

THE CITY OF TORONTO

City Clerk's Office

Minutes of the North York Community Council

Meeting 6

Tuesday, July 11, 2006

The North York Community Council met on Tuesday, July 11, 2006, in the Council Chambers, North York Civic Centre, commencing at 9:35 a.m.

Attendance:

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

	9:35 a.m. to 12:30 p.m.	2:10 p.m. to 9:05 p.m.
Councillor Augimeri, Chair	x	x
Councillor Stintz, Vice-Chair	x	x
Councillor Carroll	x	x
Councillor Feldman	x	x
Councillor Fillion	x	x
Councillor Jenkins	x	x
Councillor Li Preti	x	x
Councillor Moscoe	x	x
Councillor Pitfield	x	x
Councillor Shiner	x	x
Councillor Minnan-Wong	x	x

Councillor Augimeri, in the Chair.

On motion by Councillor Carroll, Ward 33, Don Valley East, the minutes of the meeting of the North York Community Council held on June 13, 2006, were confirmed.

6.1 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 50 Hallcrown Place (Ward 33 – Don Valley East)

The North York Community Council considered a report (June 23, 2006) from the Director of Building and Deputy Chief Building Official, reviewing and making recommendations on a request by Haig Agopian, on behalf of the Armenian Youth Centre for a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of an illuminated double faced 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;
- (2) the applicant be advised, upon approval of the variance, of the requirement to obtain the necessary sign permit; and
- (3) the applicant be advised of the requirement of obtaining the approval of the Ministry of Transportation, for the erection of the ground sign, prior to the issuance of the permit.

On motion by Councillor Carroll, Ward 33 – Don Valley East, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 23, 2006) from the Director of Building and Deputy Chief Building Official, North York District.

(Report 6, Clause 2)

6.2 Request for Variances from the former Borough of East York Sign By-law No. 64-87, as amended, for the installation of one additional illuminated facial wall sign and one projecting sign at 45 Wicksteed Avenue, Unit B (Ward 26 – Don Valley West)

The North York Community Council considered a report (June 23, 2006) from the Director of Building and Deputy Chief Building Official, reviewing and making recommendations on a request by Klaus Emig Enterprises on behalf of Mr. Smiley Cheung for South St. Burger Co. for variances from the former Borough of East York Sign By-law No. 64-87, as amended, to permit one additional illuminated facial wall sign and one projecting sign at the above noted location.

Recommendations:

It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report; and
- (2) the applicant be advised on the requirement of obtaining the necessary building permits.

On motion by Councillor Pitfield, Ward 26 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 23, 2006) from the Director of Building and Deputy Chief Building Official.

(Report 6, Clause 3)

6.3 Request for Fence Exemption – 58 Bayview Ridge Crescent (Ward 25 – Don Valley West)

The North York Community Council considered a report (June 20, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the owner of 58 Bayview Ridge Crescent, for an exemption from the City of Toronto Municipal Code, Chapter 447 – Fences.

Recommendation:

It is recommended that the proposed 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 proposed 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 recommendation in the Recommendation Section of the report (June 20, 2006) from the Manager, Municipal Licensing and Standards, North York District.

(Report 6, Clause 4)

6.4 Encroachment Agreement – 249 Old Yonge Street (Ward 25 – Don Valley West)

The North York Community Council considered a report (June 8, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the

owner of 249 Old Yonge Street, for an encroachment agreement. The encroachment consists of two armour stone retaining walls, two stone pillars with gas lights, sprinkler heads and rock garden that are 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 the registration or to the date of the 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 owners will, at their expense and to the satisfaction of the Executive Director of Municipal Licensing and Standards, keep and maintain the encroachment in a good and proper state of repair and safety and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
- (8) The owner(s) pay the following fees:
 - (i) Application Fee of \$435.76;
 - (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.

- A. Councillor Jenkins, Ward 25 – Don Valley West, moved that the North York Community Council recommend that City Council adopt the staff recommendations in the Recommendations Section of the report (June 8, 2006) from the Manager, Municipal Licensing and Standards, North York District.
- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved in amendment to Motion A., by Councillor Jenkins, that the encroachment agreement for 249 Old Yonge Street be registered on title.

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

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

(Report 6, Clause 5)

6.5 Encroachment Agreement – 82 Alameda Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (June 5, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the owner of 82 Alameda Avenue, for an encroachment agreement. The encroachment consists of a wooden fence, walkways and steps that are 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) remove the two connecting walkways with steps from the City road allowance;
- (2) 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;
- (3) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (4) 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;

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- (5) That the life of the Agreement be limited from the date of the registration or to the date of the removal of the encroachment;
- (6) 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;
- (7) 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;
- (8) The owners will, at their expense and to the satisfaction of the Executive Director of Municipal Licensing and Standards, keep and maintain the encroachment in a good and proper state of repair and safety and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
- (9) 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) Annual fee in accordance with the former City of York Municipal Code Chapter 1004.12.7, namely \$25.00 plus \$5.50 per square metre including GST (49.69 square metres x 5.50 = \$273.30 + \$25.00 = \$298.0 + GST = \$319.18);
 - (iv) Fees may be subject to change.

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

- (1) City Council adopt the staff recommendations in the Recommendations Section of the report (June 5, 2006) from the Manager, Municipal Licensing and Standards, North York District; and
- (2) the encroachment agreement for 82 Alameda Avenue be registered on title.

(Report 6, Clause 6)

6.6 Encroachment Agreement – 382 Glengarry Avenue (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (May 30, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the owners of 382 Glengarry Avenue for an encroachment agreement. The encroachment consists of a retaining wall, brick pier with light, stone landing with two steps, a tree, shrubs and plants 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) remove the retaining wall on the west side of the subject property to a point 2.13 meters behind the City curb and 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 the provision 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 \$436.19;
 - (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:

- (1) City Council adopt the staff recommendations in the Recommendations Section of the report (May 30, 2006) from the Manager, Municipal Licensing and Standards, North York District; and
- (2) the encroachment agreement for 382 Glengarry Avenue be registered on title.

(Report 6, Clause 7)

6.7 Enroachment Agreement – 12 Blanchard Road (Ward 25 – Don Valley West)

The North York Community Council considered a report (May 31, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by Terrell Wong, agent for owner of 12 Blanchard Road, for an encroachment agreement. The encroachment consists of a retaining wall, planter, stepping stones and lighting 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 the provision of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City

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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 Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that:

- (1) City Council adopt the staff recommendations in the Recommendations Section of the report (May 31, 2006) from the Manager, Municipal Licensing and Standards, North York District; and
- (2) the encroachment agreement for 12 Blanchard Road be registered on title.

(Report 6, Clause 8)

6.8 Encroachment Agreement – 162 Viewmount Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (May 30, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the owner of 162 Viewmount Avenue, for an encroachment agreement. The encroachment consists of a heated driveway, two walkways, brick pillars, retaining walls, sprinkler heads, landscaping stones and a wrought iron guardrail located on the City road allowance.

Recommendations:

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

- (1) That the existing brick pillars and border curb be removed or relocated to a minimum distance of 2.13 metres behind the City curb;

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- (2) That the hard surfacing installed behind the curb in excess of the existing curb cut be replaced with soil and sod;
- (3) 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;
- (4) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (5) 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;
- (6) 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;
- (7) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and the provision 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;
- (8) 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;
- (9) The owner(s) pay the following fees:
 - (i) Application Fee of \$457.81;
 - (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.

The North York Community Council also considered a communication (July 10, 2006) from Manuel Alves.

Manuel Alves, applicant, 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 adopt the staff recommendations in the Recommendations Section of the report (May 30, 2006) from the Manager, Municipal Licensing and Standards, North York District; and
- (2) the encroachment agreement for 162 Viewmount Avenue be registered on title.

(Report 6, Clause 9)

6.9 Encroachment Agreement – 159 Beechwood Avenue (Ward 25 – Don Valley West)

The North York Community Council considered a report (May 31, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the owner of 159 Beechwood Avenue, for an encroachment agreement. The encroachment consists of a heated driveway, concrete retaining wall, stone retaining wall with guard, heated walkways and plants 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) remove the concrete retaining wall on the east side of the subject property to a distance of 2.13 metres behind the City curb and 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 the provision 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 \$452.03;
 - (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 Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that:

- (1) City Council adopt the staff recommendations in the Recommendations Section of the report (May 31, 2006) from the Manager, Municipal Licensing and Standards, North York District; and
- (2) the encroachment agreement for 159 Beechwood Avenue be registered on title.

(Report 6, Clause 10)

6.10 Encroachment Agreement – 89 Finch Avenue West (Ward 23 – Willowdale)

The North York Community Council considered a report (June 23, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by Wagdi Tadros of Pyramids Engineering Inc., owner of 89 Finch Avenue West, for an encroachment agreement. The encroachment consists of eight window wells, metal canopy, a vent and two walkways located on the City road allowance.

Recommendations:

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

- (1) that the window wells be provided with a metal grate and be covered to prevent snow and rain from entering;
- (2) that the existing walkway fronting 89 Finch Avenue West which is constructed out of interlocking bricks shall require a 10 cm (4 inches) concrete base;

- (3) that the proposed metal canopy for the main entrance on Finch Avenue West shall not extend a distance greater than 45 cm (18 inches) into the road allowance;
- (4) 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;
- (5) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (6) 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;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) 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;
 - (iv) Annual fee for the canopy, calculated at \$3.52 per square metre, plus G.S.T.;
 - (v) Fees may be subject to change.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that:

- (1) City Council adopt the staff recommendations in the Recommendations Section of the report (June 23, 2006) from the Manager, Municipal Licensing and Standards, North York District; and
- (2) the encroachment agreement for 89 Finch Avenue West be registered on title.

(Report 6, Clause 11)

Councillor Minnan-Wong in the Chair.

6.11 Inclusion on the City of Toronto Inventory of Heritage Properties and Intention to Designate under Part IV of the *Ontario Heritage Act* – 85 Laird Drive (E. S. & A. Robinson Warehouse) (Ward 26 – Don Valley West)

The North York Community Council considered a report (April 21, 2006) from the Director, Policy & Research, City Planning Division, recommending that City Council include the property at 85 Laird Drive (E. S. & A. Robinson Warehouse) on the City of Toronto Inventory of Heritage Properties and state its intention to designate the property under Part IV of the *Ontario Heritage Act*.

Recommendations:

It is recommended that:

- (1) City Council include the property at 85 Laird Drive (E. S. & A. Robinson Warehouse) on the City of Toronto Inventory of Heritage Properties;
- (2) City Council state its intention to designate the property at 85 Laird Drive (E. S. & A. Robinson Warehouse) under Part IV of the *Ontario Heritage Act*;
- (3) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
- (4) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (5) 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 (June 23, 2006) from the Toronto Preservation Board, advising that the Toronto Preservation Board, at its meeting on June 22, 2006, recommended to the North York Community Council that City Council:

- (1) adopt the following staff Recommendations (1) and (5) in the Recommendations Section of the report (April 21, 2006) from the Director, Policy and Research, City Planning Division:

“(1) City Council include the property at 85 Laird Drive (E. S. & A. Robinson Warehouse) on the City of Toronto Inventory of Heritage Properties;

- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and
- (2) receive staff Recommendations (2), (3) and (4).

Tom Malinski, Solicitor, of the law firm of Aird & Berlis, addressed the North York Community Council, on behalf of the beneficial owner under an agreement of Purchase and Sale of the subject property.

On motion by Councillor Pitfield, Ward 26 – Don Valley West, the North York Community Council:

- (1) recommended that City Council:
 - (a) adopt Recommendations (1) and (5) in the Recommendations Section of the report (April 21, 2006) from the Director, Policy and Research, City Planning; and
 - (b) delete Recommendations (2), (3) and (4) in the Recommendations Section of the report (April 21, 2006) from the Director, Policy and Research, City Planning, and replaced with the following Recommendation instead:

“the designation of 85 Laird Drive, under the Heritage Act, be Processed in conjunction with the planning application to develop the property.”; and
- (2) requested the owner of 85 Laird Drive to submit a letter to the Director, Policy and Research, City Planning, showing the owner’s intention to preserve the building, which letter can be forwarded to the Toronto Preservation Board for its information.

(Councillor Shiner declared an interest in this matter in that the Solicitor representing the beneficial owner also represents a property which his family has an interest in.)

(Report 6, Clause 12)

Councillor Augimeri resumed the Chair.

6.12 Appeal for an Exemption from Chapter 400 of the former City of Toronto Municipal Code for front yard parking pad at 1055 Mount Pleasant Road (Ward 25 – Don Valley West)

The North York Community Council considered a report (June 1, 2006) from the Director, Transportation Services, North York District, reporting on an appeal for an exemption from Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, to construct a front yard parking pad with dimensions that are inadequate to maintain a clear and unobstructed sidewalk.

Recommendation:

It is recommended that the appeal to construct a front yard parking pad having a width of 2.3 m and a length of 4.1 m at 1055 Mount Pleasant Road, be denied.

Herman Pitre, applicant, addressed the North York Community Council.

- A. Councillor Jenkins, Ward 25 – Don Valley West, moved that the North York Community Council recommend that City Council approve the appeal for an exemption from Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, to construct a front yard parking pad having a width of 2.3m and a length of 4.1m at 1055 Mount Pleasant Road, subject to the owner of 1055 Mount Pleasant Road naming the City of Toronto as an insured party on the property owner's insurance policy, to absolve the City of Toronto of any liability for possible damage to the owner's vehicle, as a result of snow clearing.
- B. Councillor Carroll, Ward 33 – Don Valley East, moved that the North York Community Council:
 - (1) postpone consideration of the report (June 1, 2006) from the Director, Transportation Services, North York District until a comprehensive review of front yard parking pads on Mount Pleasant Road is conducted;
 - (2) request the Director, Transportation Services, North York District, to conduct the comprehensive review of front yard parking pads on Mount Pleasant Road, and report back to the North York Community Council as soon as possible; and
 - (3) request that the report (June 1, 2006) from the Director, Transportation Services, North York District on an appeal for an exemption from Chapter 400 of the Former City of Toronto Municipal Code for a front yard parking pad at 1055 Mount Pleasant Road, be brought forward for consideration, at the same time as the comprehensive review is being considered by North York Community Council.

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

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

(Report 6, Other Items Clause 34(a))

6.13 Presentation on the New Divisional Structure - Parks, Forestry and Recreation Division

The North York Community Council received the presentation by Brenda Librecz, General Manager, Parks, Forestry and Recreation, on the new Divisional Structure.

(Report 6, Other Items Clause 34(b))

6.14 Proposed Renaming of Flemington Resource Centre in honour of Dennis R. Timbrell (Ward 26 – Don Valley West)

The North York Community Council considered a report (June 21, 2006) from the General Manager, Parks, Forestry and Recreation, seeking City Council's approval for the proposed renaming of Flemington Resource Centre in honour of Dennis R. Timbrell.

Recommendations:

It is recommended that:

- (1) the Flemington Resource Centre be renamed the Dennis R. Timbrell Resource Centre 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.

Dennis Timbrell, addressed the North York Community Council.

A. Councillor Minnan-Wong, Ward 34 – 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 (June 21, 2006) from the General Manager, Parks, Forestry and Recreation; and

- (2) direct the General Manager, Parks, Forestry and Recreation to install a plaque in the existing Resource Centre identifying the contributions that Dennis R. Timbrell has made to the community.

B. Councillor Pitfield, Ward 26 – Don Valley West, moved, in amendment to Motion A., by Councillor Minnan-Wong, that the North York Community Council recommend that City Council adopt the staff recommendations in the Recommendations Section of the report (June 21, 2006) from the General Manager, Parks, Forestry and Recreation, subject to Recommendation (1) being deleted and replaced with the following Recommendation instead:

“(1) the Flemingdon Resource Centre be renamed the “Dennis R. Timbrell Resource Centre in Flemingdon Park”, in accordance with all criteria outlined in the Naming and Renaming for Parks and Recreation Facilities and Parks Policy; and”

A Recorded Vote on Motion B., moved by Councillor Pitfield, Ward 26 – Don Valley West, in amendment to Motion A., by Councillor Minnan-Wong, was as follows:

FOR: Councillors Augimeri, Carroll, Jenkins, LiPreti, Minnan-Wong, Moscoe, Pitfield, Shiner, Stintz

AGAINST: Nil

ABSENT: Councillors Filion and Feldman

Carried Unanimously.

A Recorded Vote on Motion A., moved by Councillor Minnan-Wong, Ward 34 – Don Valley East, as amended by Motion B., moved by Councillor Pitfield, was as follows:

FOR: Councillors Augimeri, Carroll, Jenkins, LiPreti, Minnan-Wong, Moscoe, Pitfield, Shiner, Stintz

AGAINST: Nil

ABSENT: Councillors Filion and Feldman

Carried Unanimously.

(Report 6, Clause 13)

6.15 Sale of a Portion of the Closed Lane and the One-Foot Reserve at the rear of 454 Douglas Avenue (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (June 22, 2006) from the Chief Corporate Officer, reporting on authorizing the sale of a portion of the Closed Lane and the One-Foot Reserve at the rear of 454 Douglas Avenue.

Recommendations:

It is recommended that:

- (1) the Offer to Purchase submitted by Reena Lovinsky and Ophyr Mourad to purchase part of the Lane closed by Township of North York By-law 11138 south of Lots 986 to 997, inclusive, and part of the One-Foot Reserve south of the Lane south of Lots 986 to 997, inclusive, all on Plan M-109, designated as Parts 18 and 24 on Plan 66R-21999 (“the Property”), in the amount of \$4,300.00 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) authority be granted to direct a portion of the sale proceeds of closing to fund the outstanding expenses related to the Property;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other relevant dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 22, 2006) from the Chief Corporate Officer.

(Report 6, Clause 14)

6.16 All Way Stop Control – Reiner Road at Yeomans Road (Ward 10 – York Centre)

The North York Community considered a report (June 13, 2006) from the Director, Transportation Services, North York District, seeking approval to install an all way stop control at the intersection of Reiner Road and Yeomans Road.

Recommendations:

It is recommended that:

- (1) Schedules XVIII and 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 Reiner Road and Yeomans Road; and
- (2) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 13, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 15)

6.17 Parking Prohibitions – Lyndale Drive (Ward 23 – Willowdale)

The North York Community Council considered a report (June 15, 2006) from the Director, Transportation Services, North York District, seeking approval to amend the current parking restrictions on Lyndale Drive.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No parking, from 8:30 a.m. to 4:30 p.m., Monday to Friday, prohibition on the north side of Lyndale Drive, from the easterly limit of Bonnington Place to the westerly limit of Leona Drive;
- (2) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime, on the north side of Lyndale Drive, from the easterly limit of Bonnington Place to a point 172 metres easterly thereof; and
- (3) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

The North York Community Council also considered a communication (July 6, 2006) from Tom and Laura Vanek.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council postponed consideration of the report (June 15, 2006) from the Director, Transportation Services Division, North York District, to its next meeting on September 13, 2006.

(Report 6, Other Items Clause 34(c))

6.18 Stopping Restrictions – Rumsey Road, Sutherland Drive and Brentcliffe Road (Ward 26 – Don Valley West)

The North York Community Council considered a report (June 19, 2006) from the Director, Transportation Services, North York District, seeking approval to prohibit stopping at anytime on Rumsey Road, Sutherland Drive and Brentcliffe Road, north of Glenvale Boulevard.

Recommendations:

It is recommended that:

- (1) stopping be prohibited at anytime on both sides of Rumsey Road, from the northerly limit of Glenvale Boulevard to the northerly limit of Rumsey Road;
- (2) stopping be prohibited at anytime on both sides of Sutherland Drive, from the northerly limit of Glenvale Boulevard to the northerly limit of Sutherland Drive;
- (3) stopping be prohibited at anytime on both sides of Brentcliffe Road, from the northerly limit of Glenvale Boulevard to the northerly limit of Brentcliffe Road; and
- (4) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

On motion by Councillor Pitfield, Ward 26 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 19, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 16)

6.19 Road Alteration By-law and Lane Designations – Keele Street at Canarctic Road/York Boulevard (Ward 8 – York West)

The North York Community Council considered a report (June 21, 2006) from the Director, Transportation Services, North York District, reporting on introducing appropriate by-laws to permit alterations and lane designations at the intersection of Keele Street and Canarctic Road/York Boulevard.

Recommendations:

- (1) a Road Alteration By-law be introduced to permit construction of the intersection of Keele Street and Canarctic Road/York Boulevard, to eliminate the southbound and eastbound right turn channels, as illustrated in Attachment 1;
- (2) coincidental with the road alterations identified in Recommendation (1);
 - (i) the westerly southbound traffic lane on Keele Street be designated for right turning vehicles only, buses excepted, from the northerly limit of York Boulevard to a point 30.5 metres northerly thereof; and
 - (ii) the southerly eastbound traffic lane on York Boulevard be designated for right turning vehicles only, buses excepted, from the westerly limit of Keele Street to a point 30.5 metres westerly thereof.
- (3) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 21, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 17)

6.20 Stopping Prohibitions – Fairview Mall Drive (Ward 33 – Don Valley East)

The North York Community Council considered a report (June 21, 2006) from the Director, Transportation Services, North York District, seeking approval to amend the parking/stopping controls on Fairview Mall Drive.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking Anytime prohibition on both sides of Fairview Mall Drive, from the easterly limit of Don Mills Road to the easterly limit of Fairview Mall Drive;
- (2) Schedule IX of By-law No. 31001, of the former City of North York, be amended by installing a No Stopping Anytime prohibition on both sides of Fairview Mall Drive, from the easterly limit of Don Mills Road to the northerly limit of Sheppard Avenue East; and
- (3) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

On motion by Councillor Carroll, Ward 33 – Don Valley East, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 21, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 18)

6.21 Parking Prohibitions – Joicey Boulevard, Avenue Road to Kelso Avenue (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (June 20, 2006) from the Director, Transportation Services, North York District, reporting on amending the existing parking regulations on Joicey Boulevard.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking Anytime prohibition on the south side of Joicey Boulevard, from a point 38 metres west of the westerly limit of Avenue Road to a point 84 metres west of the westerly limit of Avenue Road;
- (2) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on the south side of Joicey Boulevard, from a point 38 metres west of the westerly limit of Avenue Road to the easterly limit of Kelso Avenue; and

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

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 20, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 19)

6.22 Pedestrian Crossover Removal/Traffic Control Signal Installation – Sheppard Avenue West – 19.1 west of Buckland Road (Ward 9 – York Centre)

The North York Community Council considered a report (June 23, 2006) from the Director, Transportation Services, North York District, seeking approval to remove the Pedestrian Crossover on Sheppard Avenue West, west of Buckland Road and install a mid block pedestrian traffic control signal.

Recommendations:

It is recommended that:

- (1) mid block traffic control signals be installed on Sheppard Avenue West approximately 19.1 metres west of Buckland Road;
- (2) coincidental with the installation of the mid block traffic control signal, the Pedestrian Crossover located on Sheppard Avenue West approximately 19.1 metres west of Buckland Road be removed; and
- (3) the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.

The North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 23, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 20)

6.23 Final Report – Part Lot Control Exemption Application – 06 136027 NNY 23 PL – Marlston Consultants – 203, 205 and 215 Finch Avenue East - Lot 27 and Part of Lot 26, R.P. 2399 – Designated as Parts 1 to 29 on Draft Reference Plan prepared by Ertl Surveyors, Ontario Land Surveyors, Ref. No. 03209 (Ward 23 – Willowdale)

The North York Community Council considered a report (June 21, 2006) from the Director, Community Planning, North York District, reporting on a request for an exemption from Part Lot Control for the property at 203, 205 and 215 Finch Avenue East in order that 18 townhouse dwelling units may be conveyed into separate ownership.

It is recommended that:

- (1) the application be approved.
- (2) the Owner of the subject lands be required to register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner or his designate.
- (3) the City Solicitor be authorized to take the necessary steps to allow for the removal of the Section 118 Restriction from title to the subject lands, upon receipt of confirmation that the Common Elements Condominium Plan has been registered.
- (4) staff obtain proof of payment of all current property taxes for the subject site from the owner prior to the enactment of the Part Lot Control Exemption By-law.
- (5) the City Solicitor introduce the necessary Bills in Council to give effect to Recommendation 1 after such time that Recommendations 2 and 4 are satisfied and such By-law to expire one year after it has been enacted.
- (6) the appropriate City Officials be authorized and directed to register the By-law on title.

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 (June 21, 2006) from the Director, Community Planning, North York District.

(Report 6, Clause 21)

6.24 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.

The North York Community Council also considered a supplementary report (June 26, 2006) from the Director, Community Planning, North York District, reporting back to North York Community Council with respect to discussions held with the owner as requested by North York Community Council at its meeting of April 4, 2006.

Recommendation:

It is recommended that this report be received for information.

The North York Community Council also considered a communication (June 23, 2006) from Robert Stubbs, Architect, Technologist, on behalf of the applicant.

Robert Stubbs, Architect, Technologist, addressed the North York Community Council, on behalf of the applicant.

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

- (1) approved the staff recommendations in the Recommendations Section of the report (March 14, 2006) from the Director, Community Planning, North York District; and
- (2) received the report (June 26, 2006) from the Director, Community Planning, North York District.

(Report 6, Other Items Clause 34(d))

**6.25 Preliminary Report – Official Plan and Zoning Amendment Application – 06 102160
NNY 25 OZ – Rowbry Holding Limited – PMG Planning Consultants – 1100 Eglinton
Avenue East (Ward 25 – Don Valley West)**

The North York Community Council considered a report (June 20, 2006) from the Director, Community Planning, North York District, providing preliminary information on the above-noted application to permit the conversion of an existing 22-storey hotel tower located on the northwest portion of the site into a 110-unit senior's retirement residence.

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 of the *Planning Act*.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council approved the staff recommendations in the recommendations Section of the report (June 20, 2006) from the Director, Community Planning, North York District.

(Report 6, Other Items Clause 34(e))

**6.26 Final Report – Application to Amend the Official Plan and Zoning By-law – 05 167022
NNY 25 OZ – Mel Winch – 2722 Bayview Avenue (Ward 25 – Don Valley West)**

The North York Community Council held a statutory public meeting on July 11, 2006, and notice was given in accordance with the *Planning Act*.

The North York Community Council considered a report (June 15, 2006) from the Director, Community Planning, North York District, reviewing and recommending approval of an application to amend the Zoning By-law to permit an existing accessory dispensing pharmacy as a permanent use within a professional medical office building at 2722 Bayview Avenue.

Recommendations:

It is recommended that City Council:

- (1) amend the former City of North York Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 in the event that the new Official Plan is not yet in force;
- (2) amend 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;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required; and
- (4) authorize the City Solicitor to introduce the necessary Bills to City Council for enactment.

The North York Community Council also considered a communication (May 31, 2006) from John F. Nicholls, President and Albert Saati, Vice-President, York Mills Gardens Community Association.

Mel Winch, Winch Planning & Development Services, 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:

- (A) delete Recommendation (1) in the Recommendations Section of the report (June 15, 2006) from the Director, Community Planning, North York District; and
- (B) adopt Recommendations (2), (3) and (4) in the Recommendations Section of the report (June 15, 2006) from the Director, Community Planning, North York District, as follows:
 - “(2) amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;
 - (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required; and
 - (4) authorize the City Solicitor to introduce the necessary Bills to City Council for enactment.”

(Report 6, Clause 22)

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

The North York Community Council held a statutory public meeting on July 11, 2006, and notice was given in accordance with the *Planning Act*.

The North York Community Council considered a report (June 13, 2006) from the Director, Community Planning, North York District, reviewing and recommending approval of an application to amend the Zoning By-law to allow for a professional medical office at 129 Gorman Park Road.

Recommendations:

It is recommended that City Council:

- (1) amend the former City of North York Zoning By-law 7625, to allow for a professional medical office at 129 Gorman Park Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- (3) require the applicant to enter into a Site Plan Control Agreement under Section 41 of the *Planning Act* before the necessary Bills are introduced to City Council for enactment.

The North York Community Council also considered a communication (July 11, 2006) from A.D. (Antonio) and Maria Malizia.

A staff presentation was made by Marion Prejel, Planner, Community Planning, North York District.

Antonio Malizia addressed the North York Community Council.

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (June 13, 2006) from the Director, Community Planning, North York District.

(Report 6, Clause 23)

6.28 Final Report – Rezoning Application – 05 112591 NNY 23 OZ – Site Plan Control Application – 05 112594 NNY 23 SA – Adam Brown, Sherman Brown Dryer Karol – John Shuki Lau Architect Inc. – 16-22 Clairtrell Road (Ward 23 – Willowdale)

The North York Community Council held a statutory public meeting on July 11, 2006, and notice was given in accordance with the *Planning Act*.

The North York Community Council considered a report (June 27, 2006) from the Director, Community Planning, North York District, reviewing and recommending approval of Zoning By-law Amendment and Site Plan Control Applications for a 19-unit townhouse development at 16-22 Clairtrell Road, at the southwest corner of Clairtrell Road and Spring Garden Avenue.

Recommendations:

It is recommended that City Council:

- (1) amend Zoning By-law 7625 for 16-22 Clairtrell Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- (3) before introducing the necessary Bills to City Council for enactment, require the owner to:
 - (a) convey to the City, at nominal cost, free and clear of all encumbrances, save and except for utility poles and subject to a right-of-way for access purposes in favour of the Grantor until such time as the lands have been laid out and dedicated for public highway purposes, a 6.1 m radius corner rounding at the intersection of Clairtrell Road and Spring Garden Avenue;
 - (b) submit to and have approved by the Executive Director, Technical Services, a Construction Management Plan for the project; and
 - (c) submit to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the Director, Real Estate Services, the necessary security for the parkland dedication requirement for the project.
- (4) approve in principle the Site Plan Control Application as indicated on the drawings and subject to the conditions of approval listed in Attachment 6.

- (5) authorize the Chief Planner or his designate to give final approval to the Site Plan Control Application once the conditions to be satisfied prior to Site Plan Control Approval as set out in Attachment 6 of this report have been fulfilled.

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:

- (1) adopt the staff recommendations in the Recommendations Section of the report (June 27, 2006) from the Director, Community Planning, North York District; and
- (2) adopt the following additional Recommendation:

“that prior to authorizing the Executive Director and Chief Planner or his designate, to give final approval to the site plan control application, the Director, Community Planning, North York District meet with the Ward Councillor regarding site plan control matters prior to the conditions of site plan control approval being satisfied, as set out in Attachment 6 of the report (June 27, 2006) from the Director, Community Planning, North York District.”

- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council recommend that City Council adopt the following additional Recommendation:

“that in recognition of the fact that the proposed development is within 250 metres from a subway station, the applicant be required to provide the purchaser of each unit with a one-year transit pass.”

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

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

(Report 6, Clause 24)

6.29 OMB Direction Report – Rezoning Application – 05 128488 NNY 24 OZ – Daniels HR Corporation – Kirkor Architects & Planners – 603-615 Sheppard Avenue East & 9-17 Rean Drive & 6-10 Dervock Crescent (Ward 24 – Willowdale)

The North York Community Council considered a report (June 27, 2006) from the Director, Community Planning, North York District, reporting on an appeal by the owner on an

application to amend the Zoning By-law to permit four apartment buildings ranging in height from 3 to 10 storeys on the above-noted properties. As this matter has been appealed to the Ontario Municipal Board, this report recommends that the City Solicitor and appropriate staff attend the hearing in support of the position outlined in this report.

Recommendations:

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

- (1) that City staff be authorized to attend the Ontario Municipal Board Hearing in support of the proposed development pursuant to the recommendations below 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.
- (2) request that the Ontario Municipal Board to withhold its Order until the following matters are settled:
 - (i) that the proposal be amended to address the concerns of Technical Services regarding the design of the southerly access driveway from Rean Drive as outlined in their memorandum dated June 26, 2006;
 - (ii) that the Zoning By-law incorporate performance standards to reflect the revised submission including details such as parking standards, maximum building heights, maximum gross floor area, minimum building setbacks, maximum number of units, minimum unit sizes, provision of locker space, and appropriate Section 37 benefits;
 - (iii) the City Solicitor and City staff be authorized to continue discussions with the applicant concerning a revised proposal that addresses the concerns of Transportation Services regarding the design of the southerly access driveway from Rean Drive;
 - (iv) prior to the implementing Zoning By-law coming into full force and effect, the owner be required to:
 - (a) enter into an Agreement under Section 37 of the Planning Act for:
 - the exemption of indoor private recreational amenity area from the calculation of gross floor area to a maximum of 1,122.5m²; and
 - depositing a letter of credit or certified cheque in the amount of \$10,000.00 to the satisfaction of the Chief Financial Officer and Treasurer, for future traffic monitoring to be undertaken;

- (b) enter into a Site Plan Control Agreement under Section 41 of the *Planning Act*; and
- (c) satisfy the requirements of the Technical Services Division as outlined in their memorandum dated June 26, 2006.

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

“WHEREAS the Sheppard East Subway Corridor Secondary Plan (OPA 392) encourages the height and mass of development along Sheppard Avenue East to be related to a pedestrian scale and consequently generally limits the maximum height to six storeys along those parts of Sheppard Avenue not in close proximity to subway stations; and

WHEREAS the Southeast Bayview Node Context Plan which was adopted by City Council in March 2000, sets out a height map which provides for maximum building heights on the Sheppard Avenue East frontage of the subject site of up to 6 storeys, on the southwest portion of the site of 4 to 6 storeys and along the eastern portion of the site of 3 to 4 storeys; and

WHEREAS the proposed development is 6 storeys along Sheppard Avenue with a partial 7th storey (Building “A”), 9 storeys stepping down to 4 storeys along the eastern portion of the site (Building “C”), and 10 storeys (Building “B”) and 3 storeys (Building “D”) on the southwest portion of the site; and

WHEREAS the Structure Plan attached to the Southeast Bayview Node Context Plan envisages a potential mid-block connection and area of public realm (streets, parks and accessible open space) along the eastern portion of the site, the area of public realm being shown as the width of a typical detached building lot for most of the depth of the site; and

WHEREAS the proposed development only provides a public realm area consisting of a walkway 2.1 metres in width along the eastern boundary of the site; and

WHEREAS during the community consultation meetings, the community expressed concerns over the proposed buildings not meeting the maximum building heights set out in the Secondary Plan and the Context Plan and concerns with respect to overview and privacy in relation to the single detached dwellings east of the site;

THEREFORE BE IT RESOLVED THAT:

- (1) the Director of Urban Design be requested to prepare design options for the development which would:
 - (a) maintain the 3.0 Floor Space Index on the site; and

- (b) more closely comply with the intent of the height and public realm provisions of the Southeast Bayview Node Context Plan and the Secondary Plan by:
 - (i) eliminating the 7th floor from Building “A” and redistributing that floor area to Building “D”;
 - (ii) reducing the height of Building “C” to 4 storeys and redistributing that floor area to Building “D”;
 - (iii) providing a greater area of public realm along the eastern boundary of the site; and
 - (iv) altering the footprints of the buildings if necessary to accommodate the redistributed floor area and expanded area of public realm;
- (2) City staff be directed to work with the applicant, local Councillor and resident representatives on a revised submission between this Community Council meeting and the City Council meeting of July 25, 26 and 27, 2006, and failing a resolution of the matter by the July City Council meeting, the Director of Urban Design report on the design options to the September 13, 2006 meeting of North York Community Council, and the reports of the Director of Community Planning and the Executive Director of Technical services referred to below, be brought forward to the same Community Council meeting;
- (3) if a revised submission is made by the July City Council meeting, the Director of Community Planning, North York District, report directly to the July 25, 26 and 27, 2006 City Council meeting on the revised proposal and the specific performance standards which would be incorporated into the zoning by-law to reflect the revised submission;
- (4) if a revised submission is made by the July City Council meeting, the Executive Director of Technical Services report directly to the July 25, 26 and 27, 2006 City Council meeting on any resolution of its concerns with respect to the design of the southerly access driveway from Rean Drive;
- (5) the City Solicitor be authorized to retain an outside planning consultant to potentially give evidence at the Ontario Municipal Board on behalf of the City in the event that this matter is not resolved at the City Council meeting on July 25, 26 and 27, 2006, such evidence to include heights and the distribution of density on the site.”

The North York Community Council considered communications:

- (June 29, 2006) from Perry So;
- (undated) from Vishal Sharma; and

- (July 11, 2006) from Niall Haggart, Daniels HR Corporation, addressed to the Director, Community Planning, North York District.

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

The following persons addressed the North York Community Council:

- Patrick Yeung;
 - Mark Noskiewicz, Solicitor, of the law firm of Goodmans, on behalf of the applicant, Daniels HR Corporation;
 - Brian Damos, Bayview Village Tenants Association;
 - Ross Carrington, President, Bayview Manor Ratepayers' Association; and
 - Mrs. Poonan Jain, President, Bayview Village Association.
- A. Councillor Shiner, Ward 24 - Willowdale, moved that the North York Community Council recommend that City Council authorize the City Solicitor to retain an outside planning consultant to potentially give evidence at the Ontario Municipal Board on behalf of the City in the event that this matter is not resolved at the City Council meeting on July 25, 26 and 27, 2006, such evidence to include heights and the distribution of density on the site; and
- B. Councillor Shiner, Ward 24 – Willowdale, moved that the North York Community Council request that:
- (1) the Director of Urban Design prepare design options for the development which would:
 - (a) maintain the 3.0 Floor Space Index on the site; and
 - (b) more closely comply with the intent of the height and public realm provisions of the Southeast Bayview Node Context Plan and the Secondary Plan by:
 - (i) eliminating the 7th floor from Building “A” and redistributing that floor area to Building “D”;
 - (ii) reducing the height of Building “C” to 4 storeys and redistributing that floor area to Building “D” ;

- (iii) providing a greater area of public realm along the eastern boundary of the site; and
 - (iv) altering the footprints of the buildings if necessary to accommodate the redistributed floor area and expanded area of public realm;
 - (2) City staff be directed to work with the applicant, local Councillor and resident representatives on a revised submission between the Community Council meeting on July 11, 2006 and the City Council meeting of July 25, 26 and 27, 2006, and failing a resolution of the matter by the July City Council meeting, the Director of Urban Design report on the design options to the September 13, 2006 meeting of North York Community Council, and the reports of the Director of Community Planning and the Executive Director of Technical Services referred to below, be brought forward to the same Community Council meeting;
 - (3) if a revised submission is made by the July 2006 City Council meeting, the Director of Community Planning, North York District, report directly to the July 25, 26 and 27, 2006 City Council meeting on the revised proposal and the specific performance standards which would be incorporated into the zoning by-law to reflect the revised submission;
 - (4) if a revised submission is made by the July 2006 City Council meeting, the Executive Director of Technical Services, report directly to the July 25, 26 and 27, 2006 City Council meeting on any resolution of its concerns with respect to the design of the southerly access driveway from Rean Drive;
- C. Councillor Shiner, Ward 24 – Willowdale, moved that the North York Community Council request the Director, Transportation Services, North York District, to report directly to City Council for its meeting on July 25, 26 and 27, 2006 if a resolution is reached; or to the North York Community Council for its meeting on September 13, 2006 if a resolution is not reached, with recommendations on ways to restrict the flow of traffic from Rean Drive to Hawksbury Drive across Sheppard Avenue during the peak hours in the a.m. and p.m. to protect the stable residential community to the north from transient traffic;
- D. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved in amendment to Motion A., moved by Councillor Shiner, that the North York Community Council recommend to City Council that the applicant be required to provide the purchaser of each residential unit in Buildings “A”, “C” and “D”, with a one year transit pass, in recognition of the reduced parking standard and proximity to the Sheppard Subway.

- E. Councillor Minnan-Wong, Ward 34 – Don Valley East, moved in amendment to the amendment moved by Councillor Moscoe, that Councillor Moscoe’s amendment be amended by adding the following words”

“or a reduction in the purchase price of the residential unit equivalent to the value of the one year transit pass.”,

so that the Recommendation now reads as follows:

“That in recognition of the reduced parking standard and proximity to the Sheppard Subway, the applicant be required to provide the purchaser of each residential unit in Buildings A, C and D, with a one year transit pass or a reduction in the purchase price of the residential unit equivalent to the value of the one year transit pass.”

- F. Councillor Carroll, Ward 33 – Don Valley East, moved that the North York Community Council request the Director, Community Planning, North York District, to meet with the developer prior to the July City Council meeting and report to City Council for its meeting on July 25, 26 and 27, 2006, on a Cash-in-Lieu affordable housing settlement in keeping with the anticipated Affordable Housing Policy and the permissions and variances required for the proposed development, if a resolution is reached; or to the North York Community Council for its meeting on September 13, 2006, if a resolution is not reached.

Voting:

Motion E., moved by Councillor Minnan-Wong, in amendment to the amendment moved by Councillor Moscoe (Motion D.), **Lost.**

Motion D., moved by Councillor Moscoe, in amendment to Motion A., moved by Councillor Shiner, **Carried.**

Motion F., moved by Councillor Carroll, **Carried.**

On request by Councillor Feldman, Recommendation (1)(b)(i) outlined in Motion B., moved by Councillor Shiner was voted on separately and it **Carried.**

The balance of Motion B., moved by Councillor Shiner, **Carried.**

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

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

6.30 OMB Directions Report – OPA and Rezoning Application – 05 206510 NNY 25 OZ – Site Plan Control Application – 05 206515 NNY 25 SA – Adam Brown, Sherman Brown Dryer Karol – Page and Steele Architects – 2425 and 2427 Bayview Avenue (Ward 25 – Don Valley West)

The North York Community Council considered a report (June 26, 2006) from the Director, Community Planning, North York District, recommending refusal of applications to develop 20 three-storey townhouses on two properties on Bayview Avenue. As the applicant has appealed Council's failure to respond to these applications to the Ontario Municipal Board, the reports seeks Council's direction to staff to attend a hearing in support of the position outlined in the report.

Recommendation:

It is recommended that:

- (1) The City Solicitor and appropriate City staff be instructed to attend the Ontario Municipal Board to oppose the Official Plan Amendment Application, Zoning By-law Amendment Application and Site Plan Control Application for the reasons outlined in this report.

The North York Community Council considered communications:

- (June 29, 2006) from Martha J. Hogarth; and
- (July 6, 2006) from Derek Lin and Elina Tsai.

The following persons addressed the North York Community Council:

- Adam Brown, Solicitor, of the law firm of Sherman Brown Dryer Karol, on behalf of the applicant;
- Jane Pepino, Solicitor, of the law firm of Aird & Berlis, on behalf of York Mills Ratepayers' Association and the Edwards Gardens Neighbourhood Ratepayers' Association;
- Doriana Zohil-Morton, Edwards Gardens Neighbourhood Ratepayers' Association;
- Eric Siebert, Director, Edwards Gardens Neighbourhood Ratepayers' Association; and
- David Bawden, York Mills Ratepayers' Association.

- A. Councillor Jenkins, Ward 25 – Don Valley West, moved that the North York Community Council recommend that City Council adopt the staff recommendation in the Recommendation Section of the report (June 26, 2006) from the Director, Community Planning, North York District.

A recorded vote on the Motion A., moved by Councillor Jenkins, Ward 25 – Don Valley West, was as follows:

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

AGAINST: Councillor Minnan-Wong

ABSENT: Councillor Filion

Carried.

(Report 6, Clause 26)

6.31 Request to Remove Three Privately-owned Trees – 1900 Sheppard Avenue West (Ward 9 – York Centre)

The North York Community Council considered a report (June 20, 2006) from the General Manager, Parks, Forestry and Recreation, reporting on an application that has been received for a permit to remove three privately-owned trees located at 1900 Sheppard Avenue West.

Recommendations:

It is recommended that:

- (1) the request for permit to remove three (3) Siberian elm trees located at 1900 Sheppard Avenue West, be approved; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

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 (June 20, 2006) from the General Manager, Parks, Forestry and Recreation.

(Report 6, Clause 27)

6.32 Final Report – Application to Amend the Official Plan and Zoning By-law – 05 198002 NNY 09 OZ and Application for Site Plan Control Approval – 05 198004 NNY 09 SA – Blandford Gates (Fleiss Gates McGowan Easton Architects Inc.) – 1900 Sheppard Avenue West (Ward 9 – York Centre)

The North York Community Council held a statutory public meeting on July 11, 2006, and notice was give in accordance with the *Planning Act*.

The North York Community Council considered a report (June 27, 2006) from the Director, Community Planning, North York District, reviewing and recommending approval of applications to amend the Official Plan and the Zoning By-law and for Site Plan Control Approval to permit a one storey public library and a three storey, 27 unit apartment building.

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. 6, in the event that the new Official Plan for the City of Toronto is not yet in force.
- (2) amend Zoning By-law 7625 to permit the development of a one storey public library and a three storey, 27 unit apartment building on the subject property substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
- (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) pursuant to Council's direction of April 25, 2006, that the site plan be approved by Council in principle, as indicated on the drawing entitled Site Plan (Attachment 1), and that the Chief Planner or his designate be authorized to issue final approval when the conditions to be satisfied, as set out in Attachment 10 to this report, have been fulfilled.
- (5) direct the City Solicitor to prepare and register any necessary site plan control agreement(s).
- (6) authorize the Director, Community Planning, North York District to execute the site plan control agreement.

The North York Community Council considered communications:

- (June 21, 2006) from Nadia Scodeller, Sylvanna Pagura and Mr. & Mrs. Pagura;

- (June 21, 2006) from Antonio Pilla;
- (July 3, 2006) from Betty Pennella;
- (July 5, 2006) from Tony Mastrangelo;
- (July 6, 2006) from Earl Brightman;
- (July 7, 2006) from Robert & Betty Running;
- (July 7, 2006) from Ernesto Domanico;
- (July 9, 2006) from Louise Tromblay;
- (July 10, 2006) from Ilario Sestito; and
- (July 11, 2006) from Alicia Ramos.

Allison Meistrich, Planner, provided a staff presentation.

The following persons addressed the North York Community Council:

- Shedrack Agbakwa, African Canadian Legal Clinic, and filed a written submission;
- Norma Wade;
- Paul Dowling, Homecoming Community Choice Coalition;
- Irene Martino, Humewood House;
- Janet Farquharson-Walker, Residential Manager, Humewood House;
- Moiz Behar, MBPD Inc., Planning Consultant, on behalf of Toronto Community Housing;
- Andrei Zodian; and filed a written submission;
- Gerard Jerry Fiacco;
- Carlo Fiorini;
- Maria Adamo;
- Leslie Gash, Toronto Community Housing;

- Roy Dzeko;
- Gwandolyne Martinez;
- Tamara Clarke, Jessie's Centre;
- Dany Pen, Jessie's Centre;
- Leonarda Casola;
- Penny Jenkovic;
- Odoardo Disanto;
- Louis Rossi
- Wilfred Jussen; and
- Benny Grossi.

Councillor Stintz, Vice-Chair, in the Chair.

- A. Councillor Augimeri, Ward 9 – York Centre, moved that the North York Community Council recommend to City Council that the applications to amend the Official Plan and Zoning By-law and the application for site plan control approval, to permit a one storey public library and a three storey, 27 unit apartment building be refused.
- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council recommend that City Council:
 - (1) delete Recommendation (1) in the Recommendations Section of the Report (June 27, 2006) from the Director, Community Planning, North York District;
 - (2) adopt Recommendations (2), (3), (4), (5) and (6) in the Recommendations Section of the report (June 27, 2006) from the Director, Community Planning, North York District; and
 - (3) adopt the following additional Recommendations:

- (a) that the City add an additional floor to the library in order to provide community facilities for youth programming and other neighbourhood services, subject to immediate availability of funding;
 - (b) the Deputy City Manager and Chief Financial Officer, be directed to report to the Policy and Finance Committee on the best method of securing funding for this addition.
 - (c) that parking be secured through the lease or purchase of adjacent hydro land in order to meet the parking requirements of the Zoning By-law.
 - (d) that site plan issues be resolved through the local Councillor in a manner that does not jeopardize the project.
- C. Councillor Feldman, Ward 10 – York-Centre, moved in amendment to Motion B., moved by Councillor Moscoe, that Recommendation (3)(a) in Motion B., be amended by adding the words:

“subject to immediate availability of funding”;

so that the Recommendation now reads as follows:

“(3)(a) the City add an additional floor to the library in order to provide community facilities for youth programming and other neighbourhood services, subject to immediate availability of funding;”.
- D. Councillor Feldman, Ward 10 – York Centre, moved that the North York Community Council recommend that City Council accept the offer made by Councillor Pitfield, that 27 units of affordable housing be placed in her Ward, in addition to the 27 units proposed for this location.
- E. Councillor Augimeri, Ward 9 – York Centre, moved in amendment to Part (2) of Motion B., moved by Councillor Moscoe, that the North York Community Council recommend that City Council delete Recommendation (2) in the Recommendations Section of the Report (June 27, 2006) from the Director, Community Planning, North York District, and replace it with the following Recommendation instead:

“(2) amend Zoning By-law 7625 to permit the development of a public library and a three-storey apartment building on the subject property, substantially in accordance with the draft zoning by-law amendment attached as Attachment 7.”

- F. Councillor Augimeri, Ward 9 – York Centre, moved that the maximum building height for both the library and the apartment house dwelling shall be 13 metres.
- G. Councillor Augimeri, Ward 9 – York Centre, moved that 600 m² of the proposed residential building be designated for community use, 500 m² of which shall be made available to community groups and agencies who provide desirable services for the local community at or below market value; and the balance of the 600 m², 100 m² shall be made available to the local community, free-of-charge.
- H. Councillor Augimeri, Ward 9 – York Centre, moved that Recommendation (4) in the Recommendations Section of the report (June 27, 2006) from the Director, Community Planning, North York District, be deleted and replaced with the following Recommendation instead:
- “(4) that prior to final approval of the Site Plan, the Chief Planner and Executive Director, City Planning Division, or his designate, in consultation with the local Councillor, hold a community meeting to show the local community plan,”

Voting:

A recorded vote on Motion A., moved by Councillor Augimeri, Ward 9 – York Centre that the applications to amend the Official Plan and Zoning By-law and the application for site plan control approval, to permit a one storey public library and a three storey, 27 unit apartment building, be refused, was as follows:

FOR: Councillors Li Preti, Augimeri, Jenkins, Pitfield

AGAINST: Councillors Moscoe, Stintz, Minnan-Wong, Carroll, Filion, Feldman

ABSENT: Councillor Shiner

Lost.

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

A recorded vote on Recommendation (3)(a) of Motion B., moved by Councillor Moscoe, Ward 15 – Eglinton Lawrence, as amended by Motion C., moved by Councillor Feldman, was as follows:

FOR: Councillors Li Preti, Minnan-Wong, Carroll, Filion, Feldman, Jenkins, Moscoe, Pitfield, Stintz

AGAINST: Councillor Augimeri

ABSENT: Councillor Shiner

Carried.

Motion E., moved by Councillor Augimeri, Ward 9 – York Centre, in amendment to Part (2) of Motion B., moved by Councillor Moscoe, **Carried.**

Motion F., moved by Councillor Augimeri, **Lost.**

Motion G., moved by Councillor Augimeri, **Lost.**

A recorded vote on Motion H, moved by Councillor Augimeri, Ward 9 – York Centre, that Recommendation (4) in the Recommendations Section of the Report (June 27, 2006) from the Director, Community Planning, North York District, be deleted and replaced with the following Recommendation, instead, “(4) that prior to final approval of the Site Plan, the Chief Planner and Executive Director, City Planning Division, or his designate, in consultation with the Local Councillor, hold a community meeting to show the local community Plan,” was as follows:

FOR: Councillors Li Preti, Augimeri, Jenkins, Pitfield

AGAINST: Councillors Moscoe, Stintz, Feldman, Minnan- Wong, Filion, Carroll

ABSENT: Councillor Shiner

Lost.

A recorded vote on Motion B., moved by Councillor Moscoe, Ward 15 – Eglinton-Lawrence, as amended, by Motion C., moved by Councillor Feldman and Motion E., moved by Councillor Augimeri, was as follows:

FOR: Councillors Minnan-Wong, Carroll, Filion, Feldman, Moscoe, Stintz

AGAINST: Councillors LiPreti, Augimeri, Jenkins, Pitfield

ABSENT: Councillor Shiner

Carried.

Motion D., moved by Councillor Feldman, Ward 10 – York Centre, was Ruled Out of Order by the Chair, since the offer made by Councillor Pitfield, was only on condition that the 27 units for the subject location does not go forward. The Ruling of the Chair was not challenged.

(Report 6, Clause 28)

6.33 Status Report – Site Plan Approval Application – 05 123493 NNY 23 SA – Walker Nott Dragicevic Associates Limited – Richard Wengle Architect Inc. – 61, 65, 69 & 71 Churchill Avenue and 2, 4 & 6 Basswood Road (Ward 23 – Willowdale)

The North York Community Council considered a report (June 27, 2006) from the Director, Community Planning, North York District, providing information on the Site Plan Control Application for 36 townhouses at the above address.

Recommendation:

It is recommended that this report be received for information.

The North York Community Council also considered a report (June 30, 2006) from the City Solicitor, responding to the request of North York Community Council for a staff report on the site plan application for this site at Churchill Avenue and Basswood Road, and advising Community Council of the outcome of appearances before the Ontario Municipal Board on June 22, 2006.

Recommendation:

It is recommended that this report be received for information.

The North York Community Council considered communications:

- (July 10, 2006) from Adnan Isakovic;
- (July 11, 2006) from George Milbrandt, Co-Chair, Federation of North Toronto Residents' Association (FoNTRA); and
- (July 10, 2006) from George Belza, Partner, Analogica, on behalf of owners of 67 Churchill Avenue.

A staff presentation was made by Gordon McKay, Solicitor, Legal Division.

The following persons addressed the North York Community Council:

- Patricia Agnew;
- Debra Egan;
- Michelle Massey, Director, MTCC No. 1418 (The Dempsey Park Townhouses);
- George Milbrandt, Co-Chair, on behalf of North Toronto Residents' Association FoNTRA,;

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- Rick Ross;
- George Belza, Analogica, representing Dr. and Mrs. Hsuen;
- Eric Gillespie, Cunningham & Gillespie, Barristers and Solicitors, representing Ernesto Laurini, Harvey, Kathryn and Eric Otawara, Judy Hung, Annabel & Florent Marchildon, Nick & Susan Cowan, Peter & Edith Manierka, Soraya & Mohamed Mohamed, Debra Eagan & Gavin Grennan, Doreen & Patrick Stewart, Nikola & Marinella Skira, Rachel Kular, Dick & Dorothy Cowan, Tim & Angela Maitland and Neil & Vidya Johnston;
- David Rathgeber, Lansing Community Association Inc.; and
- George Laceby, Director, Lansing Community Association.

On motion by Councillor Fillion, Ward 23 – Willowdale, the North York Community Council recommended that City Council:

- (1) direct the City Solicitor to review the judicial review application and any supporting affidavit evidence with a view to supporting the request of disclosure of relevant plans and drawings, and such other matters as the City Solicitor deems advisable.
- (2) direct the Chief Planner and Executive Director, City Planning Division, to report on:
 - (a) measures that could be taken to dissuade applicants from submitting misleading development approval applications in the future; and
 - (b) measures that could be taken to ensure that in the future, third parties potentially affected by development proposals are provided with copies of relevant materials, on request, for such review and expert consultation as may be warranted;
- (3) adopt the following additional Recommendation:

“that in the future, applicants be required to certify that all required fees have been paid for any application to be considered by Council and that all required information has been correctly filed, and that staff include this certification in their report to Council along with the development application form.”

(Report 6, Clause 29)

Councillor Augimeri, in the Chair.

6.34 Request to Conduct Poll for the Speed Hump Plan, under the City of Toronto Traffic Calming Policy – Hillmount Avenue, from Dufferin Street to Capital Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered the following Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence:

“WHEREAS residents of Hillmount Avenue, from Dufferin Street to Capital Avenue, have expressed concern with regards to vehicle speeds on the roadway ; and

WHEREAS residents of Hillmount Avenue, from Dufferin Street to Capital Avenue, have expressed concern with regards to the volume of traffic on the roadway;

THEREFORE BE IT RESOLVED THAT the appropriate staff be authorized to conduct a poll of eligible residents of Hillmount Avenue, from Dufferin Street to Capital Avenue, for the speed hump plan, in accordance with the City of Toronto Traffic Calming Policy and public notice be given pursuant to the Municipal Class Environmental Assessment Act including Notice of Study Commencement to the Ministry of Environment, Fire Services, Emergency Services and Toronto Police Services; and

BE IT FURTHER RESOLVED THAT the appropriate staff convey the results of the survey to the respondents; and

BE IT FURTHER RESOLVED THAT the appropriate city officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

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

(Report 6, Clause 29)

6.35 Ontario Municipal Board Hearing – Committee of Adjustment Application – 57 Roslin Avenue (Ward 25 – Don Valley West)

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

“WHEREAS on May 4, 2006 the Committee of Adjustment, North York Panel, heard a Minor Variance application to permit a GFA of 0.75 times lot area and a proposed at-grade garage as a parking space for a lot having a frontage of 7.6m; and

WHEREAS several local residents expressed their opposition to this application through letters and their presence at the committee meeting; and

WHEREAS by first obtaining a building permit for a house that complied with zoning to the maximum built-form, and subsequently requesting an increasing in GFA for third floor use, the applicant has deprived the neighbours of the opportunity to work out a compromise to permit third floor use; and

WHEREAS the Committee of Adjustment gave approval to a modified GFA of 0.67 times lot area and allowed the at-grade garage; and

WHEREAS the residents have appealed the Committee's decision to the Ontario Municipal Board on the basis that the variances on the basis that the variances do not meet the four tests set out in the *Planning Act*:

- The variances do not maintain the general intent and purpose of the Official Plan:

The building is 3.5 storeys and is clearly incompatible with the neighbourhood and not in keeping with the existing physical character.
- The variances do not maintain the general intent and purpose of the Zoning By-law:

To ensure compatibility, height, depth, setback and density are intended to work together to define the maximum permissible standards, not just GFA on its own.
- The variances are not desirable for the appropriate development of the subject property:

The applicant has not demonstrated that the variances are desirable for the appropriate development or use of the lands.
- The variances are not minor:

The length of the building causes significant negative impact on the neighbours' enjoyment of their homes.

THEREFORE BE IT RESOLVED that the City Solicitor and Planning staff, be requested to attend the Ontario Municipal Board hearing to oppose the Committee of Adjustment's decision to modify the application for 57 Roslin Avenue (A0253/06NY), and in the event that Planning staff is unable to oppose the Committee of Adjustment decision, the City Solicitor be authorized to retain outside planning consultants to defend the Committee of Adjustment decision."

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council:

- (1) recommended that City Council:
 - (a) receive the Resolution submitted by Councillor Jenkins; and
 - (b) in accordance with the Municipal Act, any discussions on the confidential report from the City Solicitor, regarding representation at the upcoming Ontario Municipal Board, be held in-camera, because the subject matter relates to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- (2) requested the City Solicitor to submit a confidential report to City Council for its meeting on July 25, 26 and 27, 2006 regarding representation at the upcoming Ontario Municipal Board Hearing.

(Report 6, Clause 30)

Councillor Stintz, Vice Chair, in the Chair.

6.36 Request for Driveway Entrance Side Yard Variance – 58 Langholm Drive (Ward 9 – York Centre)

The North York Community Council considered a report (June 29, 2006) from the Director, Transportation Services, North York District, reviewing a request to allow a variance to the Driveway Entrance Policy for a side yard setback of 1.0 metre and to maintain existing driveway entrance width of 7.1 metres at 58 Langholm Drive. As this is an appeal, the applicants have requested to appear before Community Council.

Recommendation:

It is recommended that the application for the variance to the driveway entrance as well as the 1.0 metre set-back variance to the side yard set-back policy be denied.

On motion by Councillor Augimeri, Ward 9 – York Centre, 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 Report regarding a Request for Driveway Entrance Side Yard Variance – 58 Langholm Drive (Ward 9 – York Centre)

- A. Councillor Augimeri, Ward 9 – York Centre, moved that the application for a variance to the driveway entrance as well as the 1.0 metre set-back variance to the side yard set-back policy, be approved.
- B. Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that the North York Community Council recommend that City Council adopt the staff recommendation in the Recommendation Section of the report (June 29, 2006) from the Director, Transportation Services, North York District.
- C. Councillor Stintz, Ward 16 – Eglinton-Lawrence, moved in amendment to Motion A., moved by Councillor Augimeri, that the approval be conditional upon the issue of the neighbouring property being reconciled by either an encroachment agreement or having the driveway entirely on the applicant's lot.

Voting:

Motion C., moved by Councillor Stintz, in amendment to Motion A., moved by Councillor Augimeri, **Lost.**

Motion A., moved by Councillor Augimeri, **Lost.**

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

(Report 6, Clause 31)

Councillor Augimeri, in the Chair.

6.37 School Zone Review – Harrison Road Public School (Ward 25 – Don Valley West)

The North York Community Council considered a report (July 10, 2006) from the Director, Transportation Services, North York District, reporting on obtaining approval to amend the parking/stopping prohibitions on Harrison Road and Berkindale Drive.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the no parking anytime prohibition on the east side of Harrison Road, from the northerly limit of York Mills Road to the southerly limit of Old Colony Road;
- (2) Schedule IX of By-law No. 31001, of the former City of North York, be amended to delete the no stopping anytime prohibition on the east side of Harrison Road, from

the southerly limit of Old Colony Road to a point 90 metres south of Berkindale Drive;

- (3) Schedule X of By-law No. 31001, of the former City of North York, be amended to install a 15 minute permitted parking restriction on the north side of Berkindale Drive, from a point 30 metres west of westerly limit of Harrison Road to a point 75 metres west of the westerly limit of Harrison Road;
- (4) Schedule IX of By-law No. 31001, of the former City of North York, be amended to prohibit stopping from 8:00 a.m. to 6:00 p.m., Monday to Friday on the west side of Harrison Road, from the southerly limit of Old Colony Road to the northerly limit of Vernham Avenue;
- (5) Schedule X of By-law No. 31001, of the former City of North York, be amended to install a 15 minute permitted parking restriction on the east side of Harrison Road, from a point 30 metres south of Berkindale Drive to a point 90 metres south of Berkindale Drive;
- (6) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on the east side of Harrison Road, from a point 90 metres south of Berkindale Drive to the northerly limit of York Mills Road;
- (7) Schedule X of By-law No. 31001, of the former City of North York, be amended to install a 15 minute permitted parking restriction on the east side of Harrison Road, from a point 45.7 metres north of the northerly limit of Berkindale Drive to the southerly limit of Old Colony Road; and
- (8) 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, 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 Report regarding a School Zone Review – Harrison Road Public School (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 staff recommendations in the Recommendations Section of the report (July 10, 2006) from the Director, Transportation Services, North York District.

(Report 6, Clause 32)

6.38 Request for Endorsement of Events for Liquor Licensing Purposes - Special Occasion Beer Garden Permit Request – Canadian Hispanic Day Parade (Ward 8 – York West)

The North York Community Council considered the following Motion submitted by Councillor Li Preti, Ward 8 – York West:

“WHEREAS a request has been received from the Canadian Hispanic Day Parade for a special occasion permit to hold a community event on Saturday and Sunday, August 26 and 27, 2006 at Elm Park; and

WHEREAS this event is considered to be a community event; and

WHEREAS this event will include a Special Occasion Beer Garden; and

WHEREAS the Alcohol and Gaming Commission of Ontario requires that for events of this nature, approval be granted by City Council;

THEREFORE BE IT RESOLVED THAT:

- (1) Permission be granted to hold this Special Occasion Beer Garden Permit event;
- (2) A Special Occasion Permit from the Alcohol and Gaming Commission be obtained;
- (3) A \$50.00 facility permit fee and additional costs incurred by the Parks and Recreation Division for goods and services not readily available at the site be charged;
- (4) Proof of liability insurance coverage in the amount of \$2M, naming the City as additional insured be provided;
- (5) All bartenders and servers be required to attend a Smart Serve Training Program at the group’s expense;
- (6) All regulations outlined in all City policies pertaining to alcohol consumption at the time of the event be complied with; and
- (7) The appropriate City officials be authorized and directed to take the necessary action to give effect thereto;

AND BE IT FURTHER RESOLVED THAT City Council, for liquor licensing purposes, declare this community event to be an event of municipal and/or community significance; that it has no objection to this event taking place, and that the Alcohol and Gaming Commission of Ontario be so advised.”

On motion by Councillor Li Preti, Ward 8 – York 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 Motion regarding a Special Occasion Beer Garden Permit Request – Canadian Hispanic Day Parade (Ward 8 – York West)

On motion by Councillor Li Preti, Ward 8 – York West, the North York Community Council recommended that City Council adopt the motion, regarding the Canadian Hispanic Day Parade.

(Report 6, Clause 1)

6.39 Special Occasion Beer Garden Permit Request – Latin American Festival of La Puposa (Ward 8 – York West)

The North York Community Council considered the following Motion submitted by Councillor Li Preti, Ward 8 – York West:

“WHEREAS a request has been received from the Latin American Festival of La Pupusa for a special occasion permit to hold a community event, the 10th Festival of la Pupusa, on Saturday and Sunday, September 16 and 17, 2006 at a location to be determined; and

WHEREAS this event is considered to be a community event; and

WHEREAS this event will include a Special Occasion Beer Garden; and

WHEREAS the Alcohol and Gaming Commission of Ontario requires that for events of this nature, approval be granted by City Council;

THEREFORE BE IT RESOLVED THAT:

- (1) Permission be granted to hold this Special Occasion Beer Garden Permit event;
- (2) A Special Occasion Permit from the Alcohol and Gaming Commission of Ontario be obtained;
- (3) A \$50.00 facility permit fee and additional costs incurred by the Parks and Recreation Division for goods and services not readily available at the site be charged;
- (4) Proof of liability insurance coverage in the amount of \$2M, naming the City as additional insured be provided;

- (5) All bartenders and servers be required to attend a Smart Serve Training Program at the group's expense;
- (6) All regulations outlined in all City policies pertaining to alcohol consumption at the time of the event be complied with; and
- (7) The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

AND BE IT FURTHER RESOLVED THAT City Council, for liquor licensing purposes, declare this community event to be an event of municipal and/or community significance; that it has no objection to this event taking place, and that the Alcohol and Gaming Commission of Ontario be so advised."

On motion by Councillor Li Preti, Ward 8 – York 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 Motion regarding a Special Occasion Beer Garden Permit Request – Latin American Festival of La Puposa (Ward 8 – York West).

On motion by Councillor Li Preti, Ward 8 – York West, the North York Community Council recommended that City Council adopt the motion, regarding the Festival of La Puposa.

(Report 6, Clause 1)

6.40 Photograph - North York Community Council – 2003 - 2006

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 Motion regarding a Photograph – North York Community Council – 2003 – 2006.

The North York Community Council endorsed the following motion moved by Councillor Shiner:

“That the Administrator, North York Community Council, make the necessary arrangements to have a group photograph taken of the Members of the North York Community Council for 2003 to 2006, at the North York Community Council meeting scheduled for September 13, 2006”

(Report 6, Other Items Clause 34(f))

6.41 Special Meeting of the North York Community Council - September 19, 2006

On motion by Councillor Augimeri, Ward 9 – York Centre, 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 Motion regarding a Special Meeting of the North York Community Council – September 19, 2006.

The North York Community Council endorsed the following motion moved by Councillor Augimeri:

“THAT in light of the number of statutory public meetings that must be held by the North York Community Council, prior to the last meeting of City Council, to deal with numerous planning applications, a special meeting of the North York Community Council be held on September 19, 2006, if necessary.”

(Report 6, Other Items Clause 34(g))

Adjournment:

The North York Community Council adjourned its meeting at 9:05 p.m. on Tuesday, July 11, 2006.

Chair