;
50(x). (September 14, 2005) from Arthur Sergeichuk and V. Petritchenko;
50(y). (September 15, 2005) from Theresa Ching;
50(z). (September 15, 2005) from Marian Rizk;
50(aa). (September 15, 2005) from Tamer Gerges;
50(bb). (September 14, 2005) from Frank Sarantoulas;
50(cc). (September 19, 2005) from Leonard Jack Douse;
50(dd). (September 16, 2005) from Joan Flemming;
50(ee). (September 16, 2005) from David Learoyd;
50(ff). (September 14, 2005) from Rick Ettore Masucci;
50(gg). (September 15, 2005) from Man Wong;
50(hh). (September 15, 2005) from A. Morosanu and V. Hera;
50(ii). (September 19, 2005) from Polly Evans (Dina);
50(jj). (September 16, 2005) from Jane Ng;
50(kk). (September 19, 2005) from Lothar and Martha Vajda;
50(ll). (September 14, 2005) from Elizabeth Michnick and B. Michnick;
50(mm). (September 19, 2005) from Stephanie Ritza;
50(nn). (September 16, 2005) from John P. Cassidy;
50(oo). (September 14, 2005) from Sam Shneer;
50(pp). (September 16, 2005) from (Mrs.) TuuLikki Bellé;
50(qq). (September 15, 2005) from (Mr.) Liuli T. Tran;
50(rr). (September 15, 2005) from Erzsebet Kiss;
50(ss). (September 18, 2005) from Dick Pang and Cecilia Pang;
50(tt). (September 15, 2005) from Florica Simion;
50(uu). (September 17, 2005) from Au Sairafi - Moluk Mazraeh Fard;
50(vv). (September 16, 2005) from Wong, Sui Fong;
50(ww). (September 12, 2005) from Tribhuvan Watts;
50(xx). (September 13, 2005) from Mavis Hui;
50(yy). (September 14, 2005) from Leslie Davis;
50(zz). (September 13, 2005) from April Hsueh;
50(aaa). (September 14, 2005) from Ming Jia;
50(bbb). (September 14, 2005) from John Phillips and Aileen L. Phillips;
50(ccc). (September 13, 2005) from Mary Lee;
50(ddd). (September 15, 2005) from Kibuiu Kim and Jungsook Kim;
50(eee). (September 15, 2005) from Cy Field;
50(fff). (September 13, 2005) from Richard Porter;
50(ggg). (September 13, 2005) from V.L. Powell;
50(hhh). (September 15, 2005) from Michael A. and Donna B. Zablocki;
50(iii). (September 14, 2005) from Gerard Pederian;
50(jjj). (September 13, 2005) from Celia Uy;
50(kkk). (September 16, 2005) from Charles Chow;
50(III). (September 18, 2005) from Silvia Pan-Chou;
50(mmm). (September 13, 2005) from Koren Batsheva;
50(nnn). (September 15, 2005) from Mei-Ling Lee;
50(ooo). (September 13, 2005) from Rika Yano;

- 50(ppp). (September 13, 2005) from Edward McCarthy;
- 50(qqq). (September 13, 2005) from Tommy Weng; and
- 50(rrr). (September 13, 2005) from Alexander Tam.

51. Report Request – Ontario Municipal Board Referral – Site Plan Application – 108 Stayner Avenue (Ward 15 – Eglinton-Lawrence)

Report 7, Other Items Clause 43(m)

The North York Community Council adopted the Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence.

Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, for consideration by the North York Community Council:

“WHEREAS the property at 108 Stayner Avenue was approved for development by the Ontario Municipal Board; and

WHEREAS an application for site plan is presently being reviewed by the Planning Division; and

WHEREAS the property on Stayner Avenue is the site of a 150 year old farmhouse that has been historically designated and is protected by a heritage agreement; and

WHEREAS the previous owner, on the day that Council was debating the tree protection by-law, clear-cut the property removing at least 15 mature trees, many of which were 150 years old; and

WHEREAS the City and the community is insisting on a high standard for the landscaping of this property and restoration of the original farmhouse, in accordance with the heritage agreement, at a early stage in this development; and

WHEREAS the developer, who had submitted an incomplete application for site plan, has now threatened to take the site plan to the Ontario Municipal Board;

THEREFORE BE IT RESOLVED THAT in the event of a referral to the Board, the Planning Division be directed to report to Community Council setting out the City’s position on the site plan application.”

52. Property at South West Corner of Churchill Avenue and Basswood Road and a Decision of the Ontario Municipal Board (Ward 23 – Willowdale)

Report 7, Clause 39

The North York Community Council recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (September 16, 2005) from the City Solicitor.

Report (September 16, 2005) from the City Solicitor, advising North York Community Council and City Council that a decision has been issued by the Ontario Municipal Board concerning a 38 unit townhouse project at the subject property, and further, that a Motion for Leave to Appeal to the Divisional Court has been made.

Recommendation:

That the City Solicitor prepare a report to be considered by Council, in camera, on the merits of seeking leave to appeal the decision of the Ontario Municipal Board, allowing an Official Plan amendment and a Zoning by-law amendment to permit a 38 unit townhouse project, to the Divisional Court.

53. Request for Consolidation of Responsibilities by Various City Divisions, Agencies and Corporations regarding Property Maintenance and Infrastructure Needs in Lawrence Heights Area (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 40

The North York Community Council recommended that City Council adopt the Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence:

Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, for consideration by the North York Community Council:

“WHEREAS the City of Toronto, Toronto Community Housing Corporation (TCHC) and other City agencies are responsible for a variety of services in the Lawrence Heights neighbourhood; and

WHEREAS all parties actively working to ensure Toronto neighbourhoods are safe and residents feel safe; and

WHEREAS there are similar and possibly overlapping responsibilities among the City departments, agencies and Toronto Community Housing Corporation (TCHC) for ensuring that public areas are well maintained and enhanced; and

WHEREAS there is a need to ensure that there is co-ordination among various City departments, agencies and the Toronto Community Housing Corporation (TCHC) in ensuring that the community infrastructure is properly maintained; and

WHEREAS currently there is a need to clarify responsibilities for the maintenance and enhancement of certain roads, walkways, parks and other areas used by residents so as to ensure a cost-effective and appropriate response to community needs; and

WHEREAS because of jurisdictional considerations, the split administration of housing and city properties has posed an impediment to policing and community safety;

THEREFORE BE IT RESOLVED THAT the City Manager or a designated Deputy City Manager be requested to convene a meeting of all relevant divisions, agencies and corporations to identify current responsibilities and how these can best be undertaken at the earliest possible time but no later than the end of October;

AND FURTHER BE IT RESOLVED THAT the City Manager, be requested to report to the North York Community Council no later than January on how best to maintain and enhance the areas of the community used by residents and other members of the public;

AND FURTHER BE IT RESOLVED THAT prior to reporting to the North York Community Council there be a public meeting held with residents of Lawrence Heights to review the recommendations being brought forward and to include comments in the report to the Community Council”.

54. Technical Requirement for Processing Funds for the Beautiful City Lawrence Heights Beautification Project (Ward 15 – Eglinton-Lawrence)

Report 7, Clause 41

The North York Community Council recommended that City Council adopt the Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence.

Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, for consideration by the North York Community Council:

“WHEREAS at the last meeting of council in July Council directed funds acquired from an adjustment to the parking standards at Lawrence Square to be used towards the Beautification of Lawrence Heights; and

WHEREAS this included a voluntary contribution of \$25,000 from the Plaza; and

WHEREAS Lawrence Square has provided the city with a non refundable letter of credit in the amount of \$87,500 to be applied, as directed by council, to this Beautification Project;

THEREFORE BE IT RESOLVED THAT the Treasurer establish an account within the portfolio of the Toronto Parks, Forestry & Recreation Division, North York District, for the purpose of receiving this money and directing it as required to the Lawrence Heights beautification project”.

55. Report Request – Terms of Reference – Consolidation and Development of a “Design District” Plan in the Orfus Road Neighbourhood (Ward 15 – Eglinton-Lawrence)

Report 7, Other Items Clause 43(n)

The North York Community Council adopted the Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence.

Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, for consideration by the North York Community Council:

“WHEREAS the Industrial neighbourhood in and around Orfus Road has, over the years, evolved into a “discount district”; and

WHEREAS this area is characterized by low rise industrial warehouse buildings that have been taken over by manufacturing and ‘name brand’ retail outlets selling at discount prices; and

WHEREAS the area has developed a lively bazaar ambiance with an active street and pedestrian realm; and

WHEREAS it is now timely to review ways to consolidate the positive features of this evolution and consider solutions to some of the negative features of this business neighbourhood which include, among others:

- Blown waste and trashy rear lots
- Impediments to the natural flow of pedestrians and vehicles
- Separations between properties
- Improvements to enhance and limit the display of goods
- Signage and advertising
- Interaction with the abutting residential neighbourhood; and

WHEREAS this could be an opportunity to organize businesses into a cohesive, contributing, entity like a B.I.A and at the same time establish an effective dialogue with the adjacent residential neighbourhood; and

WHEREAS the North York Community Council is authorized to take certain actions without Council's approval and establishing terms of reference for a study of this nature would fall within this authority.

THEREFORE BE IT RESOLVED THAT the Planning Division within the North district be requested to bring forward a the terms of reference for the consolidation and development of a "Design District" plan in the Orfus Road neighbourhood; and

BE IT FURTHER RESOLVED THAT the terms of reference include a means of dealing with any legal, bylaw planning and organizational considerations as well as a process for consultation with business, other agencies and the adjacent residential neighbourhood; and

BE IT FURTHER RESOLVED THAT this be developed in close consultation with the North District division of the Economic Development Division; and

BE IT FURTHER RESOLVED THAT these be tabled at the January meeting of the North York Community Council".

56. Ontario Municipal Board Hearing – Committee of Adjustment Application – A045/03M – 35 Green Valley Road (Ward 25 – Don Valley West)

Report 7, Clause 42

The North York Community Council recommended that City Council adopt the Resolution submitted by Councillor Jenkins, Ward 25 – Don Valley West.

Resolution submitted by Councillor Jenkins, Ward 25 – Don Valley West, for consideration by the North York Community Council:

“WHEREAS the Committee of Adjustment – Midtown Panel (COA) on April 24, 2003 refused a request for variances to permit the construction of a new two storey dwelling at 35 Green Valley Road; and

WHEREAS this decision was appealed by the owner of the property to the Ontario Municipal Board (OMB) which in December 2003 overturned the Committee of Adjustment decision and allowed the variances to height, length of dwelling and balcony area; and

WHEREAS area residents sought and were granted leave to appeal the OMB decision to the Divisional Court; and

WHEREAS at its meeting of July 20, 21 and 22, 2004 (Report 5 Clause 13) City Council instructed the City Solicitor to seek leave of the Divisional Court to intervene in the appeal of the OMB decision and if granted to make submissions respecting the

requirement that an applicant for a minor variance demonstrate special circumstance, hardship or need; and

WHEREAS the City was granted intervenor status; and

WHEREAS in a decision dated July 8, 2005, the Divisional Court allowed the appeals, set aside the decision of the OMB and remitted the appeal back to the OMB for a new hearing by a different panel; and

WHEREAS the Court found amongst other things, that the errors of the Board were both serious and numerous and set out a number of findings of law as to the proper consideration of variance applications, including that a variance may not be minor if it is too large or too important and there is a residual discretion to refuse a variance application even when the four tests are met; and

WHEREAS the property is amongst other things, located within a ravine protection area and the variances sought are of such an extent that they should not be granted pursuant to Section 45(1) of the *Planning Act* as interpreted by the Court; and

WHEREAS the City has a significant interest in ensuring that the decision of the Divisional Court is appropriately implemented and interpreted before the Ontario Municipal Board; and

WHEREAS a new hearing before the Ontario Municipal Board has been scheduled for October 7, 17, 19 and 20, 2005;

THEREFORE BE IT RESOLVED THAT the City Solicitor be authorized to attend at the Ontario Municipal Board hearing to uphold the Committee of Adjustment refusal decision, and to retain such outside consultants as she may determine are appropriate; and

BE IT FURTHER RESOLVED THAT in the event the OMB allows the appeals, that any such decision should require amongst other appropriate conditions, that a riparian restoration plan be prepared and implemented by the owner, at its expense and to the satisfaction of the City's Urban Forestry Services, including the requirement for an appropriate letter of credit to secure this condition."