

**THE CITY OF TORONTO**

**City Clerk's Office**

**Minutes of the Planning and Transportation Committee**

**Meeting 1**

**Tuesday, January 4, 2005**

The Planning and Transportation Committee met on Tuesday, January 4, 2005, in Committee Room No. 1, City Hall, Toronto, commencing at 9:36 a.m.

Attendance

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

	9:35 a.m. to 12:30 p.m.	2:10 p.m. to 3:10 p.m.
Councillor Gerry Altobello, Chair	X	X
Councillor John Filion	X	X
Councillor Cliff Jenkins	X	
Councillor Peter Milczyn, Vice- Chair	X	X
Councillor Howard Moscoe	Regrets	Regrets
Councillor Cesar Palacio	X	X
Councillor Bill Saundercook	X	X
Councillor Karen Stintz	X	X

On motion by Councillor Saundercook, the Planning and Transportation Committee confirmed the Minutes of its meeting held on December 7, 2004.

**1.1(a) 2005 Operating Budget Review**

The Planning and Transportation Committee considered the following:

- (1) Analyst Briefing Notes with respect to the 2005 Operating Programs under the purview of the Planning and Transportation Committee:

Operating Budgets:

- Urban Development Services; and

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- Community Partnership and Investment Program;
- (2) communication (November 25, 2004) from the Toronto Cycling Committee advising that the Toronto Cycling Committee at its meeting held on November 15, 2004, amongst other things, recommending to the Planning and Transportation Committee that:
  - (1) \$60,000.00 be added to the Urban Development Services Cycling Programs budget for Cycling Safety Programs in order to develop and implement the Bike Bus Safety Program to provide education about safe cycling to children and youth, and to work towards the development of a Bike-to-School Program, as per Recommendation 7-2 of the Toronto Bike Plan; and
  - (2) \$50,000.00 be added to the Urban Development Services Cycling Program budget for Cycling Promotion to promote bicycle commuting by starting to implement the Urban Development Services 5 year plan for expanding the Bike User Group Network, as per Recommendation 7-6 of the Toronto Bike Plan;
- (3) report (December 14, 2004) from the Commissioner of Urban Development Services providing additional information to the Planning and Transportation Committee on a comprehensive review of fees in Urban Development Services.

Recommendation:

It is recommended that this report be received for information;

- (4) report (December 15, 2004) from the Commissioner of Urban Development Services responding to City Council's request at its meeting on November 30, December 1 and 2, 2004, for the Commissioner of Urban Development Services to report as soon as possible to the Planning and Transportation Committee and the Budget Advisory Committee, as part of the 2005 budget review process on a budget, terms of reference and continuing the Master Plan with an urban design study for Union Station which would lead to an Urban Design Plan.

Recommendations:

It is recommended that the Planning and Transportation Committee:

- (1) recommend to the Budget Advisory Committee that the 2005 EMT Recommended Urban Development Services (UDS) Capital Budget be increased \$0.500 million to undertake this study, be considered during the

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Budget Advisory Committee review of the 2005 EMT Recommended UDS Capital Budget;

- (2) authorize the Commissioner of Urban Development Services to develop Terms of Reference for the study within the context outlined in this report and retain such outside consultants as may be required to assist in the preparation of the Urban Design Plan to ensure that the work can be completed in a timely manner;
- (3) that the Commissioner of Urban Development Services be requested to report back to the Planning and Transportation Committee on the completion of the study;
- (5) communication (December 21, 2004) from Julie Di Lorenzo, President, Greater Toronto Home Builders' Association;
- (6) communication (January 5, 2004) from Anne Dembinski, President, Canadian Union of Public Employees, Local 79; and
- (7) communication (January 4, 2005) from Jeff Brown, Conservation Chair, The Sierra Club of Canada.

The following persons appeared before the Planning and Transportation Committee:

- David White, on behalf of Front & Centre, and filed a written submission;
- Joan Doiron, Better Transportation Coalition of Ontario, and filed a written submission;
- Martin Koob, on behalf of the Toronto Bicycling Network;
- Jim Murphy, Greater Toronto Home Builders Association;
- Mark Dias, Homo Air Ectus Inc.;
- Hamish Wilson, and filed a written submission;
- Catherine Holliday;
- Julie Beddoes, Gooderham & Worts Neighbourhood Association, and filed a written submission;
- Andrew Schulz;

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- Roger Brook;
- Helen Riley, and filed a written submission;
- Crawford Murphy; and
- Elizabeth Block.

The following Members of Council also appeared before the Planning and Transportation Committee:

- Councillor Denzil Minnan-Wong, Don Valley East; and
- Councillor David Shiner, Willowdale.

The Planning and Transportation Committee:

- (I) recommended to the Budget Advisory Committee that City Council:
  - (1) adopt the 2005 EMT recommended Operating Budget respecting the Urban Development Services Department subject to increasing Planning staff resources in order to provide early and meaningful community participation in the Planning process, to improve the timeliness of responses to development applications, and to expedite completion of local area studies; and that Planning Fees for Rezoning and Official Plan Amendments be increased to achieve 100 percent cost recovery for the existing and new resources; **(Motion by Councillor Filion)**
  - (2) adopt the 2005 EMT recommended Operating Budget for the Community Partnership and Investment Program;
  - (3) receive the communication (November 25, 2004) from the Toronto Cycling Committee respecting the 2005 Toronto Cycling Committee Budget Submission;

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- (II) requested the Commissioner of Urban Development Services to submit a report to the Budget Advisory Committee:
  - (i) on the financial implications with respect to the aforementioned Recommendation (1); and **(Motion by Councillor Milczyn)**
  - (ii) on the number of “dirty” city complaints relating to private property for 2003 and 2004, including where possible that this be broken out into area of complaint; discuss the service standard (that is the time it takes to respond to the complaint and resolve the complaint); outline the number of backlogged complaints and also outline the number of staff required to eliminate any backlog of cases; **(Motion by Councillor Altobello, on behalf of Councillor Minnan-Wong)**
  
- (III) requested the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism to submit a report to the Budget Advisory Committee which identifies and consolidates all budget line items, in both the Capital and Operating Budget that relates to Cycling issues, as well as, how many staff resources we have in total within the Pedestrian and Cycling Infrastructure Units of Works and Emergency Services, Economic Development Culture and Tourism and Urban Development Services; **(Motion by Councillor Palacio)**
  
- (IV) requested the Commissioner of Urban Development Services to submit a report to the Planning and Transportation Committee:
  - (i) on the possibility of giving applicants the option of paying a higher fee for an expedited staff review of their applications for building permits and/or for rezoning and

Official Plan Amendments, with a view towards providing an identifiable saving of time within the decision making process (without loss of community participation); and **(Motion by Councillor Filion)**

(ii) on the current procedures of hiring consultants for streetscaping and public art projects and make recommendations on ways to improve the process; **(Motion by Councillor Saundercook, on behalf of Councillor Shiner)**

(V) requested the Toronto Centre for the Arts Advisory Committee to comment to the Planning and Transportation Committee on ways to improve the current process respecting procedures for hiring consultants for streetscaping and public art projects; **(Motion by Councillor Saundercook, on behalf of Councillor Shiner)** and

(VI) received the report (December 14, 2004) from the Commissioner of Urban Development Services, entitled "Follow-up report on Comprehensive Review of Fees in the Urban Development Services Department – All Wards".

(Budget Advisory Committee; Commissioner of Urban Development Services; All Interested Parties – January 4, 2005.)

**(Report 2, Clause 5(a))**

### **1.1(b) 2005 Capital Budget Review**

The Planning and Transportation Committee considered the following:

(1) Analyst Briefing Notes with respect to the 2005 Capital Programs under the purview of the Planning and Transportation Committee:

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Capital Budgets:

- Urban Development Services;
  - Waterfront Revitalization Initiatives; and
  - Yonge Dundas Redevelopment Project;
- (2) report (December 15, 2004) from the Commissioner of Urban Development Services responding to City Council's request at its meeting on November 30, December 1 and 2, 2004, for the Commissioner of Urban Development Services to report as soon as possible to the Planning and Transportation Committee and the Budget Advisory Committee, as part of the 2005 budget review process on a budget, terms of reference and continuing the Master Plan with an urban design study for Union Station which would lead to an Urban Design Plan.

Recommendations:

It is recommended that the Planning and Transportation Committee:

- (1) recommend to the Budget Advisory Committee that the 2005 EMT Recommended UDS Capital Budget be increased \$0.500 million to undertake this study, be considered during the Budget Advisory Committee review of the 2005 EMT Recommended UDS Capital Budget;
  - (2) authorize the Commissioner of Urban Development Services to develop Terms of Reference for the study within the context outlined in this report and retain such outside consultants as may be required to assist in the preparation of the Urban Design Plan to ensure that the work can be completed in a timely manner;
  - (3) that the Commissioner of Urban Development Services be requested to report back to the Planning and Transportation Committee on the completion of the study;
- (3) communication (December 21, 2004) from Julie Di Lorenzo, President, Greater Toronto Home Builders' Association;
- (4) communication (January 5, 2004) from Anne Dembinski, President, Canadian Union of Public Employees, Local 79; and
- (5) communication (January 4, 2005) from Jeff Brown, Conservation Chair, The Sierra Club of Canada.

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The following persons appeared before the Planning and Transportation Committee:

- David White, on behalf of Front & Centre, and filed a written submission;
- Joan Doiron, Better Transportation Coalition of Ontario, and filed a written submission;
- Martin Koob, on behalf of the Toronto Bicycling Network;
- Jim Murphy, Greater Toronto Home Builders Association;
- Mark Dias, Homo Air Ectus Inc.;
- Hamish Wilson, and filed a written submission;
- Catherine Holliday;
- Julie Beddoes, Gooderham & Worts Neighbourhood Association, and filed a written submission;
- Andrew Schulz;
- Roger Brook;
- Helen Riley, and filed a written submission;
- Crawford Murphy; and
- Elizabeth Block.

The following Members of Council also appeared before the Planning and Transportation Committee:

- Councillor Denzil Minnan-Wong, Don Valley East; and
- Councillor David Shiner, Willowdale.

The Planning and Transportation Committee recommended to the Budget Advisory Committee that City Council:

- (1) adopt the 2005 EMT recommended Capital Budget respecting Urban Development Services, Waterfront Revitalization Initiatives; and Yonge



Dundas Redevelopment Project subject to deferring consideration of the \$4.083 million identified for the Front Street Extension until the reconstituted Waterfront Corporation has had an opportunity to review and establish the strategic priorities for Waterfront renewal; **(Motion by Councillor Milczyn and amended by Councillor Stintz)** and

- (2) adopt the Recommendations in the Recommendations Section of the report (December 15, 2004) from the Commissioner of Urban Development Services, entitled "Union Station Precinct Urban Design Study Budget Submission, 61-71 Front Street West, Toronto Centre-Rosedale, Ward 28". **(Motion by Councillor Altobello)**

The following Motions were **Redundant** :

Moved by Councillor Jenkins:

That the funding identified in the budget for the Front Street Extension project be deleted; and the Commissioner of Urban Development Services be requested to prepare alternative expenditure for some or all of the money proposed in the budget for some of the green items proposed by the speakers appearing today such as bicycle access and transit improvements.

Moved by Councillor Saundercook:

That the Motion by Councillor Stintz be amended by redirecting the \$4.083 million for the Front Street Extension to the LRT project proposed by the Toronto Transit Commission on Queen Street West and the Queensway.

Moved by Councillor Milczyn:

That any significant financial commitments to the Front Street Extension be deferred until such time as Council considers the matter of dismantling all or part of the Gardiner Expressway.

The following Motion was voted on and **lost**:

Moved by Councillor Saundercook:

That the funding provided for the Graffiti program be increased by 10 percent over the 2004 budget.

(Budget Advisory Committee; Commissioner of Urban Development Services; All Interested Parties – January 4, 2005.)

**(Report 2, Clause 5(a))**

## **1.2 Operation of Construction Equipment on Sundays and Statutory Holidays**

The Planning and Transportation Committee considered a report (December 10, 2004) from the Commissioner of Urban Development Services reporting on possible amendments to the Noise Control By-law which would limit the operation of construction equipment on Sundays and statutory holidays.

### Recommendation:

It is recommended that the by-law not be amended to further regulate the operation of construction equipment on Sundays and statutory holidays.

On motion by Councillor Filion, the Planning and Transportation Committee recommended that City Council receive the staff recommendation in the Recommendation Section of the report (December 10, 2004) from the Commissioner of Urban Development Services; and that the Commissioner of Urban Development Services be requested to contact Members of Council to determine which members would like the Noise By-law amended to prohibit building site construction noise in their wards on Sundays and Statutory holidays. **(Motion carried unanimously on the following recorded vote:**

**Yeas: Altobello, Filion, Jenkins, Milczyn, Palacio, Saundercook and Stintz.**

**Nays: None)**

**(Report 2, Clause 2)**

### **1.3 Harmonization of the Sign By-law Concerning Posters on Utility Poles**

The Planning and Transportation Committee considered the following report and communication:

- (1) (December 8, 2004) from the Commissioner of Urban Development Services reporting on the harmonization of the Sign By-law concerning posters on public property, including signs on utility poles.

Recommendation:

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

- (2) (December 7, 2004) from the City Clerk advising that City Council on November 30, December 1 and 2, 2004, considered Clause 3 of Report 9 of the Policy and Finance Committee, entitled “Clean and Beautiful City – Five-Point City Action Plan to Make Toronto a Clean and Beautiful City – All Wards”, and directed that the Postering By-law be considered by the Planning and Transportation Committee at its first meeting in January 2005.

The following Members of Council appeared before the Planning and Transportation Committee:

- Councillor Bas Balkissoon, Scarborough Rouge River;
- Councillor Gay Cowbourne, Scarborough East;
- Councillor Joe Mihevc, St. Paul’s; and
- Councillor Denzil Minnan-Wong, Don Valley East.

The Planning and Transportation Committee:

(A) recommended to Council that:

- (I) City Council adopt the following recommendations in principle, and that the proposed Sign By-law be submitted for consideration at a public meeting of the Planning and Transportation Committee:

“It is recommended that:

- (1) posters not be permitted on any privately-owned pole located on boulevards;
- (2) posters be permitted only on utility poles located on a boulevard if:
  - (a) the utility pole is fitted with an approved collar;
  - (b) the poster is no larger than 22 centimetres by 28 centimetres and consist of lightweight cardboard or paper only;
  - (c) the poster is at least 100 metres from any other poster that conveys essentially identical information;
  - (d) the poster is securely attached flush to the surface of the collar using staples or removable tape;
  - (e) the poster is dated, showing the date of posting; and
  - (f) the poster is displayed for not more than 30 days or five days after the end of the advertised event, if any, whichever is earlier;
- (3) the purchase and installation of 4,000 collars be approved in principle, as a start;

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- (4) the location and placement of all collars be determined by the Commissioner of Works and Emergency Services in consultation with the local Councillor;
  - (5) the Commissioner of Urban Development Services be requested to launch some sort of public campaign respecting this matter;” and
- (II) until such time as a new postering by-law is adopted by Council, that staff enforce existing by-laws on a complaint basis;
- (B) directed that Clause 2 of Report 5 of the Planning and Transportation Committee, which was before City Council at its meeting held on May 21, 22 and 23, 2002, be submitted to Council for consideration at its meeting to be held on February 1, 2 and 3, 2005; and
- (C) requested the Commissioner of Urban Development Services:
- (a) to submit a report to Council on the cost of effective enforcement of this By-law; and
  - (b) to submit a report to the Planning and Transportation Committee meeting to be held on March 7, 2005, outlining current or proposed practices for billing companies for the removal of illegal commercial signs and for laying charges against repeat offenders.

**(Report 2, Clause 1)**

**1.4 Amendment to Toronto Municipal Code, Chapter 545, Article II as it relates to Driving School Restricted Areas within the City of Toronto to Coincide with the Relocation of a Driver Examination Centre from 1201 Wilson Avenue to 35 Carl Hall Road**

The Planning and Transportation Committee considered a report (December 2, 2004) from the Commissioner of Urban Development Services recommending an amendment to Chapter 545 (Licensing) to provide for a driving school restricted zone to coincide with the relocation of a Driver Examination Centre from 1201 Wilson Avenue to 35 Carl Hall Road.

Recommendation:

It is recommended that:

Article II, Section 545-15A, Subsection 3 of Chapter 545 of The Toronto Municipal Code be deleted and the following subsection be added:

Section 545-15A(3) The area bounded on the north by Finch Avenue West, on the west by Jane Street, on the south by Highway 401 and on the east by Bathurst Street.

On motion by Councillor Saundercook, the Planning and Transportation Committee recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (December 2, 2004) from the Commissioner of Urban Development Services.

**(Report 2, Clause 3)**

**1.5 Clean and Beautiful City – Five-point City Action Plan to make Toronto a Clean and Beautiful City (All Wards)**

The Planning and Transportation Committee considered a communication (November 30, 2004) from Deputy Mayor Sandra Bussin forwarding a communication (November 30, 2004) from the Roundtable on a Beautiful City advising that the Roundtable on a Beautiful City at its meeting on November 29, 2004, requested the Chair to forward the following recommendations to the Planning and Transportation Committee for consideration at its meeting on January 4, 2005:

- (a) that the Commissioner of Urban Development Services be requested to report to the Roundtable on a Beautiful City on the development and adoption of sustainable design principles and standards; and
- (b) that the proposed billboard policy/by-law be referred to the Roundtable on a Beautiful City for review and comment.

On motion by Councillor Stintz, the Planning and Transportation Committee concurred with the request contained in the communication (November 30, 2004) from the Roundtable on a Beautiful City that:

- (a) the Commissioner of Urban Development Services be requested to report to the Roundtable on a Beautiful City on the development and adoption of sustainable design principles and standards; and
- (b) the proposed billboard policy/by-law be referred to the Roundtable on a Beautiful City for review and comment.

**(Report 2, Clause 5(b))**

## **1.6 Review of City's Administrative Structure**

The Planning and Transportation Committee considered a communication (December 7, 2004) from the City Clerk advising that City Council on November 30, December 1 and 2, 2004, considered a report (November 24, 2004) from Mayor Miller, and referred the following Motion to the Planning and Transportation Committee:

Moved by Councillor Milczyn:

That the Mayor's Report be amended to provide that the Planning and Building functions be integrated into one department to be called Urban Development Services.

The Planning and Transportation Committee received the communication (December 4, 2004) from the City Clerk.

**(Report 2, Clause 5(c))**

**1.7 Licence Fees for Private Parking Enforcement Agencies**

The Planning and Transportation Committee considered a communication (December 9, 2004) from the City Clerk advising that City Council on November 30, December 1 and 2, 2004, re-opened Policy and Finance Committee Report 5, Clause 11, headed “Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences” for further consideration only as it pertains to the licence fees for Private Parking Enforcement Agencies, and adopted the balance of the following Motion, without amendment:

Moved by: Councillor Moscoe

Seconded by: Councillor Walker

“WHEREAS there are some 83 Private Parking Enforcement Agencies licensed by the City of Toronto; and

WHEREAS these agencies generate ticket revenues (by issuing legal City of Toronto tags on private property) estimated at approximately \$5.5M in 2004, for the City of Toronto; and

WHEREAS new licence fees established by Council for Private Parking Enforcement Agencies are scheduled to go into effect beginning January 1, 2005; and

WHEREAS these fees have been increased from \$186.00 for an initial licence and \$100.00 for a renewal in 2004 to \$2,571.00 for an initial licence and \$2,345.00 for a renewal in 2005, increases of some 1380 percent and 2350 percent respectively; and

WHEREAS the fees apply equally to all agencies whether they employ 300 officers or 3 officers; and

WHEREAS the net effect of this increase will be to drive all of the smaller agencies out of business or force them to operate illegally; and

WHEREAS the reason for the increases stem from the City’s interpretation of the Licensing Provisions of the *Municipal Act* that require licensing activities to be cost recovered within the class of business, and there are massive increase in enforcement activities, ironically related to the companies that are operating outside the law, many of which are unlicensed and therefore do not pay licence fees; and



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WHEREAS the matter is an issue of fairness and fundamental justice and one of some urgency to these companies;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 5, Clause 11, headed 'Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences' be re-opened for further consideration only as it pertains to the licence fees for Private Parking Enforcement Agencies;

AND BE IT FURTHER RESOLVED THAT the City give notice that it intends to review these rates, and the matter be referred to the Planning and Transportation for a public hearing under the *Municipal Act*;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the City Solicitor and the Chief Financial Officer and Treasurer, report to an upcoming meeting of the Planning and Transportation Committee to re-structure the licence fees related to this class of business through one or a combination of:

- (1) a graduated schedule of fees based on the number of Municipal Law Enforcement Offices employed by that company; and/or
- (2) a realignment of approximately 4.5 to 5 percent of parking ticket revenue which would offset the cost of administering and enforcing the Licensing by-law within Urban Development Services; and/or
- (3) a formula which combines both revenue sources, noted above;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services report on this matter directly to the Planning and Transportation Committee as soon as possible in recognition of its time sensitive nature;

AND BE IT FURTHER RESOLVED THAT all enforcement for non-payment of fees within this class of license be suspended pending Council's review of this matter and resolution of appropriate fees for this class of license."

The Planning and Transportation Committee referred the communication (December 9, 2004) from the City Clerk to the Commissioner of Urban Development Services for report thereon to the Planning and Transportation Committee.

**(Report 2, Clause 5(d))**

**1.8 Legal Staff Attendance at the Ontario Municipal Board  
20 St. Leonard's Avenue**

The Planning and Transportation Committee considered the following Motion moved by Councillor Jenkins:

“WHEREAS the Committee of Adjustment (the ‘Committee’) for the City of Toronto, Midtown Panel, at its meeting of July 8, 2004 refused variance application A407/04M by the owner of 20 St. Leonard’s Avenue, attached as Appendix ‘A’;

WHEREAS the Committee refused the variances on the grounds that the general intent and purpose of the Zoning By-law and Official plan are not maintained and the variance was not minor or desirable for the appropriate development of the land;

WHEREAS the decision of the Committee has been appealed to the Ontario Municipal Board (the ‘Board’) by the owner of 20 St. Leonard’s Avenue;

WHEREAS a Board hearing has been scheduled for Monday, January 17, 2005, and City Council does not convene again until February 1, 2005;

WHEREAS this motion has been brought forward to the Planning and Transportation Committee because Community Councils do not convene until Tuesday, January 18, 2005;

THEREFORE BE IT RESOLVED THAT Legal staff be authorized to attend at the Board hearing on January 17, 2005 in order to seek an adjournment so that City Council has an opportunity to consider the proposal and decide whether to send staff to oppose the appeal and uphold the refusal of the Committee;

AND BE IT FURTHER RESOLVED THAT City Council direct the City Solicitor to attend the Board hearing to uphold the City's By-laws and defend the Committee's decision respecting 20 St. Leonard's Avenue in the event the adjournment request is granted."

The Planning and Transportation Committee approved the resolution by Councillor Cliff Jenkins, Don Valley West, respecting staff attendance at the Ontario Municipal Board Hearing to be held on January 17, 2005, respecting 20 St. Leonard's Avenue; and recommended that City Council endorse the action taken by the Committee.

**(Report 2, Clause 4)**

The Committee adjourned its meeting at 3:10 p.m.

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Chair.