

THE CITY OF TORONTO

City Clerk's Office

Minutes of the Planning and Transportation Committee

Meeting No. 5

Wednesday, May 25, 2005

The Planning and Transportation Committee met on Wednesday, May 25, 2005, in the Committee Room No. 1, City Hall, Toronto, commencing at 9:45 a.m.

Attendance:

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

	9:45 a.m. to 12:36 p.m.	2:12 p.m. to 3:24 p.m. (including in-camera session)
Councillor Gerry Altobello, Chair	R	R
Councillor John Filion	X	X
Councillor Cliff Jenkins	X	X
Councillor Peter Milczyn, Vice-Chair	X	X
Councillor Howard Moscoe	X	X
Councillor Cesar Palacio		X
Councillor Bill Saundercook		
Councillor Karen Stintz	X	

On motion by Councillor Moscoe, the Planning and Transportation Committee confirmed the Minutes of its meeting held on April 25, 2005.

5-1. Introduction of New Chair of Committee of Adjustment

Ms. Abby Bushby, City-wide Chair, Committee of Adjustment, addressed the Planning and Transportation Committee.

On motion by Councillor Jenkins, the Planning and Transportation Committee requested the City-wide Chair of the Committee of Adjustment and the Chief Planner and Executive Director, City Planning, to submit a report annually, at year end, to the Planning and Transportation

Committee on training standards, practices and other matters of concern that the four panels of the Committee of Adjustment might have.

(Clause 17(a), Report 5)

5-2. Final Report - City Initiated Official Plan Amendment for 1300 and 1340 Leslie Street – (Ward 25 – Don Valley West)

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

- (1) (January 11, 2005) from the Commissioner of Urban Development Services responding to Council's direction to bring forward an amendment to the new Official Plan to re-designate the lands at 1300 and 1340 Leslie Street from Mixed Use Areas to either a Neighbourhoods designation or an Institutional Areas designation.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the City of Toronto to re-designate the lands known municipally as 1300 and 1340 Leslie Street from *Mixed Use areas* to *Neighbourhoods* substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 1; and
 - (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.
- (2) (April 4, 2005) from the Interim Director of Education, Toronto Catholic District School Board, advising that the Toronto Catholic District School Board at its meeting held on March 23, 2005, approved the following resolution:

“That the Director of Education advise the City of Toronto that the Toronto Catholic District School Board has no objections with the proposed City initiated Official Plan Amendment to redesignate 1340 Leslie Street (St. Bonaventure Catholic School Site) from Mixed Use to Neighbourhoods Designation conditional upon the City providing assurances that the ability of

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the Toronto Catholic District School Board to replace, rebuild, renovate or construct an addition to the school at a size and design required to meet the needs of the student population will not be compromised in any respect.”;

- (3) (February 18, 2005) from Warren Freedman, supporting Council’s intention to re-designate the subject properties to “Institutional or Neighbourhood” which would provide for low rise only;
- (4) (February 24, 2005) from Norman J. Bell, Financial Administrator, The Order Minor Conventuals of Ontario, advising that the Order Minor Conventuals of Ontario will not be in a position to provide a specific response to this matter at the Public Meeting; and requesting that the opportunity to respond to this issue be extended until such time as their officials and Board of Directors have been able to give in-depth consideration to the proposal;
- (5) E-mail communication (February 28, 2005) from Carrie Kruitwagen;
- (6) (February 17, 2005) from J. Bruce Falls and E. Ann Falls;
- (7) (February 18, 2005) from Ruth Haertel;
- (8) (February 18, 2005) from Garth and Brita Knapp;
- (9) (February 17, 2005) from J.Y. Cartmell;
- (10) E-mail communication (March 2, 2005) from Ray Davie;
- (11) (February 21, 2005) from E. Evenson and P. Evenson;
- (12) (March 2, 2005) from Dr. and Mrs. W. Robert Bruce;
- (13) (March 2, 2005) from Josephine Covelli;
- (14) (March 2, 2005) from Eleanor Palmer; and
- (15) (May 17, 2005) from Mr. Norman Bell, Financial Administrator, The Order Minor Conventuals of Ontario.

The Planning and Transportation Committee commenced a statutory public meeting on March 7, 2005 and continued the public meeting on May 25, 2005 and notice was given in accordance with the *Planning Act*.

Mr. Norman J. Bell, Financial Administrator, The Order Minor Conventuals of Ontario, addressed the Planning and Transportation Committee.

On motion by Councillor Jenkins, the Planning and Transportation Committee recommended that City Council adopt the staff recommendations contained in the Recommendations Section of the report (January 11, 2005) from the Commissioner of Urban Development Services and further that Recommendation (1) include a Site Specific Policy for the 1300 Leslie Street property to allow an additional use of a conference facility to serve the broader community.

(Clause 1, Report 5)

5.3 Report on the Expansion of the Community Improvement Project Area and Plan for St. Clair Avenue West (Ward 11 - York South-Weston) (Ward 17 – Davenport) and (Ward 21 - St. Paul’s)

The Planning and Transportation Committee considered a report (April 25, 2005) from the Chief Planner and Executive Director, City Planning, recommending amendments to the existing St. Clair Avenue West Community Improvement Project Area and Plan to expand the boundary.

Recommendations:

It is recommended that City Council:

- (1) amend and expand the boundary of the St. Clair Avenue West Community Improvement Project Area substantially in accordance with the draft By-law attached as Attachment 5;
- (2) amend and expand the boundary of the St. Clair Avenue West Community Improvement Plan Area substantially in accordance with the draft By-law attached as Attachment 5;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft By-law attached as may be required and introduce Bills in Council to give effect to these recommendations; and

- (4) authorize the necessary City officials to seek the approval of the Minister of Municipal Affairs and Housing for the proposed amendment to the Community Improvement Plan.

The Planning and Transportation Committee also considered a communication (Undated) from Mr. Jeff Gillan, Chair, St. Clair West Revitalization Committee.

The Planning and Transportation Committee commenced a statutory public meeting on May 25, 2005 and notice was given in accordance with the *Planning Act*.

On motion by Councillor Palacio, the Planning and Transportation Committee recommended that City Council adopt the staff recommendations contained in the Recommendations Section of the report (April 25, 2005) from the Chief Planner and Executive Director, City Planning.

(Clause 2, Report 5)

5.4 Draft Urban Design Guidelines for Sites with Drive-Through Facilities

The Planning and Transportation Committee considered a report (May 3, 2005) from the Chief Planner and General Manager, City Planning, requesting authority to circulate the attached “Draft Urban Design Guidelines for Sites with Drive-through Facilities” for public discussion and review.

Recommendations:

It is recommended that:

- (1) Council authorize the release and distribution of the draft Urban Design Guidelines for Sites with Drive-through Facilities to representatives of the drive-through industry, resident and ratepayer organizations, business improvement area organizations, and other interested parties for community consultation and Planning staff report back to the Planning and Transportation Committee with finalized Guidelines at the conclusion of the community consultation period; and
- (2) Council authorize the city-wide use of these draft Guidelines in the review of drive-through development applications during the consultation period.

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Greg Stewart, Program Manager, Transportation Planning, Les de Sorcy, Urban Designer, Urban Design, South District, and Marsha Kelmans, Urban Designer, Urban Design, South District, provided a presentation on the draft Urban Design Guidelines for Sites with Drive-Through Facilities and submitted a copy of their presentation material.

Janice Etter addressed the Planning and Transportation Committee and filed a written submission with respect thereto.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that:

- (1) Section 6.1.3, contained in the draft Urban Design Guidelines, entitled “Stacking Lanes and Driveways” be amended to require a minimum of 10 stacking spaces for a restaurant and a minimum of four stacking spaces for other uses;
- (2) the portion of Section 6.4.1 contained in the draft Urban Design Guidelines, entitled “General Landscaping Requirements”, pertaining to irrigation systems be amended to read as follows:

“provide fully functioning irrigation system to ensure adequate watering of soft landscaping and increase the possible range of planting materials while decreasing long-term maintenance costs and ensuring the viability of the landscaping;”;
- (3) Council authorize, as amended, the release and distribution of the draft Urban Design Guidelines for Sites with Drive-through Facilities to representatives of the drive through industry, resident and ratepayer organizations, business improvement area organizations, and other interested parties for community consultation and Planning staff report back to the Planning and Transportation Committee with finalized Guidelines at the conclusion of the community consultation period;

- (4) Council authorize the city-wide use of these draft Guidelines in the review of drive-through development applications during the consultation period;
- (5) the City Solicitor, after consultation with City Planning, be requested to submit a report to the Planning and Transportation Committee on mechanisms that can be built into the Site Plan approval process to ensure compliance on an on-going basis; and
- (6) drive through restaurants be encourage to provide multi-service windows.

(Clause 3, Report 5)

5.5 Evaluation of the Development Permit System for the Central Waterfront

The Planning and Transportation Committee considered a report (April 28, 2005) from the City Manager presenting the results of an evaluation of the Development Permit System (DPS) for the Central Waterfront and recommending that Council forward to the Province of Ontario suggested changes to the DPS regulation to better address the regulatory challenges and opportunities in the Central Waterfront.

Recommendations:

It is recommended that:

- (1) Council authorize the Mayor to forward to the Minister of Municipal Affairs and Housing the following suggested changes to Ontario Regulation 246/01 arising out of an evaluation conducted by the City on the use of a Development Permit System in the Central Waterfront:
 - (i) supplement the current scope of a development permit by-law to allow for the inclusion of a broad range of design matters including type of materials and architectural detail, both as provisions within the by-law and as conditions of DPS approval;
 - (ii) supplement the current scope of a development permit by-law to allow a municipality to impose conditions of DPS approval beyond those permitted by Sections 40, 41 and 42 of the Planning Act

(exemptions for parking, site plan control and parkland dedication respectively) provided that these types of conditions are stated in an Official Plan and are identified in the development permit by-law;

- (iii) supplement the current scope of a development permit by-law to allow a municipality to secure public facilities and other core community elements independent of approving increases in height or density; and
 - (iv) supplement the current scope of a development permit by-law to allow a municipality to impose conditions of DPS approval related to the provision of affordable housing, transit, compact-form development and the implementation of green technology in development;
- (2) the Mayor reiterate Council's support for the DPS as it expressed in July 2004, as part of its review of the Provincial Planning Reform Initiatives, as well as its encouragement that the DPS regulation be amended to allow its use throughout the City of Toronto;
 - (3) the Waterfront Project Director and Chief Planner be directed to continue to work with provincial officials to effect the recommended changes to the regulation;
 - (4) the Waterfront Project Director and Chief Planner be directed to keep Council apprised of the progress of efforts to obtain amendments to this regulation. Should the necessary changes be made in time for the implementation of the East Bayfront Precinct Plan, the Waterfront Project Director and Chief Planner be directed to report on the potential for implementation of a DPS in East Bayfront and an accompanying public education programme; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Planning and Transportation Committee recommended that:

- (I) City Council adopt the staff recommendations contained in the Recommendations Section of the report (April 28, 2005) from the City Manager; subject to amending Recommendation (2) to read as follows:

“(2) the Mayor reiterate Council’s support for the DPS as it expressed in July 2004, as part of its review of the Provincial Planning Reform Initiatives, as well as its encouragement that the DPS regulation be amended to give City Council the authority to allow its use throughout the City of Toronto;” (Motion by Councillor Milczyn) and

(II) the City Manager be requested to submit a further report to the Planning and Transportation Committee outlining the opportunities for community consultation and political input into the Development Permit System for approval by Council. (Motion by Councillor Moscoe)

(Clause 4, Report 5)

5.6 Avenue Studies for 2005 (Various Wards)

The Planning and Transportation Committee considered a report (May 2, 2005) from the Chief Planner and General Manager, City Planning Division, identifying Avenues for study in 2005.

Recommendation:

It is recommended that this report be forwarded to Toronto and East York and Etobicoke York Community Councils for consideration at their May 31, 2005 meeting to endorse Avenue studies for St. Clair Avenue West from Bathurst Street to Christie Street, St. Clair Avenue West from Lansdowne Avenue to Keele Street, and O'Connor Drive between Sandra Road and Victoria Park Avenue.

Councillor Janet Davis, Beaches-East York, addressed the Planning and Transportation Committee.

The Planning and Transportation Committee:

- (A) recommended that:
- (I) City Council endorse Avenue Studies for St. Clair Avenue West from Bathurst Street to Glenholme Avenue, St. Clair Avenue West from Glenholme Avenue to Keele Street, and O'Connor Drive between Sandra Road and Victoria Park Avenue; so that the two Avenue Studies are undertaken along the length of St. Clair Avenue West, between Keele Street and Bathurst Street in 2005; **(Motion by Councillor Palacio)**
 - (II) Avenue Road between Wilson Avenue and Eglinton Avenue be considered a high priority in 2006 for an Avenue Study; **(Motion by Councillor Jenkins on behalf of Councillor Stintz)**
 - (III) Danforth Avenue from Greenwood Avenue to Victoria Park Avenue be considered for an Avenue Study in 2006; **(Motion by Councillor Moscoe on behalf of Deputy Mayor Bussin)** and
- (B) directed that a copy of the report (May 2, 2005) from the Chief Planner and Executive Director, City Planning, and the recommendations of the Planning and Transportation Committee pertaining thereto, be forwarded to the Toronto and East York and Etobicoke York Community Councils for consideration at their May 31, 2005 meeting.

(Toronto and East York Community Council; Etobicoke York Community Council – May 25, 2005)

(Clause 5, Report 5)

5-7 Birchcliffe Quarry Lands Study – Phase 1 Report
File No. 03 180350 ESC 36 TM - Birchcliff Community
(Ward 32 - Beaches-East York)
(Ward 35 and 36 Scarborough Southwest)

The Planning and Transportation Committee considered a report (April 11, 2005) from the Chief Planner and Executive Director, City Planning, reporting on the Phase 1 Study Area Profile report for the Birchcliff Quarry Lands study area.

Recommendation:

It is recommended that City Council receive this report for information.

Mr. Rod Hines, Principal Planner, City Planning, East District, provided a presentation to the Planning and Transportation Committee regarding Birchcliff Quarry Lands Study – Phase 1 Report, File No. 03180350 ESC 36 TM, Birchcliff Community.

Councillor Brian Ashton, Scarborough Southwest, addressed the Planning and Transportation Committee.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council receive for information, the report (April 11, 2005) from the Chief Planner and Executive Director, City Planning.

(Clause 6, Report 5)

**5-8 Report on Phase 1 Parking and
Loading Zoning Standards Review**

The Planning and Transportation Committee considered a report (May 12, 2005) from the Chief Planner and Executive Director, City Planning, presenting the results of the Phase 1 review of the parking and loading zoning standards, and recommending the approach to be taken in Phase 2 of the review.

Recommendations:

It is recommended that:

- (1) the Chief Planner and Executive Director of City Planning Division, in consultation with the General Manager of Transportation Services, undertake, as a first priority, a review of parking standards for the following uses and inclusion in the new Zoning By-law:
 - (a) apartment buildings (residential buildings with five or more units), including both tenant and visitor parking needs, and taking into account; the size of units (by number of bedrooms), type of tenure (rental or ownership), housing for targeted groups (seniors, social) and live/work units;
 - (b) office uses, distinguished by the categories of commercial office, government office and medical office; and
 - (c) retail uses, distinguished by various categories as identified through the review process;
- (2) the development of parking standards for the uses listed in Recommendation 1 include, where appropriate, consideration of the following features:
 - (a) application of minimum and maximum parking standards for non-residential uses;
 - (b) reduction of parking standards in areas close to rapid transit stations and in the designated growth areas with high transit accessibility – the Downtown, Centres Central Waterfront and Avenues;
 - (c) allowing the required parking for non-residential uses to be legally secured off-site in certain locations;
 - (d) permitting shared parking in buildings containing a mix of uses with different peak parking characteristics;
 - (e) requiring bicycle parking facilities in developments that exceed a minimum floor area threshold size;
 - (f) requiring a proportion of all required parking spaces to be designated as disabled person parking spaces; and

- (g) generally applying non-residential parking standards to a uniform measure of gross floor area (g.f.a.) and expressing the standards in terms of “x” spaces per 100 square metres of g.f.a., with a common rounding procedure;
- (3) the Chief Planner and Executive Director of City Planning Division report on recommended by-law amendments on the matter of uniform dimensions for parking spaces and aisle widths, after consulting with the public, and that the public be invited to review and comment on this matter at www.toronto.ca/zoning;
- (4) the Chief Planner and Executive Director of City Planning Division prepare a report and necessary zoning by-law amendments identifying those zones within the former municipal zoning by-laws where there is a planning justification for introducing a zoning by-law amendment to prohibit the charging for visitor parking;
- (5) the Chief Planner and Executive Director of City Planning Division report separately on any zoning by-law provisions related to front yard parking at the time the General Manager of Transportation Services reports on the consolidation of the current municipal by-law and code provisions; and
- (6) the Chief Planner and Executive Director of City Planning Division, in consultation with the General Manager of Transportation Services, undertake a review of loading standards and dimensions for commercial and industrial uses and apartment buildings in 2006.

Mr. Joe D’Abramo, City Planning, provided a presentation to the Planning and Transportation Committee regarding the Report on Phase 1 Parking and Loading Zoning Standards Review.

The Planning and Transportation Committee recommended that:

- (I) City Council adopt the staff recommendations contained in the Recommendations Section of the report (May 12, 2005) from the Chief Planner and Executive Director, City Planning, subject to:
 - (i) amending Recommendation 1 (c) by adding thereto the following “including parking standards for regional bank facilities possibly defined by distance from other branches of the

same bank and in so doing review the pattern of branch bank closures and its effect on the customer base of remaining branches”, so that Recommendation 1(c) now reads as follows:

“(1) (c) retail uses, distinguished by various categories as identified through the review process, including parking standards for regional bank facilities possibly defined by distance from other branches of the same bank and in so doing review the pattern of branch bank closures and its effect on the customer base of remaining branches;

- (ii) amending Recommendation 2(b) to read as follows:

“(2)(b) reduction of parking standards in areas close to rapid transit stations and in the designated growth areas with subway accessibility – the Downtown and Centres Central Waterfront;”;

and the Chief Planner and Executive Director, City Planning be requested to prepare a separate report on parking standards for Avenues that are not subway oriented;

- (iii) amending Recommendation 2(c) to read as follows:

“(2) (c) allowing the required parking for non-residential uses to be legally secured off-site in certain locations including the mechanisms required to legally secure such standards;” and

(iv) amending Recommendation No. (4) to read as follows:

“(4) the North York prohibition against charging for visitor parking be extended to all residential zones and the Chief Planner and Executive Director, City Planning be requested to prepare a report outlining a public process by which a building or zone can be exempted from this prohibition and in preparation of this report staff be requested to consult with Members of Council who represent those areas where a Planning justification may exist for charging for visitor parking in residential buildings;” **(Motions by Councillor Moscoe)**

so that the Recommendations now read as follows:

“(1) the Chief Planner and Executive Director of City Planning Division, in consultation with the General Manager of Transportation Services, undertake, as a first priority, a review of parking standards for the following uses and inclusion in the new Zoning By-law:

- (a) apartment buildings (residential buildings with five or more units), including both tenant and visitor parking needs, and taking into account; the size of units (by number of bedrooms), type of tenure (rental or ownership), housing for targeted groups (seniors, social) and live/work units;
- (b) office uses, distinguished by the categories of commercial office, government office and medical office; and
- (c) retail uses, distinguished by various categories as identified through the review process, including parking standards for regional bank

facilities possibly defined by distance from other branches of the same bank and in so doing review the pattern of branch bank closures and its effect on the customer base of remaining branches;

(2) the development of parking standards for the uses listed in Recommendation (1) include, where appropriate, consideration of the following features:

- (a) application of minimum and maximum parking standards for non-residential uses;
- (b) reduction of parking standards in areas close to rapid transit stations and in the designated growth areas with subway accessibility – the Downtown and Centres Central Waterfront;

and the Chief Planner and Executive Director, City Planning be requested to prepare a separate report on parking standards for Avenues that are not subway oriented;

- (c) allowing the required parking for non-residential uses to be legally secured off-site in certain locations including the mechanisms required to legally secure such standards;
- (d) permitting shared parking in buildings containing a mix of uses with different peak parking characteristics;
- (e) requiring bicycle parking facilities in developments that exceed a minimum floor area threshold size;
- (f) requiring a proportion of all required parking spaces to be designated as disabled person parking spaces; and
- (g) generally applying non-residential parking standards to a uniform measure of gross floor

area (g.f.a.) and expressing the standards in terms of “x” spaces per 100 square metres of g.f.a., with a common rounding procedure;

- (3) the Chief Planner and Executive Director of City Planning Division report on recommended by-law amendments on the matter of uniform dimensions for parking spaces and aisle widths, after consulting with the public, and that the public be invited to review and comment on this matter at www.toronto.ca/zoning;
 - (4) the North York prohibition against charging for visitor parking be extended to all residential zones and the Chief Planner and Executive Director, City Planning be requested to prepare a report outlining a public process by which a building or zone can be exempted from this prohibition and in preparation of this report staff be requested to consult with Members of Council who represent those areas where a Planning justification may exist for charging for visitor parking in residential buildings;
 - (5) the Chief Planner and Executive Director of City Planning Division report separately on any zoning by-law provisions related to front yard parking at the time the General Manager of Transportation Services reports on the consolidation of the current municipal by-law and code provisions; and
 - (6) the Chief Planner and Executive Director of City Planning Division, in consultation with the General Manager of Transportation Services, undertake a review of loading standards and dimensions for commercial and industrial uses and apartment buildings in 2006;” and
- (II) the Chief Planner and Executive Director, City Planning be requested to:
- (a) prepare a supplementary report to the Planning and Transportation Committee respecting a review of loading standards in multi-residential buildings as it

- (b) pertains to the expansion of recycling efforts; bring forward, at the earliest opportunity, parking standards for doctors and dentists; **(Motion by Councillor Filion)** and
- (c) report to the Planning and Transportation Committee on:

 - (i) the loading/parking needs for courier companies; **(Motion by Councillor Filion)**
 - (ii) on “stack” parking; **(Motion by Councillor Moscoe)** and
 - (iii) the appropriate distance for subway stations for reduced parking standards to be applied. **(Motion by Councillor Milczyn)**

(Clause 7, Report 5)

**5.9 71 Front Street West – Union Station
Historic Structures Report
(Ward 28 – Toronto Centre Rosedale)**

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

- (i) (April 27, 2005) from the Chief Planner and Executive Director, City Planning, endorsing the Historic Structures Report for Union Station as part of the background research and documentation of existing condition and as a guide for the revitalization of Union Station.

Recommendation:

It is recommended that the Historic Structures Report for Union Station be endorsed as part of the background research and documentation and as a guide for the redevelopment of Union Station; and

- (ii) (May 18, 2005) from the Toronto Preservation Board advising that the Toronto Preservation Board on May 12, 2005, recommended to the Planning and Transportation Committee that City Council adopt the staff recommendation in the Recommendation Section of the report (April 27,

2005) from the Chief Planner and General Manager, City Planning Division. On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (April 27, 2005) from the Chief Planner and Executive Director, City Planning.

(Clause 8, Report 5)

5-10 Toronto South Committee of Adjustment Start Time

The Planning and Transportation Committee considered a communication (May 11, 2005) from the Toronto and East York Community Council advising that the Community Council on May 3, 2005, recommended to the Planning and Transportation Committee that City Council change the starting time of the Toronto South Committee of Adjustment from 4:00 p.m. to 2:00 p.m.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council adopt the recommendation of the Toronto and East York Community Council contained in the communication (May 11, 2005) from the Community Council.

(Clause 9, Report 5)

**5-11 GO Georgetown/Weston Rail Corridor
Rail Expansion–Environmental Assessment**

The Planning and Transportation Committee considered a report (May 12, 2005) from the Chief Planner and Executive Director, City Planning, responding to City Council's Direction of May 4, 2005 regarding the Environmental Assessment (E.A.) currently being conducted for the Georgetown/Weston Sub-Division Rail Corridor.

Recommendation:

It is recommended that City Council direct staff to report on the results of the GO Transit Georgetown/Weston Sub-Division Corridor Rail Expansion – Environmental Assessment following the completion of the current E.A. Study.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council

adopt the staff recommendation in the Recommendation Section of the report (May 12, 2005) from the Chief Planner and Executive Director, City Planning.

(Clause 10, Report 5)

5.12 Technical Amendment to Chapter 545, Licensing, Respecting the Renewal of Licences

The Planning and Transportation Committee considered a report (April 28, 2005) from the Executive Director, Municipal Licensing and Standards recommending a technical amendment to Chapter 545, Licensing, making the Chapter's renewal provisions consistent with licence late-renewal provisions adopted by Council in June of 2004 and effective as of January 1 of 2005.

Recommendations:

It is recommended that:

- (1) Toronto Municipal Code Chapter 545, s. 545-4B(4) be amended to read:

Subject to § 545-4G(4), if the applicant has applied for renewal of the licence and has remitted the prescribed fee, the licence shall be deemed to continue:

- (a) until the renewal is granted; or
- (b) if the licensee is served with a notice under Subsection B(1)(a), until the time for requesting a hearing has expired or, where a hearing has been requested, until the Toronto Licensing Tribunal has made a disposition of such application;
- (2) the City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and
- (3) all other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

The Planning and Transportation Committee also considered the following communications:

- (i) (March 17, 2005) from Mr. Peal Andrews;

- (ii) (March 14, 2005) from Mr. Spiro Mastoris;
- (iii) (March 15, 2005) from Mr. Chris Karadimas; and
- (iv) (Undated) from Mr. Liaqat Ali.

The Planning and Transportation Committee held a public meeting on May 25, 2005, in accordance with the *Municipal Act, 2001*, and notice of the proposed amendment to the Toronto Municipal Code Chapter 545, Licensing, was posted on the City's web site for a minimum of four days.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that:

- (1) City Council adopt the staff recommendations contained in the Recommendations Section of the report (April 28, 2005) from the Executive Director, Municipal Licensing and Standards; and
- (2) the Executive Director, Municipal Licensing and Standards be requested to submit a report to the Planning and Transportation Committee on the feasibility of extending the licence renewal period to two or three years on a trade-by-trade basis i.e., licence category-by-category basis or giving licensees the option of multi-year renewals where appropriate.

(Clause 11, Report 5)

5-13 Revision of Business Licensing Thresholds

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

- (1) (May 5, 2005) from the Executive Director, Municipal Licensing and Standards, recommending revisions to the City's business licensing thresholds to address operational ambiguities and challenges.

Recommendations:

It is recommended that:

- (1) Appendix K and any other relevant provisions of Toronto Municipal Code Chapter 545, Licensing, be amended in accordance with

Schedule A;

- (2) the following definition be added in alphabetical sequence to Toronto Municipal Code Chapter 545, Licensing, Section 545-1:

MINOR – Any person under the age of 18 years;

- (3) the recommended changes come into effect on October 1, 2005;
 - (4) any other consequential amendments to Toronto Municipal Code Chapter 545, Licensing or any other bylaw be carried out accordingly to give effect to the above recommendations; and
 - (5) the appropriate City officials be authorized and directed to take any other necessary action to give effect to the recommendations above;
- (2) (March 29, 2005) from Mr. Nicholas Damias, Board Member, Metro Toronto Ice Cream Truck Association; and
 - (3) (April 29, 2005) from Mr. Fred Haywood.

The Planning and Transportation Committee held a public meeting on May 25, 2005, in accordance with the *Municipal Act, 2001*, and notice of the proposed amendment to the Toronto Municipal Code Chapter 545, Licensing, was posted on the City's web site for a minimum of four days.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (May 5, 2005) from the Executive Director, Municipal Licensing and Standards.

(Clause 12, Report 5)

5-14 Pedicab Regulations

The Planning and Transportation Committee considered a report (May 2, 2005) from the Executive Director, Municipal Licensing and Standards, respecting consultations with the pedicab industry.

Recommendations:

It is recommended that:

- (1) the City of Toronto Municipal Code, Chapter 545, Licensing, Article III, relating to owners and drivers of pedicabs, be amended, in the interests of nuisance control and protecting the safety of the public, to restrict pedicabs from:
 - (a) King Street between Spadina Avenue and Jarvis Street;
 - (b) Queen Street between Spadina Avenue and Jarvis Street; and
 - (c) Gerrard Street between Yonge and Bay Streets;
- (2) Chapter 545 be further amended to require that agreed upon fares not exceed the written estimate by ten percent, and that fares be calculated for the use of the pedicab rather than per person; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Planning and Transportation Committee held a public meeting on May 25, 2005, in accordance with the *Municipal Act, 2001*, and notice of the proposed amendment to the Toronto Municipal Code Chapter 545, Licensing, was posted on the City's web site for a minimum of four days.

The Planning and Transportation Committee:

- (A) recommended that:
 - (I) City Council adopt the staff recommendations contained in the Recommendations Section of the report (May 2, 2005) from the Executive Director, Municipal Licensing and Standards, subject to:
 - (i) amending Recommendation (1) by adding thereto the following:

“(1) (d) Front Street, between Spadina and Jarvis;”;
 - (ii) deleting the following Recommendation (2);

“(2) Chapter 545 be further amended to require that agreed upon fares not exceed the written estimate by ten percent, and that fares be calculated for the use of the pedicab rather than per person;”;

and renumbering the Recommendations accordingly so that they now read as follows:

“(1) the City of Toronto Municipal Code, Chapter 545, Licensing, Article III, relating to owners and drivers of pedicabs, be amended, in the interests of nuisance control and protecting the safety of the public, to restrict pedicabs from:

- (a) King Street between Spadina Avenue and Jarvis Street;
- (b) Queen Street between Spadina Avenue and Jarvis Street;
- (c) Gerrard Street between Yonge and Bay Streets; and
- (d) Front Street, between Spadina and Jarvis;”;

(2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;”

- (II) fares be on a timed rate basis for the use of the vehicle, irrespective of the number of passengers;
- (III) the rate be \$30.00 for the first half hour or part thereof and \$15.00 for each additional half-hour or part thereof;
- (IV) the Toronto Police Services Board be requested to have the police assist in the enforcement of this by-law respecting the road restrictions component of the by-law under the Traffic Act;

- (V) the Executive Director, Municipal Licensing and Standards be requested to review the provisions of the by-law in one year's time; **(Motions by Councillor Moscoe)** and
- (B) referred the following motion to the Executive Director, Municipal Licensing and Standards, for report thereon directly to Council for its meeting to be held on June 14, 2005:

Moved by Councillor Moscoe:

- “(1) That the passenger be presented with a card showing the agreed upon fare prior to the ride in a form approved by the Executive Director, Municipal Licensing and Standards, such form to clearly indicate:
- (a) the license number of the pedicab;
 - (b) the maximum fare;
 - (c) the start time of the ride;
 - (d) the name of the driver legibly printed;
 - (e) the signature of the driver;
 - (f) the name and telephone number of the company; and
 - (g) a City complaints telephone number and e-mail address; and
- (2) that the card is to be given to and retained by the passenger prior to the commencement of the trip.”
(Motion by Councillor Milczyn)

(Clause 13, Report 5)

5-15 Licensing of Clothing Drop Boxes

The Planning and Transportation Committee considered a communication (April 21, 2005) from the City Clerk advising that City Council on April 12, 13 and 14, 2005, adopted, as amended, the following Motion:

Moved by Councillor Moscoe, seconded by Councillor Holyday

“WHEREAS charitable organizations invite people to donate used clothing to be sold to raise funds for charitable purposes; and

WHEREAS clothing drop boxes are commonly located on shopping plaza lots; and

WHEREAS drop boxes masquerading as charitable, but which are entirely private business ventures, have been located on private lots or City property throughout the City without authorization; and

WHEREAS these boxes take advantage of the good nature of people by displaying messages that imply or indicate that the clothing will be used for charitable purposes when, in fact, they are fraudulent; and

WHEREAS these boxes rip off not only contributors but also legitimate charities by drawing away used clothing that would otherwise go to charitable purposes; and

WHEREAS these boxes are often located on or near a property line so that the property owners or tenant businesses assume that they are on City property; and

WHEREAS most are located without authorization; and

WHEREAS the 'Clean and Beautiful City' initiative has been adopted as a priority in the City's recent budget; and

WHEREAS on September 23, 24, and 25, 2003, Council adopted a resolution that would require anyone wishing to locate a clothing drop box on City property to:

- (a) secure the permission of the City;
- (b) agree to maintain and keep clean the area in and around the drop box; and produce a legally registered charitable number; and

WHEREAS at its meeting of July 30, 31 and August 1, 2002, Council adopted a Resolution indicating that the licensing of clothing drop boxes be the preferred option for controlling their indiscriminate use; and

WHEREAS nothing has been done about the Council's determination to see the boxes licensed;

NOW THEREFORE BE IT RESOLVED THAT staff report to next meeting of Council, through the Planning and Transportation Committee, on what actions they have taken to put into effect the direction of Council with respect to drop boxes on City Property (September 2003);

AND BE IT FURTHER RESOLVED THAT the Planning and Transportation Committee hold a public meeting to give consideration to amending Toronto Municipal Code Chapter 545, Licensing, to license clothing drop boxes as follows:

- (1) the licenses be for a nominal sum;
- (2) in order to receive a license sticker, the applicant must:
 - (a) provide proof of charitable status;
 - (b) prove that they have permission from the owner of the land to locate the box on the property;
 - (c) agree to keep the area free of litter;
 - (d) agree to remove graffiti from the box; and
 - (e) agree to keep the box in good repair;

AND BE IT FURTHER RESOLVED THAT the By-law provide for the removal of a box by City staff and a provision for a removal and storage fee commensurate with the provisions of the new mobile sign by-law;

AND BE IT FURTHER RESOLVED THAT any related cost be paid out of the existing funds budgeted for the 'Clean and Beautiful City' initiative;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to prepare a draft by-law for consideration at the public meeting;

AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to the City's Agencies, Boards and Commissions with a request that they implement similar controls.

On motion by Councillor Moscoe, the Planning and Transportation Committee directed:

- (1) that a Public meeting of the Planning and Transportation Committee be held respecting this matter to fulfil the requirements of the *Municipal Act*; and
- (2) the Executive Director, Municipal Licensing and Standards to bring forward a draft by-law, in accordance with the direction given by City Council respecting this matter, no later than June 2006.
(Amended by Councillor Milczyn)

(Clause 17(b), Report 5)

5-16 Chair and Vice-Chair Appointments, Toronto Licensing Tribunal

The Planning and Transportation Committee considered a confidential communication (February 9, 2005) from the Toronto Licensing Tribunal respecting appointment of Chairs and Vice-Chairs to the Tribunal, such communication to be considered in-camera as the subject matter relates to identifiable individuals.

The following persons appeared before the Planning and Transportation Committee:

- Aubrey Golden, Chair, Toronto Licensing Tribunal; and
- William Weissglas, Vice-Chair, Toronto Licensing Tribunal.

The Planning and Transportation Committee deferred consideration of this matter until its meeting scheduled to be held on June 27, 2005, and issued confidential instructions to staff with respect thereto, such instructions to remain confidential, in accordance with the *Municipal Act, 2001*, as they contain information relating to identifiable individuals.

(Clause 17(c), Report 5)

**5.17 Implementation of the Building Code
Statute Law Amendment Act (Bill 124)
Prior to the July 1, 2005 Effective Date**

The Planning and Transportation Committee considered a report (May 18, 2005) from the Chief Building Official and Executive Director reporting on the status of the City's implementation of the Building Code Statute Law Amendment Act, 2002, recommending changes to Municipal Code Chapter 363 and approval of the Code of Conduct for the Chief Building Official and Inspectors prior to the effective date, July 1, 2005.

Recommendations:

It is recommended that:

- (1) Council approve amendments to Chapter 363 of the Municipal Code, effective July 1, 2005, to implement the program changes outlined in this report, including:
 - (a) to set a fee for the full review of all applicable law requirements prior to submission of the permit application at 25 percent of the cost of the permit and to reduce subsequent permit fees by the same amount, once submitted as a permit application;
 - (b) to set a fee for resubmission of the permit application at 25 percent of the cost of the permit fee, where the written reasons indicate lack of compliance with applicable law and the application was not reviewed for compliance with applicable law prior to submission of the permit application;
 - (c) to provide for two application streams, both incomplete and project managed applications, by retaining the option in the current by-law of submitting 60 percent of the application fee at the time of application for project managed applications where fees are greater than \$20,000, while requiring full payment of fees for applications identified as complete by the applicant;
 - (d) to delegate to the Chief Building Official the ability to prescribe additional forms required to confirm additional information from the applicant, that are not in conflict with the forms approved by the Minister; and

- (e) to make other changes to the by-law to implement the legislation as outlined in this report, substantially in the form of the draft by-law attached hereto as Appendix "A";
- (2) Council adopt the Code of Conduct for the Chief Building Official and inspectors as required under the Building Code Act, effective July 1, 2005, attached as Appendix "B";
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

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

- (I) recommended that City Council adopt the staff recommendations contained in the Recommendations Section of the report (May 18, 2005) from the Chief Building Official and Executive Director; and
- (II) requested the Chief Building Official and Executive Director to submit a supplementary report directly to Council for its meeting to be held on June 14, 15 and 16, 2005, outlining any changes affecting the content of the report (May 18, 2005) from the Chief Building Official and Executive Director, and any modifications to the recommended amendments to the Building Permit By-law, Chapter 363 of the Municipal Code, as a result of Regulation 236/05, filed by the Province on May 19, 2005, amending the Building Code to extend the implementation period for certain aspects of the regulatory changes from July 1, 2005 to January 1, 2006.

(Clause 14, Report 5)

5-18 Violations to the Building Code

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

- (1) (May 18, 2005) from the Chief Building Official and Executive Director reporting on the October 25, 2004 correspondence from Councillor Moscoe to the Chair and Members of the Planning and Transportation Committee on violations to the Building Code.

Recommendation:

It is recommended that Council petition the provincial government to amend Section 36(8) of the Building Code Act so that the limitations on prosecutions would be consistent with the limitation period which applies to claims that could be made against the City; and

- (2) Motion (Undated) from Councillor Howard Moscoe stating that:

Whereas bylaws are only as good as our ability to enforce them; and

Whereas deliberate failure to enforce our bylaws promotes a disrespect for the law and broadcasts the message that the City doesn't really care; and

Whereas the City has arbitrarily decided not to pursue enforcement of violations that are more than a year old, is a major embarrassment; and

Whereas this decision is based on an interpretation of the "pickles" case that is arbitrary and questionable; and

Whereas this particular case, which was centered around a temporary floating dock in the township of Sequin, may have no relevance to most building code violations in the City of Toronto.

Therefore Be it Resolved that the decision not to pursue building violations that are more than a year old be reviewed by the legal department and if necessary by outside legal Council to determine how the city can effectively enforce its bylaws; and

Be it Further Resolved that the legal department report to the Planning and Transportation Committee by the July meeting on changes in policy that will reverse this arbitrary decision and what, if any, legal action needs to be taken to further pursue the City's interest in this matter.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that:

- (1) City Council adopt the staff recommendation contained in the Recommendation Section of the report (May 18, 2005) from the Chief Building Official and Executive Director;
- (2) a copy of the aforementioned report be forwarded to the Staff Working Group currently negotiating the City of Toronto Act; and
- (3) the City Solicitor be requested to review the situations at 102–106 Bude Street and 2425 Dufferin Street in connection with these matters in light of the Pickles decision, and report back to the Planning and Transportation Committee with a view to possibly using these cases to challenge the Pickles decision.

(Clause 15, Report 5)

**5-19 Spadina Subway Extension Environmental Assessment
Study Phase One Public Consultation Results**

The Planning and Transportation Committee considered a communication (April 7, 2005) from the General Secretary, Toronto Transit Commission, advising that at its meeting on Wednesday, April 6, 2005, the Commission considered the attached report entitled, "Spadina Subway Extension Environmental Assessment Study Phase One – Public Consultation Results."; and the Commission adopted the Recommendation contained in the report, as listed below:

"It is recommended that the Commission:

- (1) receive this report for information; and

- (2) forward this report to the City of Toronto Planning and Transportation Committee, the Regional Municipality of York, the City of Vaughan and GO Transit for information.”; and

advising that the foregoing is forwarded to City of Toronto Council through the Planning and Transportation Committee for information.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council receive the communication (April 7, 2005) from the General Secretary, Toronto Transit Commission.

(Clause 16, Report 5)

5.20 Decisions of the Toronto Licensing Tribunal respecting 222 Spadina Avenue

The Planning and Transportation Committee considered the following Resolution (May 25, 2005) from Councillor John Filion stating that:

WHEREAS, pursuant to the City of Toronto Municipal Code, Chapter 545, ss. 545-6B, C, and D, the Municipal Licensing and Standards Division referred to the Toronto Licensing Tribunal (“TLT”) four licences for food establishments located at 222 Spadina Avenue with a recommendation for revocation on the grounds that the continuation of these licences was not in the public interest and constituted a danger to the health and safety of the public; and

WHEREAS the TLT held hearings in respect of the licences on March 17, April 20 and April 22, 2005 and ordered the continuation of these licenses on certain conditions; and

WHEREAS the said decisions of the TLT raise concerns regarding public health and safety;

THEREFORE BE IT RESOLVED THAT the City Solicitor report to the next meeting of the Planning and Transportation Committee with respect to the available legal options for reviewing the said decisions of the Toronto Licensing Tribunal.

On motion by Councillor Filion The Planning and Transportation Committee approved the resolution pertaining to the decisions of the Toronto Licensing Tribunal respecting 222 Spadina Avenue, and in so doing requested the City Solicitor to report to the meeting of the Planning and Transportation Committee scheduled to be held on June 27, 2005, with respect to the available legal options for reviewing the said decisions of the Toronto Licensing Tribunal.

(Clause 17(d), Report 5)

5.21 Vending Licences

The following Motion by Councillor Moscoe was voted on and **lost**:

The Planning and Transportation Committee requested staff to meet with vendors between now and the next meeting of the Planning and Transportation Committee respecting vending licenses; and submit a report thereon to the aforementioned meeting of the Committee.

The Committee adjourned its meeting at 3:24 p.m.

Chair