



**PLANNING AND TRANSPORTATION COMMITTEE
DECISION DOCUMENT
MEETING 2**

Report 2 to be considered by City Council on April 25, 26 and 27, 2006

Date of Meeting: Monday, March 6, 2006
Time: 9:30 a.m.
Location: Committee Room 1
City Hall
100 Queen Street West
Toronto, Ontario

Enquiry: Betty Henderson
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The 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.*

1. **Bill 51 - Planning and Conservation Land Statute Law Amendment Act, 2005 and the Land Use Provisions of Bill 53 Stronger City of Toronto for a Stronger Ontario Act, 2005**

Report 2, Clause 1

The Planning and Transportation Committee recommends that City Council:

- (1) **adopt the staff recommendations in the Recommendations Section of the report (February 13, 2006) from the Chief Planner and Executive Director, City Planning, subject to adding a new Recommendation (4) with the balance of the Recommendations being renumbered accordingly:**

“(4) the Ontario Municipal Board be guided by the City of Toronto's Official Plan;” and

- (2) **adopt the staff recommendations in the Recommendation Section of the report (February 20, 2006) from the Chief Planner and Executive Director, City Planning.**

Action taken by the Committee:

The Planning and Transportation Committee requested the Chief Planner and Executive Director, City Planning, to report to City Council, for its meeting of April; 25, 2006, on:

- (a) **a revised Appendix 1 which would include the previously adopted positions of Council;**
- (b) **ways to deal with appropriate municipal approvals on energy facilities, including renewable resources; and**
- (c) **the anticipated costs (gross and net) of implementing Section 115 “New Power – Appeal Body for Local Land Use Planning Matters”(Appendix 1).**

Report (February 13, 2006) from the Chief Planner and Executive Director, City Planning, advising Council of the contents and implications of Bills 51 and 53 as they pertain to land use planning matters.

Recommendations:

It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be requested to consult with City staff in his preparation of the regulations accompanying Bills 51 and 53;
- (2) the suggestions made in this report regarding Bill 53, as outlined in Appendix 1, be referred to the City Manager and City Solicitor for consideration in their ongoing analysis of Bill 53 and the preparation of a submission to the Standing Committee of the Legislature that will be considering this Bill;
- (3) the Minister of Municipal Affairs and Housing be advised that Bill 51 should be amended to include the changes noted in Appendix 2; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.
- 1(a) Results of Technical Briefing regarding Bill 51 - *Planning and Conservation Land Statute Law Amendment Act, 2005* and the Land Use Planning Provisions of Bill 53 - *Stronger City of Toronto for a Stronger Ontario Act, 2005***

Report (February 20, 2006) from the Chief Planner and Executive Director, City Planning Division, summarizing comments raised at a recent Councillors’ briefing session regarding Bills 51 and 53.

Recommendation:

It is recommended that the Minister of Municipal Affairs and Housing be advised that Council of the City of Toronto reaffirms its position regarding Ontario Municipal Board reform as recommended in the March 1, 2004 report from the Commissioner of Urban Development Services entitled “City of Toronto Position Regarding Ontario Municipal Board Reform”, adopted, as amended, by Council at its meeting on April 15 and 16, 2004 and once again reaffirmed in a further report from the Commissioner of Urban Development Services dated June 21, 2004 entitled “Provincial Planning Reform Initiatives: Consultation Papers on OMB Reform, Planning Act Reform and Implementation Tools and Provincial Policy Statement Draft Policies,” adopted by Council on July 21, 21 and 22, 2004.

**2. Improving the Planning Process
(Notice of Public Meeting Previously Given)**

Report 2, Clause 2

The Planning and Transportation Committee recommends that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (November 2, 2005) from the Chief Planner and Executive Director, City Planning, subject to the following;**
 - (a) amending Recommendation (1)(a) to read:**

“(1)(a) the planning process be changed for rezoning, official plan amendments, sub-division and related site plan control applications so that community consultation meetings are held earlier in the process, before the preparation of staff reports;”;
 - (b) amending Recommendation (1)(f) to read:**

“(1)(f) City Planning continue existing public outreach programs, such as attending community association meetings and provide staff training on consultation skills and outreach services, including effective facilitation methodology;”;
 - (c) amending Recommendation (1)(g) to read:**

“(1)(g) City Planning improve public education;”;

(d) amending Recommendation (1)(h) to read:

“(1)(h) City Planning develop criteria for determining when professional facilitators for community meetings should be used and that no additional funding be provided for this purpose;”;

(e) adding the following new Recommendations:

“(1)(i) City Planning schedule community consultation meetings regarding planning matters at the earliest opportunity;

(1)(j) expansion of notification be accomplished for planning applications to residential tenants and condominium owners at the expense of the applicant;

(1)(k) notification be expanded to commercial and industrial tenants at the expense of the applicant; and

(1)(l) the scheduling of additional community consultation meetings above existing levels;”;

(f) deleting Recommendation (2) and replacing with the following:

“(2) staff be directed to include the following proposals in the 2007 budget:

(a) new planning application submission criteria as part of the web page enhancements which would require applicants for rezoning and/or Official Plan amendments to submit drawings and reports in a digital format, which would be supported by the City’s website for viewing by the public; and

(b) public signage on lands that are subject to rezoning or Official Plan amendments include the direct link to the information on the City’s website;” and

(g) adding the following new Recommendation:

(3)(b) following the adoption of Bill 51, that the pre-application process be a requirement for applicants who wish to have staff informally review their proposals as recommended by the Planning and Transportation sub-committee on Improving the Planning Process in their September 29, 2005 report.

(2) adopt the staff recommendations in the Recommendations Section of the supplementary report (March 1, 2006) from the Chief Planner and Executive Director, City Planning.

Action taken by the Committee:

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

- (a) report (August 10, 2005) from the Chief Planner and Executive Director, City Planning;**
- (b) communication (October 13, 2005) from Affordable Housing Committee;**
- (c) communication (November 4, 2005) from the City Clerk;**
- (d) communication (November 4, 2005) from William H. Roberts; and**
- (e) communication (March 6, 2006) from Marnie Affleck.**

Report (November 2, 2005) from the Chief Planner and Executive Director, City Planning, recommending operational changes to planning processes in order to achieve improved public participation, collaboration, communication, accessibility, transparency and greater accountability.

Recommendations:

It is recommended that:

- (1) City Council adopt current and proposed business practice changes to the City Planning Division, which can be absorbed by the Division's budget for 2006, as follows:
 - (a) the planning process be changed for complex planning applications (rezoning, official plan amendments, sub-division, and related site plan control applications) so that community consultation meetings are held earlier in the process, before the preparation of staff reports;
 - (b) City Planning review and improve application information and the process for public access to information, including the use of email to notify interested groups;
 - (c) City Planning use clear language to describe relevant planning issues, policies, guidelines and the response to public concerns in all reports;
 - (d) City Planning, in consultation with the City Clerk, the City Solicitor and other appropriate civic officials, work with the Committee of Adjustment to improve communication material, the content of public notices and decisions, on-site signage, notification procedures, and to develop comprehensive protocols for the various responsibilities of the Committee;

- (e) City Planning ensure that City guidelines (as contained in a draft document entitled “Community Engagement Handbook”) for community engagement, including equity and human rights, are adhered to when conducting community consultation meetings, and that the relevant guidelines be made available to the public and are announced before the meeting;
 - (f) City Planning continue existing public outreach programs, such as attending community association meetings and provide staff training on consultation skills and outreach services, including effective facilitation methodology, within existing budget limits;
 - (g) City Planning improve public education within existing budget limits; and
 - (h) City Planning develop criteria for determining when professional facilitators for community meetings should be used;
- (2) the following proposed business practice changes to the City Planning Division, recommended by the Planning and Transportation Sub-Committee, as amended by the Planning and Transportation Committee, not be adopted because of funding requirements, which are not part of the Division’s proposed budget for 2006 or for technical reasons, as follows:
- (a) expansion of notification for planning applications to residential tenants and condominium unit owners;
 - (b) development of web page enhancements;
 - (c) increased public involvement and outreach by City Planning over and above existing levels would require additional staff resources;
 - (d) the hiring of professional facilitators; and
 - (e) the scheduling of additional community consultation meetings above existing levels;
- (3) staff continue the pre-application consultation process, as set out in the Building Toronto Together development guide and that Appendix 2 in the Sub-committee’s report be amended to indicate pre-application consultation as the first step for all complex applications;
- (4) City Council consider enforcement mechanisms for the works and amenities approved and secured under site plan control applications at the time it considers the report from the Chief Planner on the passing of the new harmonized site plan control by-law; and

- (5) the Chief Planner and Executive Director, City Planning, report to the Planning and Transportation Committee, no later than September 2006, on the progress of implementing the changes outlined in this report and the identification of additional implementation costs.
- 2(e). Supplementary report (March 1, 2006) from the Chief Planner and Executive Director, City Planning, on the implications of Bill 51 on pre-application consultation.

Recommendation:

It is recommended that the implementation of the “Improving the Planning Process” changes outlined in the November 2, 2005 report from the Chief Planner and Executive Director, City Planning Division include the practice of reporting on pre-application consultation in Preliminary Reports, as outlined in this report.

3. Parking Space Dimensions Zoning Review – Supplementary Report No. 1

Report 2, Clause 3

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (February 10, 2006) from the Chief Planner and Executive Director, City Planning.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) requested the Chief Planner and Executive Director, City Planning, in the interim, to consult with the Toronto Transit Commission officials as to how the proposed harmonizing zoning regulations for parking space dimensions affects the Commuter Parking Lots; and
- (b) referred the following communications to the Chief Planner and Executive Director, City Planning, for consideration when preparing the zoning by-law amendment:
- (i) (February 15, 2006) from Concord Adex;
 - (ii) (February 24, 2006) from Greater Toronto Home Builders’ Association;
 - (iii) (February 27, 2006) from BrandyLane Corporation;
 - (iv) (March 1, 2006) from Davies Howe Partners;
 - (v) (March 2, 2006) from Wittington Properties Limited;
 - (vi) (February 2, 2006) from Urban Development Institute Ontario;
 - (vii) (March 2, 2006) from Minto;
 - (viii) (March 2, 2006) from Canaderel Stoneridge Equity Group Inc.;
 - (ix) (February 25, 2006) from Cityzen Development Group;
 - (x) (February 27, 2006) from Tridel; and
 - (xi) (March 3, 2006) from Diamante Development Corporation.

Report (February 10, 2006) from the Chief Planner and Executive Director, City Planning, responding to Council's direction and recommending the adoption of harmonized zoning regulations for parking space dimensions.

Recommendations:

It is recommended that:

- (1) the Chief Planner and Executive Director, City Planning bring forward zoning by-law amendments dealing with parking space dimensions to the next meeting of Planning and Transportation Committee;
- (2) a Public Meeting under the Planning Act be scheduled for the next meeting of Planning and Transportation Committee; and
- (3) the Bills not be introduced at City Council until its meeting of September 25, 26, and 27, 2006.

4. Avenue Studies for 2006

Report 2, Clause 13(a)

Action taken by the Committee:

The Planning and Transportation Committee directed that the report (February 3, 2006) from the Chief Planner and Executive Director, City Planning, respecting Avenue Studies for 2006, be forwarded to:

- (1) North York Community Council for endorsement of the Avenue Road from Wilson Avenue to Lawrence Avenue West Study; and**
- (2) Scarborough Community Council for endorsement of the Lawrence Avenue from Victoria Park Avenue to Birchmount Road Study.**

Report (February 3, 2006) from the Chief Planner and Executive Director, City Planning, identifying Avenues for study in 2006.

Recommendation:

It is recommended that this report be forwarded to Scarborough and North York Community Councils for consideration at their April 4, 2006 meeting to endorse Avenue studies for Avenue Road from Wilson Avenue to Lawrence Avenue West and Lawrence Avenue from Victoria Park Avenue to Birchmount Road.

5. Harmonized Site Plan Control By-law Request for Further Direction

Report 2, Clause 4

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (February 16, 2006), subject to deleting Recommendation (3).

Action taken by the Committee:

The Planning and Transportation Committee requested the Chief Planner and Executive Director, City Planning, to consult with industry representatives, including the Toronto Industry Network, and report thereon to the Planning and Transportation Committee on those consultations with its final recommendations.

Report (February 16, 2006) from the Chief Planner and Executive Director, City Planning, obtaining Council's approval of a harmonized Site Plan Control By-law.

Recommendations:

It is recommended that:

- (1) a copy of this report and the attached Site Plan Approval Exemption Table and Draft Harmonized Site Plan Control By-law be circulated to all Community Councils for review and comment;
- (2) staff be directed to report to the Planning and Transportation Committee evaluating the responses received from all Community Councils on the draft Site Plan Control By-law and with recommendations on a finalized Site Plan Control By-law; and
- (3) City Council defer consideration on whether telecommunications equipment should be subject to Site Plan Control pending consideration by City Council of a further report regarding the Installation of Telecommunication Towers tentatively scheduled to be considered by City Council in the first quarter of 2006.

6. Status Report on the Zoning By-law Project

Report 2, Clause 13(b)

Action taken by the Committee:

The Planning and Transportation Committee received the report (February 15, 2006) from the Chief Planner and Executive Director, City Planning.

Report (February 15, 2006) from the Chief Planner and Executive Director, City Planning, providing an update on the status of the Zoning Bylaw Project.

Recommendation:

It is recommended that this report be received for information.

7. Toronto and Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 97/04)

Report 2, Clause 5

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (February 20, 2006) from the Chief Planner and Executive Director, City Planning.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) **requested staff meet with officials from the Toronto Region Conservation Authority to develop a protocol for dealing with applications within the expanded area delineated by the amended section 28 of *The Conservation Authorities Act*; and**
- (b) **received the communication (March 3, 2006) from Brian Denney, Chief Administrative Officer, Toronto and Region Conservation for the Living City.**

Report (February 20, 2006) from the Chief Planner and Executive Director, City Planning, advising Council of the Toronto and Region Conservation Authority's proposed Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses which is scheduled to come into effect by May 1, 2006, in compliance with Ontario Regulation 97/04.

Recommendations:

It is recommended that:

- (1) the Toronto and Region Conservation Authority be requested to amend the proposed Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses to eliminate the proposed 15 meter buffer in the City of Toronto, and if required, request the Province to amend the Generic Regulation to reflect the same;
- (2) the Toronto and Region Conservation Authority be requested to give notice to area municipalities of any future change or amendments to the maps attached to the Regulation setting out the Regulation Limit;
- (3) the Province of Ontario be requested to delay the enforcement of the Toronto and Region Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses until a transition protocol for projects in the pipeline has been established; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

8. Partial Settlement of the Appeal of the New Official Plan

Report 2, Clause 6

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (February 6, 2006) from the Chief Planner and Executive Director, City Planning, and the City Solicitor, such consideration to be held in camera as the subject matter relates to matters of litigation, or potential litigation.

Action taken by the Committee:

The Planning and Transportation received the communication (February 1, 2006) from William H. Roberts.

Confidential joint report (February 6, 2006) from the Chief Planner and Executive Director, City Planning and City Solicitor.

9. Proposed Settlement of an Appeal to the new Official Plan

Report 2, Clause 7

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (February 16, 2006) from the Chief Planner and Executive Director, City Planning, and the City Solicitor, such consideration to be held in camera as the subject matter relates to matters of litigation, or potential litigation.

Confidential joint report (February 16, 2006) from the Chief Planner and Executive Director, City Planning and City Solicitor.

10. Proposed Settlement of an Appeal to the new Official Plan

Report 2, Clause 8

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (February 17, 2006) from the Chief Planner and Executive Director, City Planning, and the City Solicitor, such consideration to be held in camera as the subject matter relates to matters of litigation, or potential litigation.

Confidential joint report (February 17, 2006) from the Chief Planner and Executive Director, City Planning and City Solicitor.

**11. Council's Request to Introduce Separation Distances
Between Holistic Centres, Adult Entertainment Parlours,
Body-rub Parlours and Residential Zones in the Zoning Bylaws**

Report 2, Clause 13(c)

Action taken by the Committee:

The Acting Chair of the Planning and Transportation Committee ruled that the subject report was improperly before the Committee, based on Planning and Transportation Committee direction that future reports separate the issue of the licensing or registering of Holistic practices and the issue of body rub parlours (Minute 6.12, Planning and Transportation Committee meeting of June 27, 2005).

Report (February 10, 2006) from the Chief Planner and Executive Director, City Planning, seeking clarification of Council's request to introduce separation distance standards between holistic centres, adult entertainment parlours, body-rub parlours and residential zones in the City's zoning by-laws and recommends that staff examine and report to Council on appropriate separation distances.

Recommendations:

It is recommended that:

- (1) the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor, report on zoning bylaw amendments that would introduce a definition of holistic centres as well as appropriate separation distances, similar to those being proposed for the Licensing Bylaw, between holistic centres and adult entertainment parlours, and to residential zones that would effectively mitigate the impacts of the clustering of such uses in or near residential areas; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

MUNICIPAL LICENSING AND STANDARDS

**12. Review of New Applications and Re-applications
to be Included in the City's List of
Approved Professional Holistic Associations
(Public Meeting under the *Municipal Act 2001*)**

Report 2, Clause 9

The Planning and Transportation Committee recommends that City Council adopt Recommendations (1), (3) and (4) of the staff recommendations in the Recommendations Section of the report (February 10, 2006) from the Executive Director, Municipal Licensing and Standards.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) referred the following motions to the Executive Director, Municipal Licensing and Standards, for report thereon to the Planning and Transportation Committee for its meeting of May 1, 2006:
 - (1) Moved by Councillor Moscoe:
 - “(i) why the four holistic associations, together with any other associations, did not qualify to be recognized as Professional Holistic Associations, in particular the Shiatsu Society of Ontario; and
 - (ii) providing the three holistic associations that did not qualify to be recognized as Professional Holistic Associations, the information with which they can comply and that they be permitted to re-apply for inclusion in the Toronto Municipal Code Chapter 545, Licensing Appendix L, as a Professional Holistic Association once they meet the appropriate qualifications and criteria”; and
 - (2) Moved by Councillor Ootes:

“reconsideration of the application from the Canadian Examining Board of Health Care Practitioners Inc. at the May 1, 2006 meeting”; and

(b) received the communication (March 6, 2006) from Councillor Adam Giambrone.

The Planning and Transportation Committee held a public meeting on March 6, 2006, in accordance with the Municipal Act 2001, and notice of the proposed amendment to Toronto Municipal Code Chapter 545, Appendix L, was posted on the City’s web site for a minimum of five days.

Report (February 10, 2006) from the Executive Director, Municipal Licensing and Standards, providing an additional list of Professional Holistic Associations that meet the City of Toronto’s criteria with respect to the licensing of holistic practitioners.

Recommendations:

It is recommended that:

- (1) the following three holistic associations be included in Toronto Municipal Code Chapter 545, Licensing, Appendix L, and that these associations be recognized as Professional Holistic Associations for the purposes of licensing holistic practitioners and owners:
 - (1) Feldenkrais Guild of North America;
 - (2) The Iridologists Association of Canada; and
 - (3) International Organization of Nutritional Consultants;
- (2) the following three holistic associations, as well as its Board of Directors, which did not qualify to be recognized as Professional Holistic Associations, not be able to re-apply for inclusion in Toronto Municipal Code Chapter 545, Licensing, Appendix L, as a Professional Holistic Association, for a period of at least one year from the date of adoption of this report by Council:
 - (1) Canadian Examining Board of Health Care Practitioners Inc;
 - (2) Shiatsu Society of Ontario; and
 - (3) World Peace and Natural Health Association;
- (3) the City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and

- (4) other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

13. Review of the Recommendations Presented by the Holistic Stakeholders Including the Effectiveness of the Markham Registry By-law and its Applicability to the City of Toronto.

Report 2, Clause 13(d)

Action taken by the Committee:

The Planning and Transportation Committee:

- (1) received the report (February 23, 2006) from the Executive Director, Municipal Licensing and Standard; and
- (2) requested the Executive Director, Municipal Licensing and Standards, to provide an update on the Markham Registry System at the same time as providing an update on the effectiveness of the new licensing system for the City of Toronto in March 2007.

Report (February 23, 2006) from the Executive Director, Municipal Licensing and Standards, on the recommendations presented by the Holistic Stakeholders, including the effectiveness of the Markham Registry By-law and its applicability to the City of Toronto.

Recommendation:

It is recommended that this report be received for information.

14. Harmonization of the Sign By-law Concerning Posters on Public Property (Public Meeting under the *Municipal Act 2001*)

Report 2, Clause 10

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (February 13, 2006)

from the Executive Director, Municipal Licensing and Standards, subject to the following amendments:

(1) Section 693-30, Section A.(1), Posters on Kiosks, be amended to read:

“A.(1) The poster is no more than 22 centimetres by 28 centimetres in size and consists of lightweight cardboard on paper only;”;

(2) Section 693-31, Community Posters on Utility Poles, be amended by adding the following new Recommendation (8) under “B.”:

“B.(8) The community poster include the name of the owner(s) of the poster.”; and

(3) that the hotline telephone number for posters, 416-393-CLEAN, be made available to the public to encourage them to call with any respective concerns in their community.

Action taken by the Committee:

The Planning and Transportation Committee:

(a) requested the Executive Director, Municipal Licensing and Standards, to report to City Council for its meeting of April 25, 2006, on concerns raised at today’s meeting by Councillors and deputants; and

(b) received the following communications:

- (i) (February 10, 2006) from the City Clerk;
- (ii) (March 2, 2006) from Canadian Civil Liberties Association;
- (iii) (March 3, 2006) from Bloor-Yorkville Business Improvement Area;
- (iv) (March 6, 2006) from Grant Orchard;
- (v) (October 7, 2002) from Al Yolles; and
- (vi) (March 3, 2006) from Downtown Yonge Business Improvement Area.

The Planning and Transportation Committee held a public meeting on March 6, 2006, in accordance with the Municipal Act 2001, and notice of the proposed amendment to Toronto Municipal Code Chapter 693, Signs, was posted on the City’s web site for a minimum of five days.

Report (February 13, 2006) from the Executive Director, Municipal Licensing and Standards, report on a draft Sign By-law concerning posters on public property, including signs on utility poles and kiosks.

Recommendations:

It is recommended that:

- (1) City Council adopt the regulations contained in the draft by-law appended to the Notice of Motion, Clause J(17), adopted by Council, at its meeting of January 31, February 1 and February 2, 2006, which referred to the draft Postering By-law to the March 6, 2006 meeting of the Planning and Transportation Committee together with the following amendment:

“Amend the definition of “OWNER” by deleting the definition contained in the draft by-law and inserting the following in its place: “OWNER - includes a person in the business of manufacturing and displaying posters, a person who installed a poster, a person who is in lawful control of a poster or otherwise directly benefits from the message of a poster”;

- (2) the City Solicitor be directed, once the kiosks have been installed, to prepare the necessary bill substantially in the form of the draft Postering By-law, attached to the Notice of Motion referred to in recommendation (1) of this report, in order to give effect to any of the recommendations adopted by Council; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

15. Making a Case for the GTTA

Report 2, Clause 13(e)

Action taken by the Committee:

The Planning and Transportation Committee referred the following motions to staff for report, in consultation with the Toronto Transit Commission, to the May 1, 2006 meeting of the Planning and Transportation Committee, such report to provide additional information on terms of how best to approach the Board of Trade’s position pertaining to the establishment of a Greater Toronto Transportation Authority (GTТА) as outlined in the communication (November 2005):

(a) **Motion by Councillor Stintz:**

“The Planning and Transportation Committee recommends that City Council endorse the establishment of the Greater Toronto Transportation Authority that will have the ability to, but not be limited to:

- (a) **strategically plan, prioritize and coordinate new transportation projects across the region;**

- (b) **finance capital infrastructure expansion throughout the region by using a number of tools, including borrowing capability and raising revenue;**
- (c) **enter into arrangements with the private sector at its own discretion to deliver and meet its mandate and objectives; and**
- (d) **work with existing local transit authorities to help integrate the numerous systems and to ensure that future growth of the transportation system through all modes is as efficient and user-focused as possible.”; and**

(b) Motion by Councillor Moscoe:

“That the City of Toronto:

- (1) **supports the Board of Trade’s opinions that public transit in the GTA is underfinanced; and**
- (2) **believes that the need to provide a sustainable base for the funding of public transportation is a pre-condition for any organizational re-structuring for transit in the GTA.”**

Communication (November 2005) from the Toronto Board of Trade on the establishment of a Greater Toronto Transportation Authority.

16. Leaf Blower Use Restriction in the City of Toronto

Report 2, Clause 13(f)

Action taken by the Committee:

The Planning and Transportation Committee:

- (1) **received Item (c), entitled “Leaf Blower Use Restriction in the City of Toronto”;**
- (2) **received the following communications addressed to Councillor Walker:**
 - (a) **(February 7, 2006) from Preston Thom;**
 - (b) **(February 9, 2006) from Anne Ellis;**
 - (c) **(February 10, 2006) from Julie McShane;**
 - (d) **(February 18, 2006) from Ken Crowder;**
 - (e) **(February 21, 2006) from Peter Dowbiggin; and**
 - (h) **(January 6, 2006) from John and Ann Lovering.**

Communication (February 9, 2006) from the City Clerk, advising that City Council on January 31, February 1 and 2, 2006, referred Item (c), entitled “Leaf Blower Use

Restriction in the City of Toronto”, contained in Planning and Transportation Committee Report 1, Clause 13, back to the Planning and Transportation Committee for further consideration.

“**WHEREAS**, at the present time, the Noise By-law for the City of Toronto prohibits the creation of noise by the use of leaf blowers, known as ‘powered property service tool’, between the hours of 9:00 p.m. and 7:30 a.m., or 9:00 a.m. in the case of Sundays or holidays; and

WHEREAS gas powered leaf blowers produce sound with a strong tonality, which is particularly objectionable, and levels generally measure in the range of 80-90 dBA; and

WHEREAS as of January 1, 1992, leaf blowers which produce sound levels in excess of 70 dBA at 15 metres are considered to be in violation of the Noise By-law and are, therefore, essentially banned in the City; and

WHEREAS the number of noise complaints resulting from the use of leaf blowers increases steadily each year, as outlined in the Committee Report (January 10, 1996) submitted from the Acting Commissioner of Public Works and the Environment for the City of Toronto; and

WHEREAS the Noise By-law is authorized by section 9(1) of the *City of Toronto Act*, 1971, which reads, ‘...The Council of the Corporation may pass by-laws for prohibiting or regulating the making, causing or permitting of noises or any class or classes of noises within the municipality or any defined area or areas thereof which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants, or which, in the opinion of the Council, are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants.’; and

WHEREAS the pollution caused by leaf blowers extends beyond noise to dust, debris, mould, hydrocarbons, carbon monoxide, and ground level ozone, all of which increase the levels of pollution and/or smog in the City, resulting in a loss of quality of life for all residents; and

WHEREAS the City of Vancouver, B.C., has already taken the initiative to support a City-wide ban of leaf blowers (Noise Control By-law No. 6555 – November 18, 2003);

NOW THEREFORE BE IT RESOLVED THAT City Council amend the Noise By-law (adopted by Council on June 18-20, 2002) to include the following staff Recommendation (2)(a) contained in the Recommendations Section of the report (November 5, 2001) from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee:

‘(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

- (i) at all times in Quiet Zones;
- (ii) at all times on residential properties except during the months of October and November for leaf removal;
- (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
- (iv) on Smog Alert days;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff, by mechanism of the Noise and Pollution by-laws, investigate unconditionally banning the operation of any powered leaf blower, electric or gas, in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff take the necessary actions to give effect to the foregoing.”

17. Request to Transport Canada to Require Side Guards on Large Vehicles to Protect Cyclists

Report 2, Clause 13(g)

Action taken by the Committee:

The Planning and Transportation Committee referred the Motion J(28) to the City Manager for report thereon to the appropriate Standing Committee(s).

Communication (February 10, 2006) from the City Clerk, advising that City Council on January 31, February 1 and 2, 2006, referred the following Motion J(28) moved by Councillor Mihevc, seconded by Councillor De Baeremaeker, respecting Request to Transport Canada to Require Side Guards on Large Vehicles to Protect Cyclists, to the Planning and Transportation Committee:

“WHEREAS the City of Toronto Official Plan (2002) promotes development that supports cycling in Toronto as an alternative to car-based transportation and as a key to environmental sustainability and an accessible and efficient transportation system; and

WHEREAS the Regional Coroner for Toronto’s report on Cycling Fatalities in Toronto (1998) found that the large vehicles (Classes A, B, C, D and M) were involved in 37 percent of the collisions resulting in cyclist fatalities; and

WHEREAS the same report found that a cyclist’s collision with a large vehicle is approximately four times more likely to result in cyclist fatality than a cyclist’s collision with a Class G vehicle; and

WHEREAS a key recommendation of the Regional Coroner for Toronto's Report on Cycling Fatalities in Toronto (1998) was: "That Transport Canada investigates the feasibility of requiring "side guards" for large trucks, trailers and buses operated in urban areas to prevent pedestrians and cyclists being run over by the rear wheels in collisions with these large vehicles."; and

WHEREAS in 2001, Transport Canada indicated that they were in the process of reviewing the possibility of requiring side guards for large trucks;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council make an official request to Transport Canada to expedite and complete the review of side guards; **AND BE IT FURTHER RESOLVED THAT** the Mayor and Council support a regulation requiring the addition of side guards for large trucks operating within urban areas and request that Transport Canada produce and implement such a regulation as soon as possible."

18. Annual Report of Outstanding Staff Report Requests

Report 2, Clause 13(h)

Action taken by the Committee:

The Planning and Transportation Committee:

- (1) received the report (February 20, 2006) from the City Clerk; and**
- (2) requested the report from the City-wide Chair of the Committee of Adjustment and the Chief Planner and Executive Director, City Planning, on the training standards, practices and other matters of concern that the four panels of the Committee of Adjustment might have, be presented to the Planning and Transportation Committee for its meeting of May 1, 2006.**

Report (February 20, 2006) from the City Clerk, providing the Planning and Transportation Committee with an annual update of outstanding items as required by Section 123 of Chapter 27 of the City of Toronto Municipal Code, Council Procedures.

Recommendations:

It is recommended that this report be received for information.

19. Ontario Building Code: Energy Efficiency Consultation

Report 2, Clause 11

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (March 3, 2006) from the Chief Building Official and Executive Director.

Report (March 3, 2006) from the Chief Building Official and Executive Director, on the consultation by the Ministry of Municipal Affairs and Housing on proposed amendments to the Ontario Building Code that would increase the energy efficiency of houses and remove barriers to “green technologies” in the Code.

Recommendations:

It is recommended that:

- (1) City Council convey its support, consistent with previous directions, to increase the mandatory energy efficiency requirements in the Ontario Building Code and removal of barriers to “green technologies” that support the principles of renewable energy and energy conservation;
- (2) the Building Division prepare comprehensive comments in response to the energy efficiency consultation in consultation with affected program areas, including, but not limited to: City Planning, Facilities and Real Estate, Technical Services, Toronto Water, Toronto Fire Services and Legal;
- (3) City Council endorse the most aggressive options for energy efficiency in new buildings if they achieve at least 25 percent above the current requirements for small buildings and the Model National Energy Code for Buildings in keeping with previous council directions, subject to the review of the technical implications by staff;
- (4) City Council advise the Ministry of Municipal Affairs and Housing that before adopting any new requirements it should provide sufficient information to assess the effect on energy efficiency, as well as the costs and feasibility of construction and ability to enforce the proposed amendments;
- (5) City Council request the province reconsider the proposed labeling program as it could create a substantial workload increase for inspection staff to review and verify that the building’s energy efficiency level is in conformance with the required Energy Efficiency Level (EEL) label, in addition to creating additional potential municipal liability;
- (6) the Building Division report to the Planning and Transportation Committee on opportunities for developing a construction standard for green roofs to support the recommendations contained in the November 16, 2005 report, “Implementation Strategies for Green Roofs City Wide” and Section 108 of Bill 53, “Stronger City of Toronto for a Stronger Ontario Act, 2005” that if passed would permit the City to require green roofs through a by-law and to govern their construction;

- (7) the Building Division consult with other affected program areas to identify any additional “green technologies” that can achieve increased energy efficiency of buildings and forward these to the Ministry of Municipal Affairs and Housing for consideration as part of further consultation at a later date;
- (8) this report be forwarded to the Roundtable on the Environment for information and that the Building Division provide the Roundtable with a summary of the City’s comments in response to the energy efficiency consultation; and
- (9) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

**20. Proposed Partial Settlement of an Appeal to the new Official Plan
(In camera – subject matter relates to matters of litigation, or potential litigation)**

Report 2, Clause 12

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (March 2, 2006) from the Chief Planner and Executive Director, City Planning, and City Solicitor, such consideration to be held in camera as the subject matter relates to matters of litigation, or potential litigation.

Action taken by the Committee:

The Planning and Transportation Committee received the communication (March 4, 2006) from G.S. Belza, Partner, Analogica.

Confidential joint report (March 2, 2006) from the Chief Planner and Executive Director, City Planning and City Solicitor.