

THE CITY OF TORONTO

City Clerk's Office

Minutes of the North York Community Council

Meeting 3

Tuesday, April 4, 2006

The North York Community Council met on Tuesday, April 4, 2006, in the Council Chambers, North York Civic Centre, commencing at 9:40 a.m.

Attendance:

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

	9:40 a.m. to 12:30 p.m.	2:10 p.m. to 5:30 p.m.	8:00 p.m. to 10:00 p.m.
Councillor Augimeri, Chair	x	x	x
Councillor Stintz, Vice-Chair	x	x	x
Councillor Carroll	x	x	x
Councillor Feldman	x	x	
Councillor Filion	x	x	x
Councillor Jenkins	x	x	
Councillor Li Preti	x	x	
Councillor Moscoe	x	x	x
Councillor Pitfield		x	x
Councillor Shiner	x	x	x
Councillor Minnan-Wong	x	x	

Councillor Augimeri, in the Chair.

On motion by Councillor Minnan-Wong, Ward 34, Don Valley East, the minutes of the meeting of the North York Community Council held on February 7, 2006, were confirmed.

3.1 Draft By-law – To Rename Part of the Public Highway Sheppard Square, as “Rean Drive” (Ward 24 – Willowdale)

The North York Community Council considered a Draft By-law from the City Solicitor to rename Part of the Public Highway Sheppard Square as “Rean Drive” (Ward 24 – Willowdale).

The North York Community Council also had before it, for information, Consolidated Clause 4 of North York Community Council Report 7, titled, “Renaming of Sheppard Square as Rean Drive and Dedication and Naming of City-owned lands to Form Part of Rean Drive - Ward 24 – Willowdale” which was adopted, without amendment by City Council on June 18, 19 and 20, 2002.

The North York Community Council held a public meeting in accordance with the *Municipal Act, 2001*, and notice of the proposed enactment of the draft by-law was posted on the Public Notices Page of the City’s website in accordance with the requirements of the City of Toronto Municipal Code Chapter 162. No one appeared to address the North York Community Council on April 4, 2006.

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

(Report 3, Clause 2)**3.2 Draft By-law to Permanently Close a Portion of the Public Highway Keswick Road and a Portion of the Public Highway Plewes Road (Ward 9 – York Centre)**

The North York Community Council considered a Draft By-law from the City Solicitor to permanently close a Portion of the Public Highway Keswick Road and a Portion of the Public Highway Plewes Road (Ward 9 – York Centre).

The North York Community Council had before it, for information, Consolidated Clause 32 of North York Community Council Report 7, titled “Sale of Surplus Property - Portion of the Keswick Road and Plewes Road Road Allowance (Ward 9 - York Centre)” which was adopted, as amended by City Council on September 28, 29 and 30, 2005, by deleting staff Recommendation (1) contained in the Recommendations Section of the report (August 26, 2005) from the Chief Corporate Officer, and inserting instead the following new Recommendation (1):

“(1) the Offer to Purchase from Avvro Developments Inc. to purchase a portion of the City-owned Keswick Road road allowance located at the east terminus of Plewes Road on the east side of Keswick Road, shown as Part 1 on Sketch No. PS-2004-

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100b; and to purchase another portion of City-owned property at Plewes Road located at the north terminus of Keswick Road on the north side of Gilley Road, shown as Part 3 on Sketch No. PS 2004 100b (the 'Highway'), in the amount of \$305,000.00, plus GST, and subject to retaining a permanent easement in favour of the City on Closing for existing services located on the Property, be accepted substantially on the terms and conditions outlined in the body of this report, subject to the inclusion of an additional condition that Avvro Developments Inc. release its interest, if any, in the benefit of restrictive covenants which are registered against City-owned lands located south of Sheppard Avenue West and east of the William Allen Road, and that either one of the Chief Corporate Officer or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;”.

The North York Community Council held a public meeting in accordance with the *Municipal Act, 2001*, and notice of the proposed enactment of the draft by-law was posted on the Public Notices Page of the City's website in accordance with the requirements of the City of Toronto Municipal Code Chapter 162. No one appeared to address the North York Community Council on April 4, 2006.

On motion by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council recommended that:

- (1) a by-law in the form of the draft by-law be enacted, and that the necessary Bill be introduced in Council to give effect thereto;
- (2) Avvro Developments Inc. release its interest, if any, in the benefit of restrictive covenants which are registered against City-owned lands located south of Sheppard Avenue West and east of the William Allen Road;
- (3) the purchaser advise the appropriate Ministries of the Federal Government of its release of the covenants registered against these City-owned lands and make a formal request to secure the release of Federal Government covenants on the same properties; and
- (4) the Mayor's Office be so advised and that they pursue the release of the Federal Government covenants forthwith.

(Report 3, Clause 3)

3.3 Application for Permit to Injure One Privately Owned Tree – 45 Fairchild Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (January 20, 2006) from the General Manager, Parks, Forestry and Recreation, reporting on an application that has been received for a permit to injure one privately owned tree located at 45 Fairchild Avenue.

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Recommendations:

It is recommended that:

- (1) the request for permit to injure one 32-cm diameter honey locust tree at 45 Fairchild Avenue be denied; and,
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council also considered a report (February 15, 2006) from the General Manager, Parks, Forestry and Recreation reporting as requested on a resolution that has been reached regarding injury to one privately-owned tree located at 45 Fairchild Avenue.

Recommendations:

It is recommended that:

- (1) the request for permit to injure one 32 cm diameter honey locust tree at 45 Fairchild Avenue be approved on condition that the applicant implement a landscape plan, which includes planting not less than five (5) 60 mm calliper large growing tree species that are satisfactory to the General Manager, Parks, Forestry and Recreation;
- (2) the applicant provide financial security in the form of a Letter of Credit payable to the Treasurer, City of Toronto in the amount of \$3,000.00 to cover the value of the 32 cm diameter honey locust tree, its removal and replacement cost. The funds provided shall be drawn upon to cover all costs incurred by the City of Toronto on behalf of the owner of 45 Fairchild Avenue if, in the opinion of the General Manager of Parks, Forestry and Recreation, the tree in question requires maintenance or removal and replacement as a result of construction activities at 0 Inez Court. The financial security will be held for a period of not less than three years and the full value will be returned if the General Manager, Parks, Forestry and Recreation confirms that the tree is in good condition; and
- (3) the applicant's arborist be present during excavation within the tree protection zone, in order to minimize excavation into the root zone; and,
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council also considered a communication (February 13, 2006) from Paul R. Bottos, Piccin, Bottos, Barristers & Solicitors, 4370 Steeles Avenue West, Suite 201, L4L 4Y4, representing the applicant.

Antonella Micallef, owner, addressed the North York Community Council.

On motion by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council recommended that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (February 15, 2006) from the General Manager, Parks, Forestry and Recreation; and
- (2) receive the report (January 20, 2006) from the General Manager, Parks, Forestry and Recreation.

(Report 3, Clause 4)

3.4 Request to Remove One City-Owned Tree – 245 Princess Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (March 15, 2006) from the General Manager, Parks, Forestry and Recreation reporting on a request that has been filed under the provisions of City of Toronto Municipal Code, Chapter 813, Trees, Article II, for permission to remove one City-owned tree situated on the City road allowance adjacent to the above noted property.

Recommendations:

It is recommended that:

- (1) the request for the removal of one City-owned tree at 245 Princess Avenue be approved, conditional upon:
 - (a) the applicant paying all applicable costs and complying with all other requirements as set out in City of Toronto Municipal Code, Chapter 813, Trees, Article II;
 - (b) the applicant planting one 70 millimetre replacement tree to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - (c) the applicant furnishing a two-year renewable guarantee for the proposed tree planting in the form of a letter of credit/certified cheque for \$428.00 to

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cover the costs of removal, replacement and maintenance of the 70 millimetre tree planted on City property; and

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

Afkham Pourmanaf, owner, addressed the North York Community Council.

- A. Councillor Filion, Ward 23 – Willowdale, moved that the North York Community Council, postpone consideration of the report (March 15, 2006) from the General Manager, Parks, Forestry and Recreation, to its meeting on May 9, 2006, to obtain a further report on possible solutions, including the feasibility of transplanting the existing tree to another location.
- B. Councillor Filion, Ward 23 – Willowdale, moved that the Chief Building Official and Executive Director, Building Division, the General Manager, Parks, Forestry and Recreation, the Chief Planner and Executive Director, City Planning Division, and the General Manager, Transportation Services, be requested to meet to determine a process so that the type of situation that occurred for 245 Princess Avenue will be avoided in the future; and that a report thereon be submitted to the next meeting of the Planning and Transportation Committee on May 1, 2006.
- C. Councillor Stintz, Ward 16 – Eglinton-Lawrence, moved that the North York Community Council recommend that City Council adopt the staff recommendations in the Recommendations Section of the report (March 15, 2006) from the General Manager, Parks, Forestry and Recreation.
- D. Councillor Shiner, Ward 24 – Willowdale, moved that:
 - (1) the City Solicitor be requested to report to the Planning and Transportation Committee on any liabilities which may be incurred by the City in approving a plan which may indicate a tree to be removed and which may not have received City approval, similar to Attachment 3 – Site Plan, involving 245 Princess Avenue;
 - (2) the General Manager, Parks, Forestry and Recreation, be requested to report to the Planning and Transportation Committee on whether or not Toronto Hydro is consulted on the cost to relocate the hydro pole in front of a property; and

Motion A., moved by Councillor Filion, **Lost on a Tie Vote.**

Motion B., moved by Councillor Filion, **Carried.**

Motion C., moved by Councillor Stintz, **Carried.**

Motion D., moved by Councillor Shiner, **Carried.**

(Report 3, Clause 5)

3.5 Encroachment Agreement – 395 Fairlawn Avenue (Ward 16 – Eglinton Lawrence)

The North York Community Council considered a report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District, considering a request by Rubinoff Fogler, agent for the owner of 395 Fairlawn Avenue, for an encroachment agreement. The encroachment consists of a concrete step, heated driveway, light fixture, sprinkler heads and landscaping located on the City road allowance.

Recommendations:

It is recommended that the encroachment application be approved, subject to the following conditions:

- (1) That the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and Executive Director of Municipal Licensing and Standards;
- (2) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (3) That no claims will be made against the City by the owner(s) for damages occurring to the area of encroachment or its elements during snow removal;
- (4) That the life of the agreement be limited to 10 years from the date of registration or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension if requested by the applicant;
- (5) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
- (6) In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
- (7) The owner(s) pay the following fees:

- (i) Application Fee of \$444.48;
- (ii) Legal Administration Cost and Registration, plus dispersments, including G.S.T.;
- (iii) One time fee of \$422.46 plus G.S.T., totalling \$452.03.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District.

(Report 3, Clause 6)

3.6 Encroachment Agreement – 2928 Dufferin Street (Ward 15 – Eglinton Lawrence)

The North York Community Council considered a report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District, considering a request by 2029301 Ontario Ltd., applicant and owner of 2928 Dufferin Street, to enter into a renewal of the existing encroachment agreement covering the portion of the north wall of the building that is located partly on the City road allowance, and an encroachment agreement relating to a wall sign located on the first floor of a two-storey commercial building at the Glengrove Avenue West flankage of the building, which encroachment is located within the municipal road allowance at 2928 Dufferin Street.

Recommendations:

It is recommended that the encroachment application be approved, subject to the following conditions:

- (1) That the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and Executive Director of Municipal Licensing and Standards;
- (2) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (3) That no claims will be made against the City by the owner(s) for damages occurring to the area of encroachment or its elements during snow removal;
- (4) That the life of the agreement be limited to 10 years from the date of registration or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension if requested by the applicant;

- (5) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
- (6) In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
- (7) The owner(s) pay the following fees:
 - (i) Legal Administration Cost and Registration, plus dispersments, including G.S.T.;
 - (ii) One time fee of \$717.65, plus G.S.T., for a total of \$767.89.

On motion by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District.

(Report 3, Clause 7)

3.7 Encroachment Agreement – 392 Cortleigh Boulevard (Ward 16 – Eglinton Lawrence)

The North York Community Council considered a report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District, considering a request by Rachelle Bober (Bronfman), applicant and owner of 392 Cortleigh Boulevard, to enter into an encroachment agreement consisting of two retaining walls on either side of the driveway situated on the City road allowance.

Recommendations:

It is recommended that the encroachment application be approved, subject to the following conditions:

- (1) That the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and Executive Director of Municipal Licensing and Standards;

- (2) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (3) That no claims will be made against the City by the owner(s) for damages occurring to the area of encroachment or its elements during snow removal;
- (4) That the life of the agreement be limited to 10 years from the date of registration or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension if requested by the applicant;
- (5) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
- (6) In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
- (7) The owner(s) pay the following fees:
 - (i) Application Fee of \$444.48;
 - (ii) Legal Administration Cost and Registration, plus disbursements, including G.S.T.;
 - (iii) One time fee of \$422.46, plus G.S.T., totalling \$452.03.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District.

(Report 3, Clause 8)

3.8 Encroachment Agreement – 70 Berkindale Drive (Ward 25 – Don Valley West)

The North York Community Council considered a report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District, considering a request by Robert Mutch, an agent for the owner, for an encroachment agreement, relating to the encroachment of heated circular concrete driveway and sprinkler heads.

Recommendations:

It is recommended that the encroachment application be approved, subject to the following conditions:

- (1) That the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and Executive Director of Municipal Licensing and Standards;
- (2) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (3) That no claims will be made against the City by the owner(s) for damages occurring to the area of encroachment or its elements during snow removal;
- (4) That the life of the agreement be limited to 10 years from the date of registration or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension if requested by the applicant;
- (5) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
- (6) In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
- (7) The owner(s) pay the following fees:
 - (i) Application Fee of \$435.76;
 - (ii) Legal Administration Cost and Registration, plus dispersments, including G.S.T.;
 - (iii) One time fee of \$422.46 plus G.S.T, totalling \$452.03.

Kirk Anderson, addressed the North York Community Council.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 10, 2006) from the Manager, Municipal Licensing and Standards, North York District.

(Report 3, Clause 9)

3.9 Request for Fence Exemption – 31 Alderbrook Drive – (Ward 25 – Don Valley West)

The North York Community Council considered a report (February 16, 2006) from the North York District Manager, Municipal Licensing & Standards reporting on a request by the owner of 31 Alderbrook Drive, for an exemption from the City of Toronto Municipal Code, Chapter 447 - Fences.

Recommendations:

It is recommended that the existing private property fence in the front yard at the subject property be approved and the exemption be granted subject to the following condition:

- (1) when the existing private property fence in the front yard, that is the subject of this application, is replaced, that it be brought into compliance with Chapter 447 or its successor by-law(s).

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (February 16, 2006) from the Manager, Municipal Licensing and Standards, North York District.

(Report 3, Clause 10)

3.10 Request for Approval of a Variance from the former City of North York Sign By-law No. 30788, as amended, for the erection of an illuminated ground sign at 5665 Yonge Street (Ward 24 – Willowdale)

The North York Community Council considered a report (March 21, 2006) from the Director of Building and Deputy Chief Building Official, reviewing and making recommendations on a request by Steve Wolowich, Leasing representative for Viacom Outdoor, on behalf of the property owner and future-parking operator, for approval of a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of an off-premise illuminated ground sign at the above noted location.

Recommendations:

It is recommended that:

- (1) the request for the variance be approved for the reasons outlined in this report; and
- (2) the applicant be advised, upon approval of the variance, of the requirement to obtain the necessary sign permit.

The North York Community Council considered the following communications, in opposition to the application:

- (March 31, 2006) from Rami Tabetto;
- (April 1, 2006) from Sara Lipson;
- (April 2, 2006) from Corinne Alstrom;
- (April 3, 2006) from Cynthia Gould;
- (April 3, 2006) from Jonna Pedersen;
- (April 3, 2006) from Alison Gorbould, Toronto Public Space Committee;
- (April 3, 2006) from Piero Rocca;
- (April 3, 2006) from Albert Kwan;
- (April 3, 2006) from Ashlee Cooper;
- (April 3, 2006) from Steven Mercer; and
- (April 4, 2006) from Fraser McDonald.

The North York Community Council also considered the following communications:

- (April 3, 2006) from Councillor David Shiner, Ward 24 – Willowdale, addressed to Alison Gorbould, Toronto Public Space Committee and other residents who had submitted letters in opposition, explaining the variance application and clarifying certain issues with respect to this site;
- (April 3, 2006) from Alison Gorbould, Toronto Public Space Committee, thanking Councillor Shiner for taking the time to clarify the issue and apologizing for any confusion over some of the comments submitted in her previous communication; and
- (April 3, 2006) from Alison Gorbould, Toronto Public Space Committee, addressed to Councillor Shiner, Ward 24 – Willowdale, explaining that she and some of the other residents had misinterpreted the variance application.

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 21, 2006)

from the Director of Building and Deputy Chief Building Official, and that the request for a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of an off-premise illuminated ground sign at 5665 Yonge Street, be approved, subject to the following conditions:

- (1) the applicant be advised, upon approval of the variance, of the requirement to obtain the necessary sign permit; and
- (2) the existing legal non-conforming ground sign, installed approximately in 1955, be removed.

(Report 3, Clause 11)

3.11 North York Modern Inventory (Ward 26) – Inclusion of Four Properties on the City of Toronto Inventory of Heritage Properties (Ward 26 – Don Valley West)

The North York Community Council considered a report (February 16, 2006) from the Director, Policy and Research, City Planning Division, recommending that City Council include four properties from the North York Modern Inventory (Ward 26) on the city of Toronto Inventory of Heritage Properties.

Recommendations:

It is recommended that:

- (1) City Council include the following four properties from the North York Modern Inventory (Ward 26) on the City of Toronto Inventory of Heritage Properties;
 - (i) 770 Don Mills Road (Ontario Science Centre)
 - (ii) 6 Garamond Court (C.C.H. Canadian Building)
 - (iii) 70 Wynford Drive (Oxford University Press Building)
 - (iv) 100 Wynford Drive (Bell Data Centre); and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council also considered a communication (March 3, 2006) from the Toronto Preservation Board advising that the Toronto Preservation Board recommended to the North York Community Council that City Council adopt the staff recommendations in the Recommendations Section of the report (February 16, 2006) from the Director, Policy and Research, City Planning Division.

The following persons addressed the North York Community Council on April 4, 2006:

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- Geoff Ferguson, Vice President and Director, Finance and Operations, Oxford University Press, on behalf of the property owners of 70 Wynford Drive; and
 - Michael Stewart, Goodmans, LLP, Barristers and Solicitors, on behalf of the property owners of 100 Wynford Drive.
- A. Councillor Pitfield, Ward 26, Don Valley West, moved that the North York Community Council recommend that City Council:
- (1) include the following two properties from the North York Modern Inventory on the City of Toronto Inventory of Heritage Properties:
 - (a) 770 Don Mills Road (Ontario Science Centre); and
 - (b) 6 Garamond Court (C.C.H. Canadian Building)
 - (2) delete the following property from the North York Modern Inventory:
 - (a) 100 Wynford Drive (Bell Data Centre);
 - (3) postpone since die, the issue of including 70 Wynford Drive, (Oxford University Press Building) on the City of Toronto Inventory of Heritage Properties; and
 - (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
- B. Councillor Feldman, Ward 10 – York Centre, moved in amendment to Part (3) of Motion A., by Councillor Pitfield, that 70 Wynford Drive, Oxford Press Building be deleted from the North York Modern Inventory.

Motion B., moved by Councillor Feldman, in amendment to Part (3) of Motion A., by Councillor Pitfield, **Carried**.

Motion A., moved by Councillor Pitfield, as amended by Motion B., moved by Councillor Feldman, **Carried**.

(Report 3, Clause 12)

3.12 Request for an Exemption from Chapter 248 of the Former City of Toronto Municipal Code to permit driveway widening for a second parking space at 30 Deloraine Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (March 8, 2006) from the Director, Transportation Services, North York District reporting on a request to permit the retention of an existing driveway widening for two vehicles at the referenced address, without reconstructing it with semi-permeable paving materials.

Recommendations:

It is recommended that the driveway widening for a second parking space at 30 Deloraine Avenue without semi-permeable materials be approved.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (March 8, 2006) from the Director, Transportation Services, North York District.

(Report 3, Clause 13)

3.13 Request for a variance to the 1.0 metre side yard set-back - 29 Marianfeld Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (March 13, 2006) from the Director, Transportation Services, North York District, reviewing a request from the Property Owner at 29 Marianfeld Avenue for a variance to the 1.0 metre side yard set back.

Recommendations:

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

Carmine Masciangelo, owner, addressed the North York Community Council.

On motion by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council recommended that:

- (1) City Council permit the driveway at 29 Marianfeld Avenue to remain as constructed;

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- (2) the owner of 29 Marianfeld Avenue be required to pay to the City, in trust, an amount, to be determined by the Director, Transportation Services, North York District, such funds to be used to restore the short section of curb to be removed, but that the curb be permitted to remain as at present, unless a compelling reason to restore the curb emerges; and
 - (3) should Marianfeld Avenue be re-curbed within the next ten (10) years, the monies held in trust from the owner of 29 Marianfeld Avenue, be refunded.

(Report 3, Clause 14)

3.14 40 km/h Speed Limit - Melrose Avenue, Bathurst Street to Elm Road (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (February 9, 2006) from the Director, Transportation Services, North York District, reporting on a request to introduce a 40 km/h speed zone on Melrose Avenue, from Bathurst Street to Elm Road.

Recommendations:

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

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council approve the request to introduce a 40 km/h speed zone on Melrose Avenue, from Bathurst Street to Elm Road.

(Report 3, Clause 15)

3.15 Traffic Control Signals - Finch Avenue West and Beecroft Road/Greenview Avenue Road Alterations By-laws - Beecroft Road, Lorraine Drive, Kempford Boulevard and Blakeley Road (Ward 23 – Willowdale)

The North York Community Council considered a report (March 8, 2006) from the Director, Transportation Services, North York District, introducing road alterations by-laws for the construction of Beecroft Road, Lorraine Drive, Kempford Boulevard and Blakeley Road, seeking approval to install traffic control signals at the intersection of Finch Avenue West and Beecroft Road/Greenview Avenue, and introducing appropriate traffic/parking regulations.

Recommendations:

It is recommended that:

- (1) Road Alteration By-laws be introduced for construction of the following roads, as illustrated in “Attachment 3”;
 - (i) Beecroft Road, Kempford Boulevard to Finch Avenue West;
 - (ii) Lorraine Drive, Beecroft Road to Finch Avenue West;
 - (iii) Kempford Boulevard, Beecroft Road to Yonge Street; and
 - (iv) Blakeley Road, Elmview Avenue to Finch Avenue West
- (2) upon completion of construction, traffic control signals be installed at the intersection of Finch Avenue West and Beecroft Road;
- (3) coincidental with the activation of the traffic control signals referenced in Recommendation (2), above:
 - (i) the easterly northbound curb lane on Beecroft Road be designated for right turning vehicles only, from the southerly limit of Finch Avenue West to a point 98 metres south thereof; and
 - (ii) the southerly eastbound curb lane on Finch Avenue West be designated for right turning vehicles only, buses excepted, from the westerly limit of Beecroft Road to a point 45 metres west thereof.
- (4) Schedule VIII of By-law No. 31001, of the former City of North York be amended to prohibit parking at anytime on both sides of Beecroft Road, from the southerly limit of Finch Avenue West to the northerly limit of Kempford Boulevard;
- (5) Schedule VIII of By-law No. 31001, of the former City of North York be amended by deleting the No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday prohibition on the south/east sides of Lorraine Drive, from the easterly limit of Madeline Road to the southerly limit of Finch Avenue West;
- (6) Schedule VIII of By-law No. 31001, of the former City of North York be amended by deleting the No Parking Anytime prohibition on the west side of Lorraine Drive (east leg), from the southerly limit of Finch Avenue West to a point 140 metres south of the southerly limit of Finch Avenue West;
- (7) Schedule VIII of By-law No. 31001, of the former City of North York be amended by deleting the No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday prohibition on the south side of Lorraine Drive (east leg), from the easterly limit of Madeline Road to a point 140 metres south of the southerly limit of Finch Avenue West;
- (8) Schedule VIII of By-law No. 31001, of the former City of North York be amended by installing a No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday prohibition on

the south side of Lorraine Drive, from the easterly limit of Madeline Road to the easterly limit of Blakeley Road;

- (9) Schedule VIII of By-law No. 31001, of the former City of North York be amended by installing a No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday prohibition on the south/east sides of Lorraine Drive (east leg), from the easterly limit of Beecroft Road to the northerly limit of Lorraine Drive;
- (10) Schedule VIII of By-law No. 31001, of the former City of North York be amended by installing a No Parking Anytime prohibition on the west side of Lorraine Drive (east leg), from the northerly limit of Lorraine Drive to the easterly limit of Beecroft Road;
- (11) Schedule VIII of By-law No. 31001, of the former City of North York be amended by installing a No Parking Anytime prohibition on the north side of Tolman Street, from the westerly limit of Yonge Street to the easterly limit of Lorraine Drive;
- (12) Schedule XVIII of By-law No. 31001, of the former City of North York, be amended by designating Beecroft Road as a through street, from the northerly limit of Kempford Boulevard to the northerly limit of Finch Avenue West;
- (13) Schedule XIX of By-law No. 31001, of the former City of North York, be amended to require traffic to stop on all approaches to the intersection of Kempford Boulevard and Beecroft Road;
- (14) Schedule XIX of By-law No. 31001, of the former City of North York, be amended to require westbound traffic to stop on Tolman Street, east of Lorraine Drive;
- (15) Schedule VI of By-law No. 31001, of the former City of North York be amended by prohibiting pedestrian crossings on Beecroft Road, between the south curb line of Kempford Boulevard and a point 30.5 metres north of the north curb line of Kempford Boulevard; and
- (16) the appropriate City officials be authorized to take whatever action is necessary to give affect to the foregoing, including the introduction in Council of any Bills that are required.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 8, 2006) from the Director, Transportation Services, North York District.

(Report 3, Clause 16)

3.16 Request to install an irrigation supply main crossing under Jane Street for the Oakdale Golf & Country Club (Ward 7 – York West and Ward 9 – York Centre)

The North York Community Council considered a report (March 10, 2006) from the Director, Transportation Services, North York District, reporting on a request from Oakdale Golf and Country Club for installation of an irrigation supply main (150mm dia.) within the Municipal right-of-way of Jane Street just north of Troutbrook Drive.

Recommendations:

It is recommended that:

- (1) City Council approve the encroachment of an irrigation supply main within the Jane Street right-of-way, approximately 100 metres north of Troutbrooke Drive, subject to the Oakdale Golf & Country Club entering into an encroachment agreement with the municipality.
 - (a) Oakdale Golf & Country Club will indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the lifetime of the agreement in a form acceptable to the Chief Financial Officer and Treasurer;
 - (b) Oakdale Golf & Country Club will maintain the irrigation supply main at their expense and in a state of good repair satisfactory to the General Manager of Transportation Services and General Manager of Toronto Water;
 - (c) Oakdale Golf & Country Club will be financially responsible for relocating the irrigation supply main should future road maintenance or City underground infrastructure activities require its removal; and
 - (d) Oakdale Golf & Country Club accepts such additional conditions as the City Solicitor or General Manager of Transportation Services may deem necessary in the interest of the City.
- (2) The appropriate City Officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any bills that may be required.
 - A. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council refer the report (March 10, 2006) from the Director, Transportation Services, North York District, to the Policy and Finance Committee and request the Policy and Finance Committee to review this matter in relation to the tax deferral agreement with the Oakdale Golf and Country Club.

- B. Councillor Shiner, Ward 24 – Willowdale, moved that the North York Community Council recommend that City Council adopt the staff recommendations in the Recommendations Section of the report (March 10, 2006) from the Director, Transportation Services, North York District.

A recorded vote on Motion A., moved by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, was as follows:

FOR: Councillors Augimeri, Moscoe, LiPreti, Filion, Carroll

AGAINST: Councillor Jenkins

ABSENT: Councillors Minnan-Wong, Feldman, Stintz, Shiner, Pitfield

Carried.

Having regard for the foregoing decision of the North York Community Council, Motion B., moved by Councillor Shiner, was not voted upon.

(Councillor Feldman declared an interest in this matter in that he was the past President of the Oakdale Golf and Country Club and is currently a member.)

(Report 3, Other Items Clause 33(a))

3.17 Douglas Avenue - Agreement with Bedford Glen, York Condominium Corporation No. 503 for Construction of Fences under the Bridge (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (March 20, 2006) from the Director, Transportation Services, North York District, seeking Council authorization to enter into an agreement with York Condominium Corporation No. 503 (YCC 503) to construct and maintain two chain link fences on the north and south sides, under the Douglas Avenue bridge west of Avenue Road.

Recommendations:

It is recommended that:

- (1) staff be authorized to enter into an agreement with YCC 503 to share costs associated with the construction of two chain link fences in the municipal right-of-

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way along the perimeter and at grade level of the bridge located east of Avenue Road on Douglas Avenue, estimated at \$15,000.00;

- (2) The terms of the agreement between the City and YCC 503 to be the satisfaction of the General Manager of Transportation Services and the City Solicitor; and
- (3) The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 17, 2006) from the Director, Transportation Services, North York District.

(Report 3, Clause 17)

3.18 Payment-In-Lieu of Parking - Avenue Lawrence Investment, 1507 Avenue Road (Ward 16 – Eglinton-Lawrene)

The North York Community Council considered a report (March 17, 2006) from the Director, Transportation Services, North York District, seeking Council's approval to exempt the applicant from the North York Zoning By-law 7625 requirement of three (3) parking stalls, conditional upon payment-in-lieu of parking.

Recommendations:

It is recommended that:

- (1) Council exempt the applicant from the North York Zoning By-law 7625 parking requirement of three (3) parking stalls;
- (2) the applicant enter into an Agreement with the City of Toronto for payment-in-lieu of parking for three (3) parking stalls, in the amount of \$15,000.00; and,
- (3) the appropriate City Officials be directed to take whatever action is necessary to give effect thereto, including the introduction in Council of any bills that may be required.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 17, 2006) from the Director, Transportation Services, North York District.

(Report 3, Clause 18)

3.19 Surplus Land Declaration and Proposed Closing of Public Lane Extending southerly from Hollywood Avenue at the Rear of Nos. 181 to 185 Willowdale Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (March 14, 2006) from the General Manager, Transportation Services and the Chief Corporate Officer, recommending that the public lane at the rear of 181 to 185 Willowdale Avenue, extending southerly from Hollywood Avenue and shown as Part 1 on Sketch No. PS-2003-067 (the "Lane"), be permanently closed and declared surplus to the City's requirements.

Recommendations:

It is recommended that:

- (1) subject to compliance with the requirements of the *Municipal Act, 2001*, and following Council's approval of a sale of the Lane, the Lane be permanently closed as a public lane;
- (2) subject to Council's approval of a sale of the Lane, notice be given to the public of a proposed by-law to permanently close the Lane, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code and the North York Community Council hear any member of the public who wishes to speak to this matter;
- (3) following the closure of the Lane, easements be granted to any affected utility companies for the existing utilities plant located in the Lane or, with the consent of the said utility companies, the utilities plant be relocated, adjusted or abandoned, at the sole cost of the purchaser of the Lane, with such costs to be determined by the appropriate utility companies;
- (4) the Lane be declared surplus to the City's requirements and the Chief Corporate Officer be authorized to invite an offer to purchase the Lane from the owner of 181-183 Willowdale Avenue;
- (5) all steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code be taken; and
- (6) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any bills necessary to give effect thereto.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 14, 2006) from the General Manager, Transportation Services and Chief Corporate Officer.

(Report 3, Clause 19)

3.20 Surplus Land Declaration and Proposed Closing - Portion of Eglinton Avenue East between Saddle Ridge Drive and Cranborne Avenue (Ward 34 – Don Valley East)

The North York Community Council considered a report (March 10, 2006) from the General Manager, Transportation Services and the Chief Corporate Officer recommending that a portion of Eglinton Avenue East, shown as Parts 1 and 2 on Sketch No. PS-2005-065, be permanently closed as a public highway and, be declared surplus to municipal requirements.

Recommendations:

It is recommended that:

- (1) subject to compliance with the requirements of the *Municipal Act, 2001*, and subject to City Council approving the sale of the portion of Eglinton Avenue East, between Saddle Ridge Drive and Cranborne Avenue, being part of Lots 141, 142, 146 and 147 on Plan 1995, described as Part 5 on Reference Plan 64R-1554 and shown as Parts 1 and 2 on Sketch No. PS-2005-065 (“the Highway”) be permanently closed as a public highway;
- (2) subject to City Council approving the sale of the Highway, notice be given to the public of a proposed by-law to permanently close the Highway, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code and the North York Community Council hear any member of the public who wishes to speak to this matter;
- (3) following closure of the Highway, easements be granted to any affected utility companies for any existing utilities plant located in the Highway or with the consent of the said utility companies, the utilities plant be relocated, adjusted or abandoned, at the sole cost of the purchaser of the Highway, with such costs to be determined by the appropriate utility companies;
- (4) the Highway be declared surplus to the City’s requirements, subject to the reservation of an easement for watermain purposes and the Chief Corporate Officer be authorized to list the Highway for sale on the open market;
- (5) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and

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- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in City Council of any bills necessary to give effect thereto.

On motion by Council Minnan-Wong, Ward 34 – Don Valley East, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 10, 2006) from the General Manager, Transportation Services and Chief Corporate Officer.

(Report 3, Clause 20)

3.21 Sale of a Portion of the Dufferin Street Road Allowance Abutting 2069 Dufferin Street (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (March 10, 2006) from the Chief Corporate Officer seeking authorization for the sale of a portion of the Dufferin Street road allowance.

Recommendations:

It is recommended that:

- (1) the Offer to Purchase from Lourenco Investments Ltd. to purchase a portion of the Dufferin Street road allowance, shown as Parts 1 and 2 on Sketch No. PS-2003-076 (the “Highway”), in the amount of approximately \$3,060.13 based on a cost of \$190.07 per square metre for an area of approximately 16.1 m² (exact area to be determined once the purchaser deposits a Reference Plan of Survey), be accepted substantially on the terms and conditions outlined in Appendix “A” to this report, and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City;
- (2) following the closure of the Highway, an easement be granted to the owner of 2073 Dufferin Street over the Highway for existing separate sewer and watermain connections located within the Highway that serve only 2073 Dufferin Street;
- (3) authority be granted to direct a portion of the proceeds of closing to pay the City’s expenses related to the Highway and the completion of the sale transaction;
- (4) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and

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

On motion by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 10, 2006) from the Chief Corporate Officer.

(Report 3, Clause 21)

3.22 Proposed Naming of the Tournament Baseball Field at Bond Park in Honour of Milt Dunnell (Ward 25 – Don Valley West)

The North York Community Council considered a report (March 13, 2006) from the General Manager, Parks, Forestry and Recreation seeking approval for the naming of the tournament baseball field in Bond Park in honour of Milt Dunnell.

Recommendations:

It is recommended that:

- (1) the tournament baseball field located in Bond Park be named the Milt Dunnell Field in accordance with all criteria outlined in the Naming and Renaming for Parks and Recreation Facilities and Parks Policy; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (March 13, 2006) from the General Manager, Parks, Forestry and Recreation.

(Report 3, Clause 22)

3.23 Special Occasion Beer Garden Permit Requests for Community Events (Ward 23 – Willowdale)

The North York Community Council considered a report (March 6, 2006) from the General Manager, Parks, Forestry and Recreation seeking approval to grant Special Occasion Beer Garden Permits to the groups listed in Attachment 1. All conditions and requirements apply as per the City of Toronto's harmonized Municipal Alcohol Policy.

Recommendations:

It is recommended that:

- (1) permission be granted to the groups listed in Attachment 1, to hold Special Occasion Beer Garden Permit events;
- (2) the groups be required to obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario;
- (3) the groups be charged the approved \$50.00 facility permit fee and additional costs incurred by the Parks, Forestry and Recreation Division for goods and services not readily available at the site;
- (4) the groups provide proof of liability insurance coverage in the amount of \$2M, naming the City as additional insured;
- (5) all bartenders and servers be required to attend a Smart Serve Training Program at the group's expense;
- (6) the groups comply with all regulations outlined in all City policies pertaining to alcohol consumption at the time of the event; and,
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council recommended that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (March 6, 2006) from the General Manager, Parks, Forestry and Recreation; and
- (2) declare, for liquor licensing purposes, that the community events outlined in Attachment No. 1 of the report, to be events of municipal and/or community significance; that it has no objection to these events taking place, and that the Alcohol and Gaming Commission of Ontario be so advised.

(Report 3, Clause 23)

3.24 Request for Endorsement of Events for Liquor Licensing Purposes (Ward 33 – Don Valley East)

The North York Community Council considered a communication (March 3, 2006) from Ani Tuysusian, Manager, Armenian Community Centre, requesting approval for an

extension to the existing liquor licence for an outdoor function on Friday, July 7, 2006, 5:00 p.m. to 2:00 a.m.; Saturday, July 8, 2006, 4:00 p.m. to 2:00 a.m. and on Sunday, July 9, 2006, 5:00 to 1:00 a.m. at the Armenian Community Centre, 50 Hallcrown Place.

The North York Community Council recommended that City Council, for liquor licensing purposes, declare the following to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to it taking place:

- (1) Armenian Community Centre Summer Festival, taking place from Friday, July 7, 2006, from 5:00 p.m. to 2:00 a.m. on Saturday, July 8, 2006; from Saturday, July 8, 2006, from 4:00 p.m. to 2:00 a.m. on Sunday, July 9, 2006; and Sunday, July 9, 2006, from 5:00 p.m. to 1:00 a.m. on Monday, July 10, 2006 at the Armenian Community Centre, 50 Hallcrown Place and further advise the Alcohol and Gaming Commission of Ontario that it has no objection to this establishment being granted an extension to their existing liquor licence to permit the sale and service of alcohol for the duration of this event.

(Report 3, Clause 1)

3.25 Citizen Appointments to the Gibson House and Zion Schoolhouse Community Museum Board (Ward 23 – Willowdale and Ward 33 – Don Valley East)

The North York Community Council considered a report (March 9, 2006) from the General Manager, Economic Development, Culture and Tourism, recommending to Council the appointment of a member of one citizen member to the Gibson House and Zion Schoolhouse Community Museum Board.

Recommendations:

It is recommended that:

- (1) The North York Community Council nominate the selected individual listed in Confidential Attachment No. 1 to the Gibson House and Zion Schoolhouse Community Museum Board for a term expiring on November 30, 2006, or until a successor is appointed; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council recommended that:

- (1) City Council appoint the selected individual listed in the Confidential Attachment, to the Gibson House/Zion Schoolhouse Community Museum Board for a term expiring November 30, 2007, or until a successor is appointed;
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto; and
- (3) because the subject matter relates to personal matters about identifiable individuals, including municipal or local board employees, discussions about the contents of the Confidential Attachment be held in camera.

(Report 3, Clause 24)

3.26 Appointments to the Leaside Gardens Board of Management (Ward 26 – Don Valley West)

The North York Community Council considered a communication (January 20, 2006) from Henry Stachelbeck, General Manager, Secretary of the Board, Leaside Gardens, regarding the appointment of community members to the Leaside Gardens Board of Management, to replace two existing members who have completed their tenure with the Board.

The North York Community Council recommended that City Council:

- (1) appoint the following citizen members to replace Bob Dale and Bob Brent, to the Leaside Gardens Board of Management, for a term of office at the pleasure of Council ending November 30, 2007 and until successors are appointed:
 - (a) Janet Hercz; and
 - (b) Brooke Biscoe; and
- (2) authorize the appropriate City officials to take any necessary action to give effect to these appointments.

(Report 3, Clause 25)

3.27 Ontario Municipal Board Decision – Information Report – 51 Franklin Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (March 6, 2006) from the City Solicitor reporting on a decision of the Ontario Municipal Board.

Recommendations:

It is recommended that this report be received for information.

The North York Community Council received the report.

(Report 3, Other Items Clause 33(b))

3.28 Ontario Municipal Board Decision – Variance Refusal - Information Report – 11 Brentwood Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (February 1, 2006) from the City Solicitor reporting pursuant to Clause 53, Report 7 of North York Community Council adopted by City of Toronto Council on September 28 – October 1, 2004, by which the City Solicitor was instructed to appear before the Ontario Municipal Board (the ‘Board’) to support a decision of the North York Panel of the Committee of Adjustment (the ‘Committee’) which refused minor variances at 11 Brentwood Avenue and reporting on the successful outcome of the hearing.

Recommendations:

It is recommended that this report be received for information.

The North York Community Council received the report

(Report 3, Other Items Clause 33(c))

3.29 Ontario Municipal Board Decision – Information Report – 64 Poyntz Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (February 1, 2006) from the City Solicitor reporting on a decision of the Ontario Municipal Board pursuant to Clause 33, Report 6 of North York Community Council adopted by City of Toronto Council on July 19, 20, 21 and 26, 2005, by which the City Solicitor and Planning Staff were instructed to appear before the Ontario Municipal Board to oppose a decision of the North York Panel of the Committee of Adjustment (the ‘Committee’) which granted minor variances at 64 Poyntz Avenue and reporting on the successful outcome of the hearing.

Recommendations:

It is recommended that this report be received for information.

The North York Community Council received the report.

(Report 3, Other Items Clause 33(d))

3.30 Preliminary Report - Rezoning Application 05 212629 NNY 24 OZ & 06 104129 NNY 24 SA - Robert Stubbs - 90 Finch Avenue East (Ward 24 – Willowdale)

The North York Community Council considered a report (March 14, 2006) from the Director, Community Planning, North York District, providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

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

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council:

- (1) deferred consideration of the preliminary report (March 14, 2006) from the Director, Community Planning, North York District, dealing with a rezoning application to permit redevelopment of the site with two, three-storey semi-detached dwelling units on the north side of Finch Avenue East, between Dudley Avenue and Willowdale Avenue; and
- (2) requested the applicant to acquire additional property, in order to submit an application for a more comprehensive development.

(Report 3, Other Items Clause 33(e))

3.31 Preliminary Report - Rezoning Application 05 197171 NNY 23 OZ - Site Plan Control Application 05 197174 NNY 23 SA - Ronald M. Kanter, Gardiner Roberts LLP for Churchill Three Develco Inc. and The Incumbent and Churchwardens of the Parish of St. George's, Willowdale - Zeidler Partnership and Davidson-Langley Inc. Architects - 5350 Yonge St. and 77 Canterbury Place (Ward 23 – Willowdale)

The North York Community Council considered a report (March 16, 2006) from the Director, Community Planning, North York District, providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

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

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council approved the staff recommendations in the Recommendations Section of the report (March 16, 2006) from the Director, Community Planning, North York District, with Recommendation (2) being deleted and replaced with the following instead:

- “(2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site and the notice area be expanded to include all landowners and residents residing on Tamworth Road to the west; Hounslow Avenue to the north, and Ellerslie Avenue to the south; and that the applicant pay the City for the costs associated with extending the notice area.”

(Report 3, Other Items Clause 33(f))

3.32 Preliminary Report - Rezoning Application 05 212030 NNY 23 OZ and Site Plan Control Application 05 212034 NNY 23 SA - Tony Volpentesta of Bousfields Inc. - Brian Sickle - Page + Steele Architects - 9 McKee Avenue, 18 & 22 Norton Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (March 16, 2006) from the Director, Community Planning, North York District, providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

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

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council approved the staff recommendations in the Recommendations Section of the report (March 16, 2006) from the Director, Community Planning, North York District, with Recommendation (2) being deleted and replaced with the following instead:

- “(2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site and the notice area be expanded to include all landowners and residents residing on Kenneth Avenue to the east, McKee Avenue to the North and Parkview Avenue to the south.”

(Report 3, Other Items Clause 33(g))

**3.33 Preliminary Report - Official Plan Amendment & Rezoning Applications 05 211266
NNY 10 OZ - Mel Winch - Winch Planning & Development Services - 1 Canyon
Avenue (Ward 10 – York Centre)**

The North York Community Council considered a report (March 16, 2006) from the Director, Community Planning, North York District providing preliminary information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councilor.
 - (2) notice for the Community Consultation meeting be given to landowners and residents within 120 metres of the site.
 - (3) notice for the Public Meeting under the *Planning Act* be given according to the regulations under the *Planning Act*.
- A. Councillor Feldman, Ward 10 – York Centre, moved that the North York Community Council approve the staff recommendations in the Recommendations Section of the report (March 16, 2006) from the Director, Community Planning, North York District.
- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved in amendment to Motion A., moved by Councillor Feldman, that Recommendation (2) in the report (March 16, 2006) from the Director, Community Planning, North York District, be deleted and replaced with the following instead:

“(2) notice for the Community Consultation meeting be given to landowners and residents within 120 metres of the site, including all landowners and residents of 1 Canyon Avenue;”.

Motion B., moved by Councillor Moscoe, in amendment to Motion A., moved by Councillor Feldman, **Carried.**

Motion A., moved by Councillor Feldman, as amended by Motion A., moved by Councillor Moscoe, **Carried.**

(Report 3, Other Items Clause 33(h))

3.34 Avenue Studies for 2006

The North York Community Council considered a communication (March 9, 2006) from the Planning and Transportation Committee advising that the Planning and Transportation Committee on March 6, 2006, 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.

The North York Community Council also considered a communication (April 4, 2006) from Shefali Kumar, on behalf of the Bedford Park Residents' Organization, in support of the proposed Avenue Study for Avenue Road from Lawrence Avenue to Wilson Avenue.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawence, the North York Community Council recommended to City Council, that when considering the report of the Scarborough Community Council, with respect to Avenue Studies for 2006, that City Council approve the Avenue Study for Avenue Road from Wilson Avenue to Lawrence Avenue West, which Study was endorsed by the North York Community Council.

(Report 3, Other Items Clause 33(i))

Councillor Stintz, Vice-Chair, in the Chair.

3.35 Wilson Avenue – Avenue Study Proposals Report – Wilson Avenue, between Keele Street and Bathurst Street – File 03 194996 NNY 10 TM (Wards 9 and 10 – York Centre)

The North York Community Council considered a report (March 16, 2006) from the Director, Community Planning, North York District, presenting the findings and recommendations of the Wilson Avenue – Avenue Study and presenting the proposed amendments to the City of Toronto Official Plan, former City of North York Official Plan and the former City of North York Zoning By-law to implement the study recommendations and recommending that these amendments be discussed with the community prior to being considered by Council through a Public Meeting under the Planning Act.

Recommendations:

It is recommended that:

- (1) City Council receive this report and the accompanying Wilson Avenue Streetscape Study Final Design Report for information.
 - (2) Staff be directed to use the Wilson Avenue Streetscape Study Final Design Report when evaluating development applications and to guide recommendations regarding streetscape improvements within the study area.
 - (3) That staff undertake a community consultation session on the proposed City of Toronto Official Plan Amendment (Attachment 1), the former City of North York Official Plan Amendment (Attachment 2) and the proposed Zoning By-law Amendment (Attachment 3) and incorporate any appropriate comments into the draft documents as a result of the community consultation.
 - (4) That notice for the community consultation session and the Public Meeting under the Planning Act be given to landowners and residents within 120 metres of the Study Area, and to those on the Wilson Avenue Study mailing list which was developed throughout the Study process.
- A. Councillor Augimeri, Ward 9 – York Centre, moved that the North York Community Council recommend that City Council:
- (1) adopt the staff recommendations in the Recommendations Section of the report (March 16, 2006) from the Director, Community Planning, North York District, subject to deleting Recommendation (4) and replacing it with the following Recommendation instead:
 - “(4) That notice of the community consultation session and the Public Meeting under the Planning Act be given to landowners and residents within 120 metres of the Study Area, and to those on the Wilson Avenue Study mailing list which was developed throughout the Study process, and that notice be also given to those persons within the expanded notification area to be determined by the Director, Community Planning, North York District, in consultation with Ward Councillor for Ward 9 and the Ward Councillor for Ward 10.”
 - (2) receive the accompanying report, entitled “Wilson Avenue Streetscape Study – Final Design Report – December 2004”, referred to in the report (March 16, 2006) from the Director, Community Planning, North York District, and submitted under separate cover by the North York Community Council on April 10, 2006.

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- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council request that the Director, Community Planning, North York District, report on an appropriate community benefit to be derived in exchange for the reduction in parking requirements outlined on page 11 of the report (March 16, 2006) from the Director, Community Planning, North York District, in the Final Report on the Wilson Avenue – Avenue Study; and
- C. Councillor Shiner, Ward 24 – Willowdale, moved that the North York Community Council request that the Director, Community Planning, North York District, report on the maximum height shown in the plan being the maximum height of the building including the mechanical room and show how this has been accomplished in other areas in Toronto by “wrapping” the mechanical area with residential units, in the Final Report on the Wilson Avenue – Avenue Study.

Motion A., moved by Councillor Augimeri; Motion B., moved by Councillor Moscoe and Motion C., moved by Councillor Shiner, **Carried.**

(Report 3, Clause 26)

Councillor Augimeri resumed the Chair.

3.36 Final Report - Official Plan Amendment & Rezoning Application 05 104461 NNY 10 OZ - Vianovus Capital Corporation C/O Cityzen Development Group - Page + Steele Architects - 475 Patricia Avenue (Ward 10 – York Centre)

The North York Community Council commenced a statutory public meeting on April 4, 2006, and notice was given in accordance with the *Planning Act*.

The following appeared before the North York Community Council at its statutory public meeting held on April 4, 2006, but chose not to speak until the continuation of the statutory meeting to be held on May 9, 2006:

- Tommy Jutcovich, President, Patricia Ratepayers’ Association;
- Penina Honig;
- Susan Barth; and
- Dolly Beal.

The North York Community Council considered a report (March 21, 2006) from the Director, Community Planning, North York District, reviewing and recommending approval of an application to amend the Official Plan and the Zoning By-law to permit a 10-storey residential building containing 240 dwelling units and the retention of the existing school at 475 Patricia Avenue, east of Bathurst Street.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 10.
- (2) amend the Zoning By-law 7625 for the development site, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 11.
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (4) Before introducing the necessary Bills to City Council for enactment, the owner shall be required to enter into a Section 37 Agreement with the City, to the satisfaction of the City Solicitor, to provide the following facilities, services and/or matters:
 - (i) a \$ 250,000.00 cash contribution for capital improvements to parks and/or community facilities in Ward 10, such as Antibes Community Centre;
 - (ii) the owner shall provide a new playscape for the existing school;
 - (iii) the existing school building will remain a school or other institutional use for a period of at least 15 years, beginning with the date that the first unit of the new residential building is occupied;
 - (iv) securing of the traffic management plan, which includes the provision of an on-site drop off and pick-up for the existing school, including access across the adjacent place of worship.
- (5) Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Control Agreement under Section 41 of the Planning Act.

The North York Community Council also considered communications:

- (March 17, 2006) from Elias Levy, Executive Director, Eitz Chaim Schools, including a petition containing 425 signatures in support of the application;
- (March 30, 2006) from Charles and Carol Yolleck, in opposition to the application;

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- (March 24, 2006) from Svetlana Chervinsky, in opposition to the application;
 - (March 31, 2006) from Charles and Carol Yolleck, providing additional comments.
- A. Councillor Feldman, Ward 10 – York Centre, moved that the North York Community Council adjourn its public meeting under the *Planning Act* until May 9, 2006, at 2:00 p.m.
- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council direct that the following motion be tabled for consideration at its continuation of the statutory public meeting on this application on May 9, 2006:
- “That the applicant consider the following:
- (a) in recognition of the frequent bus service on Bathurst Street, the applicant be required to contribute a one year transit pass to each unit purchaser; and
 - (b) the choice of adding additional years of transit passes, and for each year added, be granted a reduction of parking by point one (.1) space per unit to a maximum of reduced ratio of 1.1 spaces per unit.”

Motion A., moved by Councillor Feldman, **Carried.**

Motion B., moved by Councillor Moscoe, **Carried.**

(Report 3, Other Items Clause 33(j))

3.37 Refusal Report - Official Plan Amendment and Rezoning and Site Plan Applications 05 125830 NNY 23 OZ - Adam Brown, Brown Dryer Karol - pancon Design Group 91, 93, 95, 97 and 99 Finch Avenue West (Ward 23 – Willowdale)

The North York Community Council considered a report (March 21, 2006) from the Director, Community Planning, North York District, recommending refusal of an application to develop 23 unit townhouse units and 2 semi-detached units at 91, 93, 95, 97 and 99 Finch Avenue West.

Recommendations:

It is recommended that City Council:

- (1) refuse the Official Plan, Zoning By-law and Site Plan Control applications in their present form.

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- (2) authorize the City Solicitor and appropriate City Staff to appear before the Ontario Municipal Board to defend the position outlined in this report, as the application has been appealed to the Ontario Municipal Board.

The North York Community Council also considered a communication (April 4, 2006) from Andrew L. Kmecz.

Adam Brown, Solicitor, of the law firm of Sherman Brown Dryer Karol, addressed the North York Community Council, on behalf of the applicant.

- A. Councillor Filion, Ward 23 – Willowdale, moved that the North York Community Council recommend that City Council adopt the staff recommendations in the Recommendations Section of the report (March 21, 2006) from the Director, Community Planning, North York District, as follows:

- (1) That City Council refuse the Official Plan, Zoning By-law and Site Plan Control applications in their present form; and
- (2) authorize the City Solicitor and appropriate City Staff to appear before the Ontario Municipal Board to defend the position outlined in this report, as the application has been appealed to the Ontario Municipal Board.

A recorded vote on Motion A., moved by Councillor Filion, was as follows:

FOR: Councillors Augimeri, Feldman, Moscoe, Li Preti, Filion, Jenkins, Carroll, Pitfield

AGAINST: Nil

ABSENT: Councillors Minnan-Wong, Stintz, Shiner

Carried.

(Report 3, Clause 27)

3.38 Further Report and Request for Direction Report – Official Plan Amendment and Rezoning Application 04 126102 NNY 24 OZ and Site Plan Application 04 126118-SA NNY 24 – Menkes 5795 Yonge Street Inc. - Rafael & Bigauskas Architect - 5791-5793 Yonge Street (Ward 24 – Willowdale)

The North York Community Council held a statutory public meeting on September 19, 2005, and notice was given in accordance with the *Planning Act*.

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The following appeared before the North York Community Council, at its statutory public meeting held on September 19, 2005:

- Reverend Dr. Peter Gilbert, President, MTCC 823;
- B. S. Onyschuk, Gowlings, Barristers and Solicitors, on behalf of the applicant; and
- Roman Reydman.

On November 15, 2005, no-one appeared to address the North York Community Council

On April 4, 2006, Adam Brown, Solicitor, of the law firm of Sherman Brown Dryer Karol, appeared to address the North York Community Council, on behalf of the applicant.

The North York Community Council considered a report (October 28, 2005) from the Director, Community Planning, North York District, responding to North York Community Council's direction with respect to the applications to amend the Official Plan and Zoning By-law, to permit two residential towers of 22 and 24 storeys.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment 4.
- (2) modify the City of Toronto Official Plan substantially in accordance with the draft Official Plan Modification attached as Attachment 5, and authorize the City Solicitor to take any necessary actions at the Ontario Municipal Board hearing to have the modification approved.
- (3) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6.
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor, to provide or fund the following facilities, services and / or matters:
 - (i) a minimum of 1.5 m² per dwelling unit of private indoor amenity area to be provided on site;
 - (ii) a public art program in the value of \$300,000.00;

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- (iii) a contribution of \$100,000.00 for parkland improvements within Ward 24;
 - (iv) secure the obligation that arrangements be made for deferred conveyance of unencumbered title to a triangular portion of land at the north-west corner of the site measuring approximately 9.0m and 27.0 m along the west and north property lines respectively for nominal consideration in the event that the City provides notice that the lands are required for public road purposes.
- (6) before introducing the necessary Bills to City Council for enactment:
- (i) require the Owner to provide a written undertaking in a form satisfactory to the City Solicitor indicating that the Owner's appeal of the new Toronto Official Plan respecting the lands will be settled upon the necessary modification to the new Toronto Official Plan being made to reflect the Official Plan Amendment and Zoning By-law as finally approved;
 - (ii) require the owner to confirm to the satisfaction of the City Solicitor that the revised shared access arrangements have been made between the applicant and the Turnberry Court condominium to the east;
 - (iii) require the owner to confirm to the satisfaction of the City Solicitor that easement arrangement in favour of the Turnberry Court condominium for pedestrian access through the south portion of applicant's site to Yonge Street have been made;
 - (iv) require owner to confirm to the Manager, Technical Services, North York District that conditions A - 1 to 5 of his memorandum dated August 29, 2005 have been complied with.
- (7) approve in principle the site plan as indicated on the drawings listed in Attachment 7 subject to the conditions of approval as listed in Attachment 7.
- (8) authorize the Chief Planner or his designate to give final approval to the site plan when the conditions to be satisfied prior to site plan approval as set out in Attachment 7 of this report have been fulfilled.
- (9) direct the City Solicitor to prepare and register the necessary site plan agreement.
- (10) authorize the Director, Community Planning, North York District to execute the agreement.
- (11) amend the Uptown Service Road and Associated Road Network Environmental Study Report in accordance with attached addendum to Exhibit 24 as attached in Attachment 8.

The North York Community Council also considered:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment 8.
- (2) modify the City of Toronto Official Plan substantially in accordance with the draft Official Plan Modification attached as Attachment 9, and authorize the City Solicitor to take any necessary actions at the Ontario Municipal Board hearing to have the modification approved
- (3) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor, to provide or fund the following facilities, services and / or matters:
 - (i) a minimum of 1.5 m² per dwelling unit of private indoor amenity area to be provided on site,
 - (ii) a public art program in the value of \$300,000.00
 - (iii) secure the obligation that arrangements be made for deferred conveyance of unencumbered title to a triangular portion of land at the north-west corner of the site measuring approximately 9.0m and 27.0 m along the west and north property lines respectively for

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nominal consideration in the event that the City provides notice that the lands are required for public road purposes.

- (6) before introducing the necessary Bills to City Council for enactment:
 - (i) require the owner to confirm to the satisfaction of the City Solicitor that easement arrangement in favour of the Turnberry Court condominium for pedestrian access through the south portion of applicant's site to Yonge Street have been made;
 - (ii) require owner to confirm to the Manager, Technical Services, North York District that conditions A - 1 to 5 of his memorandum dated August 29, 2005 have been complied with.
 - (iii) require the owner to confirm to the satisfaction of the City Solicitor that easement agreement arrangement in favour of the Turnberry Court condominium for pedestrian access through the south portion of applicant's site to Yonge Street have been made;
 - (iv) require owner to confirm to the Manager, Technical Services, North York District that conditions A - 1 to 5 of his memorandum dated August 29, 2005 have been complied with.
 - (7) approve in principle the site plan as indicated on the drawings listed in Attachment 11 subject to the conditions of approval as listed in Attachment 11.
 - (8) authorize the Chief Planner or his designate to give final approval to the site plan when the conditions to be satisfied prior to site plan approval as set out in Attachment 11 of this report have been fulfilled.
 - (9) direct the City Solicitor to prepare and register the necessary site plan agreement.
 - (10) authorize the Director, Community Planning, North York District to execute the agreement.
 - (11) amend the Uptown Service Road and Associated Road Network Environmental Study Report in accordance with attached addendum to Exhibit 24 as attached in Attachment 12.
- report (March 20, 2006) from the Director, Community Planning, North York District, providing an update on the processing of the above project and to seek Council's direction with respect to the upcoming Ontario Municipal Board hearing.

Recommendations:

It is recommended that City Council:

- (1) the City Solicitor and appropriate City staff be directed to attend the Ontario Municipal Board in support of the Official Plan, Zoning and Site Plan Applications on the basis set out in the recommendations for approval in August 31, 2005 Final Report, and the Further Report dated October 28, 2005.

The North York Community Council also considered communications:

- (March 28, 2006) from Peter J. Rothbart, Medical Director, Rothbart Pain Management Clinic; and
- (April 4, 2006) from John A.R. Dawson, Solicitor, of the law firm of McCarthy Tetrault, on behalf of Silvercore Inc., owners of Newtonbrook Plaza.

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council recommended that City Council:

- (1) adopt the staff recommendation in the Recommendation Section of the report (March 20, 2006) from the Director, Community Planning, North York District, as follows:

“That the City Solicitor and appropriate City staff be directed to attend the Ontario Municipal Board in support of the Official Plan, Zoning and Site Plan Applications on the basis set out in the recommendations for approval in August 31, 2005 Final Report, and the Further Report dated October 28, 2005.”; and

- (2) adopt the staff recommendations in the Recommendations Section of the report (October 28, 2005) from the Director, Community Planning, North York District.

(Report 3, Clause 28)

Councillor Stintz, Vice-Chair, in the Chair.

3.39 OMB Direction Report - Official Plan Amendment and Rezoning Application 04 194214 NNY 33 OZ – 2041098 Ontario Ltd. - El-Ad Group Canada Inc. – WZMH Architects – 100, 102, 110 & 125 Parkway Forest Drive, 120 & 130 George Henry Boulevard, 32-50, 65 & 80 Forest Manor Road (Ward 33 – Don Valley East)

The North York Community Council considered a report (March 29, 2006) from the Director, Community Planning, North York District, reporting on an appeal by the owner on applications to amend the Official Plan and Zoning By-law to permit 2,500 additional residential units on the above noted properties and the demolition and replacement of 332 existing rental units; and because this matter has been appealed to the Ontario Municipal Board, this report recommends that the City Solicitor and appropriate staff bring forward the position outlined in the report to the hearing scheduled for June 12, 2006.

Recommendations:

It is recommended that City Council:

- (1) That the application be approved subject to the following modifications:
 - (i) The lands along the arterial frontages, Blocks A, B, C, and D as shown on Attachments 2-6, be considered a Key Development Area in the Sheppard East Subway Corridor Secondary Plan;
 - (ii) The density assigned to the lands in the recommended Key Development Areas, as shown on Attachments 2-6 (Blocks A, B, C, and D) shall be reduced from 3.9 FSI to 3.5 FSI and the number of new dwelling units shall be reduced from 2,500 to 2,200 units;
 - (iii) The maximum density on Block E, as shown on Attachment 7, the interior site fronting Forest Manor Road and Parkway Forest Drive be 1.9 FSI;
 - (iv) The following built form revisions shall be made:
 - (a) Building A6, the 36-storey tower along the Don Mills Road frontage, shall be reduced in height to minimize the adverse impact of built form on the lower density residential neighbourhood west of Don Mills Road;
 - (b) Building A1, located along the north side of George Henry Boulevard, shall be redesigned to satisfy the urban design principle of the Secondary Plan regarding street proportions. Should a point tower with base building be considered, the height should be no higher than 25 storeys;

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- (c) The bulk and massing of Buildings B1 and C1 located along the Don Mills Road frontage be reduced to improve sky views and the impact of shadows;
 - (d) Building D2, located along the eastern portion of the Sheppard Avenue frontage, shall be redesigned to satisfy the urban design principle of the Secondary Plan regarding setbacks, height and massing;
 - (e) Building D2 located along the eastern portion of Sheppard Avenue be redesigned so that the treatment of bulk and mass of the building above the 6th floor incorporate creative architectural features including terracing and detailed elevation articulation;
 - (f) Building D7 be removed to enhance the visual and physical access to the existing park located between the Fire Station and 121 Parkway Forest Drive. A shared driveway with 121 Parkway Forest Drive is encouraged to reduce paved areas through the existing park.
- (v) the site specific official plan amendment shall set out holding provisions dealing with the criteria to be fulfilled prior to enabling development in excess of 1,655 new dwelling units.
- (2) That the detailed implementing zoning by-law shall append a holding symbol “H” to the lands that deals with conditions to be met prior to the removal of the holding provision concerning traffic management matters and the construction of the proposed Community Centre and the community use space proposed along Sheppard Avenue East. The by-law shall incorporate performance standards which include, but not be limited to, regulations on building setbacks, building floorplates and envelopes, parking standards, maximum building heights, maximum gross floor areas, minimum setbacks, maximum number of dwelling units, minimum indoor recreational amenity space, open space area, and appropriate Section 37 benefits. The by-law shall also deal with performance standards for the proposed community centre including but not limited to height, setbacks and appropriate parking regulations;
- (3) Request the Ontario Municipal Board to withhold its Order on a modified proposal as set out in recommendation (1) above until the following conditions set out in (i), (ii), (iii), (iv) and (v) are satisfied:
- (i) the implementing zoning by-law includes the provision and maintenance of the following facilities, services and matters by the Owner, at its expense, and in accordance with the agreement referred to below, as conditions to the increases in height and density to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City

Planning, pursuant to Section 37 of the Planning Act to include but not be limited to:

- (a) provide and maintain 332 new rental replacement units as rental housing units for a period of not less than 25 years, commencing from the date of initial occupancy of each unit, during which time no application for demolition or conversion to condominium will be made;
- (b) replace and secure 99 of the 332 rental replacement units at affordable range rents and 233 units at the mid-range rents for a period of 10 years;
- (c) secure the rental tenure of the existing apartment buildings on the site for a minimum of 25 years from the date any by-law to permit additional development comes into effect, and agreement by the owner that during this time period no application for condominium conversion or application to demolish the existing building will be made;
- (d) secure net improvements to the rental buildings that are to be maintained and their related facilities with no pass through of related costs to the tenants. These improvements shall include but not be limited to: suitable replacements and or improvements of existing outdoor amenities such as outdoor play areas; improvements to building foyers/entrances; improvements to building moving/service areas; provision of a meeting/party rooms; interior/exterior security improvements including the underground parking garage;
- (e) provide a tenant relocation and assistance package including the right to return to a replacement unit, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- (f) develop and implement an appropriate construction mitigation and communications strategy for the tenants of 100, 110 & 125 Parkway Forest Drive, 120 & 130 George Henry Boulevard, 32-50, 65 & 80 Forest Manor Road at the owner's cost and expense, to the satisfaction of the Director, Transportation Services, North York District;
- (g) the provision of new affordable housing which may include a cash-in-lieu contribution as a component of the additional housing to be constructed on the site;

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- (h) That the Owner deposit a letter of credit or certified cheque in the amount of \$20,000.00 to the satisfaction of the Chief Financial Officer and Treasurer, for future traffic monitoring to be undertaken;
- (i) The timing and provision of the proposed Community Centre and Child Care facility and community space along the Sheppard Avenue East frontage;
- (j) A public art contribution in accordance with the City of Toronto's Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands;
- (k) Other community benefits, including streetscape improvements, as appropriate; and,
- (l) Such other conditions as may be appropriate to ensure the orderly development of the lands as required by Chief Planner and Executive Director of City Planning;
 - (ii) The Owner enters into one or more agreements with the City pursuant to Section 37 of the Planning Act satisfactory to Chief Planner and Executive Director of City Planning and the City Solicitor, to ensure the facilities, services and matters set forth in 3(i)(a) to (l) above, such agreement(s) be registered on title to the lands in manner satisfactory to the City Solicitor;
 - (iii) The applicants submits a final Pedestrian Level Wind Study and a comprehensive Sun/Shadow study;
 - (iv) The Owner enters into an Agreement under Section 41 of the Planning Act, such application shall deal with a detailed Phase One proposal and Master Plan approval for the balance of the lands;
 - (v) The Owner has submitted a Context Plan in accordance with the implementation policy of the Sheppard East Subway Corridor Secondary Plan;
 - (vi) The Owner has submitted a plan of subdivision application for the new road that connects Forest Manor Road to Don Mills Road;
 - (vii) The applicant shall address the concerns of the commenting departments and agencies including the requirements of

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Technical Services dated January 20, 2005, the Ministry of Transportation, Corridor Management Office comments dated December 21, 2004 and the TTC comments dated July 15, 2005, and any subsequent comments received from these departments and agencies on the revised application.

- (4) The City Solicitor and City staff be authorized to continue discussions with the applicant concerning appropriate public benefits that would be exchanged for the increased height and density that may be approved for the site pursuant to Section 37 of the Planning Act;
- (5) City staff be authorized to continue discussions with the applicant concerning options to satisfy the Official Plan policy regarding the provision of new affordable housing and report back to City Council on any progress that has been made in this regard;
- (6) That appropriate staff including City Planning and Finance staff be authorized to continue discussions with the applicant concerning appropriate Development Charge Credits;
- (7) That City staff be authorized to attend the Ontario Municipal Board Hearing in support of the proposed development as revised pursuant to the recommendations above and authorize the City Solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.

The North York Community Council considered the following communications, in opposition to the application:

- (March 23, 2006) from Liz Beecker, forwarded by Councillor Carroll, Ward 33 – Don Valley West;
- (March 23, 2006) from Wushan Yang and Ying Zhang;
- (March 29, 2006) from Wilf McOstrich;
- (March 31, 2006) from John Devereux;
- (March 31, 2006) from Jelica Greenwood;
- (March 31, 2006) from Vicki and Domenic Tavernese;
- (March 31, 2006) from Helen Flanagan;
- (April 2, 2006) from Thea Haller, Henry Farm Resident;

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- (April 2, 2006) from Diana Kwiatkowski;
- (April 3, 2006) from Patti Smith;
- (April 3, 2006) from Luisa Karumanchiri;
- (April 3, 2006) from Cameron Ridler;
- (April 3, 2006) from Mariana & Daniel Oteleanu;
- (April 3, 2006) from the Sheppard Leslie Homeowners' Association;
- (April 3, 2006) from Paul Morin; and
- (April 3, 2006) from Alan Empringham.

The North York Community Council considered the following communications, in support of the application:

- (April 3, 2006) from Mikell Kennedy;
- (April 3, 2006) from Marios Kyriakou and a petition, signed by six business owners in the Parkway Forest business community, in support of the redevelopment proposal;
- (April 4, 2006) from Matt Ansari, Cross-Connect Telecom Inc.; and
- Form letter in support of the proposed development, signed by 54 area residents, submitted by Soheila Vatankhah, Director, YMCA.

A staff presentation was given by Steve Forrester, Senior Planner, Community Planning, North York District.

The following persons addressed the North York Community Council:

- Kim Kovar, Aird & Berlis, Barristers and Solicitors, on behalf of the applicant;
- Brian Andrew, WZMH Architects, on behalf of the applicant;

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- Roland Ridler;
- Joseph Ceneda, Ceneda Creative;
- Helen Flanagan, President, Henry Farm Community Interest Association;
- Brad Teichman, Solicitor of the law firm of McCarthy Tetrault, on behalf of the Toronto District School Board;
- Shelley Altman; and
- Soheila Vatankhah, Director, YMCA, Parkway Forest Junior Y.

A. Councillor Carroll, Ward 33 – Don Valley East, moved that the North York Community Council recommend that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (March 29, 2006) from the Director, Community Planning, North York District, subject to:
 - (a) deleting Recommendation (1)(iv)(f) and replacing it with the following instead:

“(1)(iv)(f) Building D5 be removed to enhance the visual and physical access to the existing park located between the Fire Station and 121 Parkway Forest Drive. A shared driveway with 121 Parkway Forest Drive is encouraged to reduce paved areas through the existing park.”
 - (b) deleting Recommendation (3)(g) and replacing it with the following instead:

“(3)(g) As a settlement, the provision of new affordable housing, be a cash-in-lieu contribution of \$1 million in a “special rent supplement initiative” to enable the City to take up contracted rent supplement opportunities at the new affordable housing development at 121 Parkway Forest”;
 - (c) deleting Recommendation (5) in the report;

-
- (2) adopt the following additional Recommendations:
- (a) that the applicant seek approval to replace the original “Builder’s chain link fence” on the west side of Don Mills Road, between Havenbrook and George Henry Boulevards, to minimize visual disruption on the Avenue during construction on the east side of Don Mills Road;
 - (b) that the traffic management plan required at the beginning of Phase 4 include the study of traffic infiltration in the Henry Farm Community to ensure that traffic infiltration into the community is adequately controlled;
 - (c) that a Facility Needs Assessment be completed by the appropriate City staff in the Parks and Recreation Division, City Planning Division and Community and Social Development for the Parkway Forest area, such study to be finalized by Spring 2007;
 - (d) that a working group comprised of City Staff, the local Councillor and community representatives in consultation with the applicant undertake a process to design an operationally viable model for the Community Centre, such process to be completed by Spring 2007;
- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council recommend that City Council adopt the following additional Recommendations;
- (1) that the Director, Community Planning, North York District, review the configuration of the buildings at the intersection of Sheppard Avenue East and Don Mills Road, in order to consider one that will produce a lower profile, and that this matter be determined at the time of site plan approval; and
 - (2) that the applicant:
 - (a) in exchange for the reduced parking rates, as outlined in the section entitled “Parking” contained in the report (March 29, 2006) from the Director, Community Planning, North York District, and as an inducement to use public transit, the applicant provide free one year transit passes to each condominium purchaser and to each re-located tenant, and subject to a satisfactory agreement with the City, transit passes for a negotiated period for all new tenants; and

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- (b) in exchange for multi-year annual transit passes, may qualify for further reductions in parking rates, subject to negotiations on a building to building basis.
- C. Councillor Jenkins, Ward 25 – Don Valley West, moved that the North York Community Council amend Recommendation (1) by adding the following additional Recommendation (1)(vi):
- “(1)(vi) the applicant shall make a contribution of \$1,000.00 per approved additional unit to the Toronto District School Board, such contribution to be made in stages at the time of the issuance of the building permits, such contributions to be placed in a reserve fund of the Toronto District School Board for use in constructing school buildings in the Parkway Forest area.”
- D. Councillor Shiner, Ward 24 – Willowdale, moved that:
- (1) this application not be considered a key development area until the Sheppard Subway is extended eastward into Scarborough;
 - (2) Council establish that no further developments outside those shown on those identified in OPA 392 (Map D.15.2) and those other projects/developments that have recently been approved and not yet constructed, are constructed (these projects are Clairtrell Area, Northwest corner of Bayview Avenue and Sheppard Avenue East, Daniels North York Towers, including Rean Drive/Sheppard application, St. Gabriels/Baghai Development, Canadian Tire Lands and Bloorview/McMillan Site); and
 - (3) traffic studies be completed as these approved projects are built to determine whether there remains any road capacity, infiltration of transient traffic into the stable residential area, and whether the residents of the existing and new developments are using public transit; was as follows:
- E. Councillor Carroll, Ward 33 – Don Valley East, moved that the North York Community Council request the Chief Planner & Executive Director, City Planning Division, to report directly to City Council for its meeting on April 25, 26 & 27, 2006, on the comments in the third paragraph under the section entitled “Designating New Key Development Areas in the Sheppard Corridor”, contained in the report (March 29, 2006) from the Director, Community Planning, North York District, with regards to precedent.

Recorded Votes:

A recorded vote on Motion D., moved by Councillor Shiner, was as follows:

FOR: Councillors Stintz, Minnan-Wong, Shiner

AGAINST: Councillors Augimeri, Moscoe, Li Preti, Filion, Jenkins, Carroll

ABSENT: Councillors Feldman, Pitfield

Lost

A recorded vote on Motion C., moved by Councillor Jenkins, was as follows:

FOR: Stintz, Moscoe, Filion, Jenkins, Carroll, Shiner

AGAINST: Minnan-Wong, Augimeri, Li Preti,

ABSENT: Feldman, Pitfield

Carried

A recorded vote on Motion A., and Motion E., moved by Councillor Carroll, was as follows:

FOR: Councillors Stintz, Augimeri, Moscoe, Li Preti, Filion, Jenkins, Carroll

AGAINST: Councillors Minnan-Wong, Shiner

ABSENT: Councillors Feldman, Pitfield

Carried

Motion B., moved by Councillor Moscoe, **Carried.**

(Report 3, Clause 29)

3.40 Report of the Governing Toronto Advisory Panel, “The City We Want – The Government We Need”

The North York Community Council considered:

- communication (January 13, 2006) from the City Clerk, advising that City Council on December 5, 6 and 7, 2005, adopted Policy and Finance Committee Report 11, Clause 1, and in so doing forwarded a copy of the report, entitled “The City We Want – The Government We Need” to all Community Councils for public consultation and requested Community Councils to submit their comments to the Policy and Finance Committee for its meeting to be held in May 2006, in conjunction with a forthcoming report from the City Manager..
- recommendations (March 2006) from City Council on Governance Themes from Participant Consultations;
- comments from Participants at the Governing Toronto Public Consultations (March 2006) submitted by Meg Shields, Corporate Management and Policy Consultant, Strategic and Corporate Policy Division, City Manager’s Office.

The North York Community Council also considered communications:

- (February 3, 2005) from the Administrator, Etobicoke York Community Council, forwarding a communication (February 1, 2006) from Councillor Brian Ashton, Chair, Governance Implementation Working Group;
- (December 14, 2005) from Brian Graff;
- (February 6, 2006) from John Smart, President, Teddington Park Residents Association;
- (February 6, 2006) from Bridget and Andrew Mertens;
- (February 6, 2006) from Terence Doran;
- (February 7, 2006) from David White, Co-Chair, Direct City Action;
- (February 7, 2006) from George Milbrandt and Peter Baker, Co-Chairs, FoNTRA; and
- (February 7, 2006) from from Richard Reinert;
- (April 3, 2006) from Sharon Howarth;
- (March 4, 2006) from Michael Rosenberg, Environment and Economy Coalition;

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- (April 4, 2006) from Phyllis Creighton, Direct City Action; and
- (undated) from the Sheppard Leslie Homeowners' Association.

The following persons addressed the North York Community Council:

- George Milbrandt, Co-Chair, FoNTRA, who also filed a written submission;
 - Geoff Kettel, Jenner Jean Marie Community Centre, who also filed a written submission;
 - Kathy McBey;
 - Johnathan Goldsbie;
 - Phyllis Creighton, Direct City Action;
 - John Smart, President, Teddington Park Residents' Association, who also filed a written submission;
 - Hilde Reis-Smart, Teddington Park Residents' Association, who also filed a written submission;
 - Brian Ralph, Founding Director, Sheppard Leslie Homeowners Association (SLHA); and
 - David White.
- A. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the following motion be referred to the Policy and Finance Committee so that it can be tabled for the Policy and Finance Committee's consideration at its meeting on May 16, 2006:

“ That:

- (i) beginning next term of Council there be a four term limit on each of the Councillor and the Mayoralty positions;
- (ii) there be a transition period based on seniority that would have no more than one-quarter of the Council Members retire for reasons of the term limit, in order to ensure continuity and corporate memory;
- (iii) the City Manager report on how a transition arrangement can be configured; and

(iv) Community Council hearings on planning matters be evening meetings.”

- B. Councillor Shiner, Ward 24 – Willowdale, moved that the following motion be referred to the Policy and Finance Committee so that it can be tabled for the Policy and Finance Committee’s consideration at its meeting on May 16, 2006:

“That it be recommended to the Policy and Finance Committee that:

- (i) the role and responsibilities of the Community Councils be increased;
- (ii) there not be a strong Mayor system;
- (iii) the Mayor not be responsible in appointing the Chairs to the Standing Committees and Community Councils;
- (iv) the Community Councils be independent in their decision-making process with regard to local planning and transportation matters;
- (v) City Council be an appeal body regarding Community Council decisions; and
- (vi) the Council term be 3 years and not 4 years; and

- C. Councillor Pitfield, Ward 26 – Don Valley West, moved that the following motion be referred to the Policy and Finance Committee so that it can be tabled for the Policy and Finance Committee’s consideration at its meeting on May 16, 2006:

“That the Province be made aware that for the City of Toronto, a three year term of office should be permitted, even if Municipalities in the rest of the Province go to a four year term of office.”

- D. Councillor Pitfield, Ward 26 – Don Valley West, moved that the North York Community Council refer all the communications and written submissions received by the North York Community Council at its meetings on February 7, 2006 and April 4, 2006, to the Policy and Finance Committee for its consideration.

Motion A., moved by Councillor Moscoe; Motion B., moved by Councillor Shiner and Motions C. and D., moved by Councillor Pitfield, **Carried.**

(Report 3, Other Items Clause 33(k))

3.41 Creation of a Public Account for Donations for the Redevelopment of 1400 Avenue Road into a Community Park (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a Resolution submitted by Councillor Stintz, Ward 16 – Eglinton-Lawrence, for consideration by the North York Community Council:

“WHEREAS the property located at 1400 Avenue Road (Otter Loop) was owned by the TTC since 1936; and

WHEREAS the property is a triangle-shaped lot with approximately 4,202 square feet or .096 acres in size; and

WHEREAS the site was declared surplus to TTC’s operational needs on July 15, 1997; and

WHEREAS the property was prepared for sale then listed, in October 2005 with Colliers Macaulay Nicolls (Ontario) Inc.; and

WHEREAS on January 25, 2006, the Commission received a request from the local councillor, the deputy mayor, the local MPP and Post City Magazines to make Otter Loop a community park.

WHEREAS the Commission requested that staff remove the property from the market and re-circulate it to the Parks, Forestry and Recreation Division for interest; and

WHEREAS the TTC authorized staff to offer the property located at 1400 Avenue Road to the City of Toronto for use as open green space by the Parks, Forestry and Recreation Division for a nominal sum with all maintenance by City staff at no cost to the Commission; and

WHEREAS Post City Magazine has committed \$25,000 to the redevelopment of the site and many local community groups and businesses have also expressed interest in making donations; and

WHEREAS the City of Toronto needs to open an account to deposit donations and issue receipts to donors; and

WHEREAS the Parks, Forestry and Recreation division have reviewed this motion and agree with its recommendation;

NOW THEREFORE BE IT RESOLVED THAT staff be directed to open an account for donations made to the redevelopment of the property located at 1400 Avenue Road (Otter Loop).”

On motion by Councillor Stintz, Ward 16 – Eglinton-Larence, the North York Community Council referred the foregoing Resolution, to the Policy and Finance Committee for its consideration.

(Report 3, Other Items Clause 33(1))

3.42 Request for Creation of Commemorative Wall to Illustrate the Evolution toward Eliminating Racism - North York Civic Centre (Ward 10 – York Centre)

The North York Community Council considered a Resolution submitted by Councillor Feldman, Ward 10 – York Centre, for consideration by the North York Community Council:

“WHEREAS the City of North York was the first city in Canada to form a Mayor’s Committee on Community Race and Ethnic Relations in 1979;

WHEREAS the Committee since its inception has successfully ensured that all citizens have equal access to City services;

WHEREAS this Committee has a long history in dealing with race and youth issues;

WHEREAS the Committee initiated the proclamation of the Elder Abuse Awareness month in June;

WHEREAS the Committee proactively works with youth to prevent the escalation of violence in our City and assists these young people in becoming valuable and contributing members of society by facilitating life skills and work experience programs;

WHEREAS the Committee supports the efforts of residents and government to eliminate all forms of discrimination as identified in the Ontario Human Rights Code;

NOW THEREFORE BE IT RESOLVED THAT to ensure that the history and countless hours of hard work by many of our citizens are not forgotten a portion of the wall at the North York Civic Centre, in proximity to the Council Chamber, be designated for the creation of a commemorative wall to illustrate the evolution toward eliminating racism;

BE IT FURTHER RESOLVED THAT Seneca College Design students create the display in conjunction with a research student from York University and that in order for them to complete the project, \$1,000.00 be allocated to cover the cost of production and display.

AND BE IT FURTHER RESOLVED THAT North York Community Council adopt this motion subject to the appropriate committee or departmental input.”

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council recommended to the Policy and Finance Committee that the Policy and Finance Committee adopt the foregoing Resolution, which was endorsed by the North York Community Council.

(Report 3, Other Items Clause 33(m))

3.43 Ontario Municipal Board Hearing – Committee of Adjustment Application – 160 Old Yonge Street (Ward 25 – Don Valley West)

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

“WHEREAS on February 6, 2006, the Ontario Municipal Board heard an appeal by the owner/agent of the property at 160 Old Yonge Street and approved both applications (B0051/05NY and A0570NY); and

WHEREAS the Board failed to provide proper notice of the Board’s hearing to all interested parties and only notified the appellant and owner (same person); and

WHEREAS as a result of the non-notice of hearing, a Notice of Motion requesting City Legal staff assistance was not put before Council on January 17, 2006; and

WHEREAS the Committee of Adjustment has twice refused a similar severance application; and

WHEREAS the currently undivided lot is completely in character with the surrounding community, as per the staff report, and the two newly created lots would be smaller than the by-law requires and be the smallest lots in the immediate area fronting on Old Yonge Street; and

WHEREAS upon receiving the OMB decision, an application under Section 85(2) of the Ontario Municipal Board Act was filed requesting that the Board rehear the above-noted case; and

WHEREAS on March 7, 2006, Marie Hubbard, Chair of the OMB ruled on the request and directed a Motion Hearing for review be held to determine if a re-hearing is warranted; and

WHEREAS a Motion of Hearing will be scheduled for April, but because of delays may proceed directly into a re-hearing.

THEREFORE BE IT RESOLVED THAT should the Board decide a re-hearing is warranted, the City Solicitor be authorized to attend the Ontario Municipal Board hearing

and, if necessary, retain outside consultants to uphold the City's by-law and the Committee of Adjustment decision."

On motion by Councillor Jenkins, Ward 25 – Don Valley West, and in accordance with §27-127, Late Items, of Chapter 27 of the City of Toronto Municipal Code, the North York Community Council, by majority vote, granted leave to introduce a Resolution regarding an Ontario Municipal Board Hearing – Committee of Adjustment Application – 160 Old Yonge Street (Ward 25 – Don Valley West)

- A. Councillor Shiner, Ward 24 – Willowdale, moved that City Council adopt the Resolution submitted by Councillor Jenkins, Ward 25 – Don Valley West, subject to deleting the Operative Paragraph and replacing it with the following Operative Paragraph, "Therefore Be It Resolved That should the Board decide a re-hearing is warranted, the City Solicitor and City Planning staff be authorized to attend the Ontario Municipal Board hearing to uphold the City's By-law and the Committee of Adjustment decision".

A recorded vote on Motion A., moved by Councillor Shiner, was as follows:

FOR: Councillors Augimeri, Minnan-Wong, Feldman, Stintz, Li Preti, Shiner, Pitfield

AGAINST: Councillors Moscoe, Filion, Jenkins, Carroll

ABSENT: Nil

Carried.

This matter was later re-opened on a motion moved by Councillor Pitfield and the motion to re-open the matter carried by majority vote.

- B. Councillor Jenkins, Ward 25 – Don Valley West, moved that the North York Community Council recommend that City Council adopt the Resolution, subject to deleting the Operative Paragraph and replacing it with the following Operative Paragraph instead:

"THEREFORE BE IT RESOLVED THAT should the Board decide a re-hearing is warranted, the City Solicitor and City Planning staff be authorized to attend the Ontario Municipal Board hearing to uphold the City's By-law and the Committee of Adjustment decision to refuse the severance."

Motion B., moved by Councillor Jenkins, Carried and submitted to City Council as the final recommendation from the North York Community Council.

(Report 3, Clause 30)

3.44 Ontario Municipal Board Hearing – Committee of Adjustment Application – 12 Aldershot Crescent (Ward 25 – Don Valley West)

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

“WHEREAS on February 16, 2006, the Committee of Adjustment for the City of Toronto (North York Panel) refused a consent and associated variances application by the owner of 12 Aldershot Crescent; and

WHEREAS a severance would have created two lots that are each smaller in size than the smallest lot (696.75 m² as per City staff Lot Study Results) in the immediate area; and

WHEREAS area residents expect protection under the new Official Plan to preserve the character and ambience of existing neighbourhoods; and

WHEREAS Planning staff did not comment on the application; and

WHEREAS the owner has appealed the Committee of Adjustment decision to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board has not established a hearing for file PL060193;

THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to retain outside consultants and attend the Ontario Municipal Board hearing to uphold the City’s By-law and the Committee of Adjustment decision.”

On motion by Councillor Jenkins, Ward 25 – Don Valley West, and in accordance with §27-127, Late Items, of Chapter 27 of the City of Toronto Municipal Code, the North York Community Council, by majority vote, granted leave to introduce a Resolution regarding an Ontario Municipal Board Hearing – Committee of Adjustment Application – 12 Aldershot Crescent (Ward 25 – Don Valley West)

On motion by Councillor Jenkins Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the Resolution, subject to deleting the Operative Paragraph and replacing it with the following Operative Paragraph instead:

“THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing to uphold the City’s By-law and the Committee of Adjustment decision to refuse the severance.”

(Report 3, Clause 31)

3.45 Request for Report – Design Feature in the Parapet Walls on the Don Mills Bridge over Highway 401 (Ward 24 – Willowdale, Ward 25 – Don Valley West, Ward 33 – Don Valley East and Ward 34 – Don Valley East)

The North York Community Council considered a Resolution submitted by Councillor Shiner, Ward 24 – Willowdale:

“WHEREAS construction of the Don Mills Bridge over Highway 401 will commence shortly; and

WHEREAS the City of Toronto is reconstructing the Leaside Bridge and included an aesthetic pattern into its parapets; and

WHEREAS the same technique of an impressed pattern could be incorporated into the new parapet walls on the Don Mills Bridge over Highway 401 to enhance the aesthetic features of the bridge;

THEREFORE BE IT RESOLVED THAT City Technical Services staff incorporate a design feature in the parapet walls on the Don Mills Bridge over Highway 401, and that this be accomplished within the approved budget, and further, staff consult with the local councillors on the design, and report back to North York Community Council.”

On motion by Councillor Shiner, Ward 24 - Willowdale, and in accordance with §27-127, Late Items, of Chapter 27 of the City of Toronto Municipal Code, the North York Community Council, by majority vote, granted leave to introduce a Resolution regarding a Request for Report – Design Feature in the Parapet Walls on the Don Mills Bridge over Highway 401 (Ward 24 – Willowdale, Ward 25 – Don Valley West, Ward 33 – Don Valley East and Ward 34 – Don Valley East).

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council adopted the foregoing Resolution.

(Report 3, Other Items Clause 33(n))

3.46 Polling Request for Overnight On-Street Permit Parking on one side of Deloraine Avenue, between Elm Road and a Point 84.9 metres further west (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a Resolution submitted by Councillor Stintz, Ward 16 – Eglinton-Lawrence, for consideration by the North York Community Council:

“WHEREAS Deloraine Avenue, between Elm Road and a point 84.9 metres further west is not licensed under the on-street permit parking program; and

WHEREAS on-street permit parking provides a vital purpose for homeowners on Deloraine Avenue as it is an alternative to front-yard parking; and

WHEREAS a poll was conducted to determine support for on-street permit parking on both sides of the street on February 9th, 2006 with a closing date of March 10th, 2006; and

WHEREAS the results of the poll were 12 in favour of permit parking; 13 opposed to permit parking; and 14 did not respond; and

WHEREAS our office was notified by non-respondents that they were not available to cast their ballots during the polling period but wished to participate in the poll;

NOW THEREFORE BE IT RESOLVED THAT Community Council support a motion to poll residents of Deloraine Avenue, between Elm Road and a point 84.9 metres further west, so that non-respondents have an opportunity to participate;

AND BE IT FURTHER RESOLVED THAT the City Clerk’s Department conduct a new poll of residents on Deloraine Avenue, between Elm Road and a point 84.9 metres further west, to investigate the feasibility of implementing permit parking on one side of Deloraine Avenue.”

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, and in accordance with §27-127, Late Items, of Chapter 27 of the City of Toronto Municipal Code, the North York Community Council, by majority vote, granted leave to introduce a Resolution regarding a Polling Request for Overnight On-Street Permit Parking on one side of Deloraine Avenue, between Elm Road and a Point 84.9 metres further west (Ward 16 – Eglinton-Lawrence)

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the foregoing Resolution.

(Report 3, Clause 32)

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Adjournment:

The North York Community Council adjourned its meeting at 10:00 p.m. on Tuesday, April 4, 2006.

Chair