

Planning and Growth Management Committee

Meeting No. 19 Meeting Date Tuesday, October 14, 2008 Start Time 9:30 AM Location Committee Room 1, City Hall	Contact Merle MacDonald, Committee Administrator Phone 416-392-7340 E-mail pgmc@toronto.ca
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Confirmation of Minutes

On motion by Councillor Vaughan, the Minutes of the meeting of the Planning and Growth Management Committee held on September 10, 2008 were confirmed.

PG19.1	ACTION	Amended	Ward: 2
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Community Improvement Plan to Provide Financial Incentives for Woodbine Live!

Statutory - Planning Act, RSO 1990

(September 30, 2008) Report from Deputy City Manager Sue Corke and the Chief Planner and Executive Director, City Planning

Recommendations

The Deputy City Manager and the Chief Planner and Executive Director, City Planning Division recommend that City Council:

1. Adopt the Community Improvement Plan for the Woodbine Live! Transformative Project, attached as Attachment 1 to this report.
2. Authorize the City Solicitor to make such technical and stylistic changes to the draft community improvement plan by-law as may be required.
3. Authorize City staff to introduce the necessary bill to implement the foregoing.
4. Authorize the General Manager of Economic Development Culture and Tourism to execute financial incentive agreements to implement the financial incentives program for the Woodbine Live! Transformative Project.

Financial Impact

This report recommends the adoption of a site-specific Community Improvement Plan which will implement Council's direction. There are no additional financial impacts to those outlined in the staff report considered by Council when it approved the project in principle.

(<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf>)

Summary

At its meeting of July 15-17, 2008, City Council approved in principle, the Woodbine Live! project as a "Transformative Project", along with financial incentives to support the development.

This report recommends the adoption of a site-specific Community Improvement Plan, pursuant to Section 28 of the Planning Act, to implement the financial incentives in support of the Woodbine Live! project.

This report also responds to Council's request that staff report on:

- the local hiring and training program;
- public access to the outdoor open space and amenity features of the project; and
- how these features will be secured through appropriate agreements.

Communications

(October 8, 2008) e-mail from Steven Tufts (PG.New.PG19.1.1)

Speakers

Nick Eaves, Woodbine Entertainment Group

Blake Cordish, The Cordish Company, The Power Plant

Alister R. Mathieson, Humber Institute of Technology and Advanced Learning

Paul Clifford, UNITE HERE Local 75

Mohamed Yusuf

Cadigia Ali

Zeleda Davis

Guled Warsame

Israt Ahmed, Community Social Planning Council of Toronto Applewood, The Shaver Homestead

Herman Todd, Albion Neighbourhood Services

Kay Blair, Community MicroSkills Development Centre

Steve Diamond, Diamond Corporation

Councillor Janet Davis, Ward 31 Beaches-East York

Councillor Susan Hall, Ward 1 Etobicoke North

Councillor Cliff Jenkins, Ward 25 Don Valley West

Committee Recommendations

The Planning and Growth Management Committee recommended that City Council:

1. Adopt the Community Improvement Plan for the Woodbine Live! Transformative Project, submitted as Attachment 1 to the report, subject to:

- a. inserting an additional sentence at the end of Section 8.8 of the Woodbine Community Improvement Plan, as follows:

“The Owner shall use reasonable commercial efforts to have its tenants participate in the Local Hiring and Employment Strategy.”;
 - b. amending the third bullet point in Section 8.8, part (iii) entitled “Priority Hiring Process”, to read:

“Priority hiring of qualified candidates, as appropriate, referred through the Employment Centre and graduates of customized employment and training initiatives.”
2. Authorize the City Solicitor to make such technical and stylistic changes to the draft community improvement plan by-law as may be required.
 3. Authorize City staff to introduce the necessary bill to implement the foregoing.
 4. Authorize the General Manager of Economic Development Culture and Tourism to execute financial incentive agreements to implement the financial incentives program for the Woodbine Live! Transformative Project.

(Motion by Councillor Di Giorgio for Councillor Hall)

Decision Advice and Other Information

The Planning and Growth Management Committee:

1. held a public meeting on October 14, 2008, and notice was given in accordance with the Planning Act;
2. referred Councillor Vaughan’s motion to the General Manager of Economic Development, Culture and Tourism for report to Council on October 29, 2008:
 - a. that the previous year’s local employment levels form the base for the next year and as such become a target. Further, that there be a financial penalty if the year-to-year target is not met, and that the penalty be invested in the onsite Training Centre.
 - b. that average income levels be reported out annually for locally based employees, measured against the average for the total employment base.

(Motion by Councillor Vaughan)

3. requested the General Manager of Economic Development, Culture and Tourism to report to Council annually on the achievement of the eligibility requirements (8.4) for the Enhanced Development Grants for the Woodbine Community Improvement Plan, including details related to (8.8) Local Hiring and Training Program and (9.3 i) which

relates to reporting on jobs; and

4. directed Legal and Clerk's staff to determine a method for making available to Councillors, interested parties and the public the Financial Incentive Agreement.

(Motion by Councillor Kelly for Councillor Davis)

Motions

Motion to Adopt Item as Amended moved by Councillor Frank Di Giorgio (Carried)

Motion to Amend Item (Additional) moved by Councillor Adam Vaughan (Carried)

Motion to Amend Item (Additional) moved by Councillor Norman Kelly (Carried)

Links to Background Information

Community Improvement Plan to Provide Financial Incentives for Woodbine Live!

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16013.pdf>

PG19.2	ACTION	Adopted		Ward: All
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Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers

Statutory - Planning Act, RSO 1990

(September 29, 2008) Report from Chief Planner and Executive Director, City Planning

Recommendations

The Chief Planner and Executive Director of the City Planning Division recommend that Council:

1. Enact the Firing Range and Firearms Manufacturing Zoning By-law Amendment for the City of Toronto substantially in accordance with the draft zoning by-law identified as Attachment No. 1.
2. Authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. Request the Chief Planner and Executive Director of the City Planning Division to incorporate these amendments into the new Zoning By-law and report at that time on any other recommendations necessary to achieve their intent.

Financial Impact

The recommendations in this report have no financial impact.

Summary

This report presents a by-law to regulate the permissions for the establishment of uses involved in the making or discharging of firearms in the City of Toronto.

Council is concerned with the significant impact to public health and safety that emanates from the existence of firearms violence, in particular handguns, within the community. Through its 2004 Community Safety Plan, Council has established a balanced approach of prevention and enforcement efforts through its “Making a Safe City Safer” initiative. However, the persistence of gun related violence has caused Council to consider options for further actions. In a recent report entitled “City Based Measures to Address Gun Violence”, Council adopted actions strengthening its support for innovative prevention programs, engaging in an active national advocacy campaign, establishing a policy deeming uses that promote firearms use as unacceptable at City owned facilities and, employing its land use regulatory authority in order to reduce the availability and use of handguns consistent with its efforts on “Making a Safe City Safer” initiative.

In regulating the use of land through its Official Plan and Zoning By-law, City Council is obligated to have regard to the matters of Provincial interest outlined in the Planning Act. Among are statements calling for development of safe and healthy communities and the protection of public health and safety. The Official Plan already calls for the development of an attractive and safe community. What follows are zoning by-law amendments that help achieve the vision of a safe community and are consistent with Council’s approach to firearms violence. In particular, this report recommends restrictions on the as-of-right permission to establish shooting ranges and gun manufacturers.

Communications

- (September 30, 2008) e-mail from G. M. Richardson (PG.Main.PG19.2.1)
- (September 30, 2008) e-mail from Lothar Schindler (PG.Main.PG19.2.2)
- (October 9, 2008) e-mail from Lou Marxer, Range Officer, West Toronto Revolver Association (PG.New.PG19.2.3)
- (October 10, 2008) letter from William H. Roberts (PG.New.PG19.2.4)
- (October 14, 2008) submission from Greg Farrant, Ontario Federation of Anglers and Hunters (PG.New.PG19.2.5)
- (October 14, 2008) submission from Dr. Judith Ross, Director, Canadian Shooting Sports Association (PG.New.PG19.2.6)

Speakers

William H. Roberts
 Greg Farrant, Ontario Federation of Anglers and Hunters
 Judith Ross, Director, Canadian Shooting Sports Association

Committee Recommendations

On motion by Councillor Vaughan, the Planning and Growth Management Committee recommended that City Council:

1. Enact the Firing Range and Firearms Manufacturing Zoning By-law Amendment for the City of Toronto substantially in accordance with the draft zoning by-law identified as Attachment 1 of the report.

2. Authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. Request the Chief Planner and Executive Director of the City Planning Division to incorporate these amendments into the new Zoning By-law and report at that time on any other recommendations necessary to achieve their intent.

Decision Advice and Other Information

The Planning and Growth Management Committee held a public meeting on October 14, 2008, and notice was given in accordance with the Planning Act.

Motions

Motion to Adopt Item moved by Councillor Adam Vaughan (Carried)

Links to Background Information

Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16006.pdf>

PG19.3	ACTION	Amended		Ward: 28, 30
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Further Report on Removal of the Gardiner Expressway East from Jarvis

(September 26, 2008) Report from Chief Planner and Executive Director, City Planning

Recommendations

The City Planning Division recommends that Planning and Growth Management Committee:

1. Direct the Chief Planner to include the lands north of Lake Shore Boulevard and south of the rail corridor, between the Don River and Cherry Street, in the waterfront planning area for the Lower Don Lands.
2. Direct the Chief Planner to undertake a planning framework study, in consultation with the Waterfront Secretariat and Waterfront Toronto, for the area in the Port Lands east of the Don Roadway adjacent to Lake Shore Boulevard East.
3. Authorize the Chief Planner to review and make recommendations on the appropriate amendments/modifications to the Official Plan and the Central Waterfront Plan.

Financial Impact

There are no financial implications with the adoption of this report.

Summary

At its meeting of July 15, 16 and 17, 2008 City Council adopted motions to authorize the City to act as co-proponent with Waterfront Toronto to undertake an individual environmental assessment on the removal of the Gardiner Expressway, east of Jarvis Street and the creation of an at-grade boulevard. City Council also directed the Chief Planner to report back to Planning and Growth Management Committee on land use and development issues related to the removal of the Gardiner Expressway.

Decision Advice and Other Information

On motion by Councillor Vaughan, the Planning and Growth Management Committee:

1. Directed the Chief Planner to include the lands north of Lake Shore Boulevard and south of the rail corridor, between the Don River and Cherry Street, in the waterfront planning area for the Lower Don Lands.
2. Directed the Chief Planner to undertake a planning framework study, in consultation with the Waterfront Secretariat and Waterfront Toronto, for the area in the Port Lands east of the Don Roadway adjacent to Lake Shore Boulevard East.
3. Authorized the Chief Planner to review and make recommendations on the appropriate amendments/modifications to the Official Plan and the Central Waterfront Plan.
4. Directed staff to emphasize what was moved at Council and to give particular attention to the quality and the number of north/south pedestrian access points in the Planning study and highlight the options that improve pedestrian access.
5. Directed staff to quantify and make available as part of the Planning study the impact that various scenarios have on the amount of land especially City land.

Motions

Motion to Adopt Item as Amended moved by Councillor Adam Vaughan (Carried)

Links to Background Information

Removal of Gardiner Expressway East from Jarvis

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16010.pdf>

PG19.4	ACTION	Adopted		Ward: 35, 36, 37, 38, 42, 43, 44
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Official Plan Amendment for Scarborough-Malvern Light Rail Transit – Request for Direction

(September 16, 2008) Report from Chief Planner and Executive Director, City Planning

Recommendations

The City Planning Division recommends that:

1. Staff be directed to prepare a draft official plan amendment to reflect the recommended alignment of the Scarborough-Malvern Light Rail Transit line, as determined by the environmental assessment study, to be considered at a public meeting of the Planning and Growth Management Committee; and
2. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Summary

On March 21, 2007 the Toronto Transit Commission (TTC) endorsed a light rail transit plan for the City of Toronto which included seven projects across the City. Amongst them was the Scarborough-Malvern Light Rail Transit from Kennedy subway station east on Eglinton Avenue to Kingston Road, north east along Kingston Road to Morningside Avenue and then north along Morningside Avenue to the Malvern Community.

The Official Plan, Map 5 Surface Transit Priority Network, identifies the subject stretches of Eglinton Avenue and Kingston Road as transit priority segments but not Morningside Avenue or Neilson Road. The preliminary planning for the environmental assessment study is contemplating service to the Malvern Community by routing the light rail transit from Morningside onto Sheppard going west and then north onto Neilson Road. The study is also looking at serving the University of Toronto and Centennial College campuses at Morningside Avenue and Ellesmere Road by possibly routing the facility along Ellesmere Road and Military Trail.

Map 3 Right-of-Way Widths Associated with Major Streets in the Official Plan identifies the subject stretches of Eglinton Avenue, Kingston Road and Morningside Avenue to have a 36 metre right-of-way with the exception of a short stretch on Morningside Avenue just north of Lawrence Avenue which is identified as a 30 metres right-of-way.

The purpose of this report is to seek Council's authorization for the preparation of a City-initiated Official Plan Amendment to amend Map 5, and Map 3 if required, to reflect the recommended route for the Scarborough-Malvern Light Rail Transit, to be determined through the environmental assessment study process.

The official plan amendment would enable construction of the project to commence in a timely manner upon approval of the environmental assessment study and procurement of funding.

Decision Advice and Other Information

On motion by Councillor Stintz, the Planning and Growth Management Committee:

1. Directed staff to prepare a draft official plan amendment to reflect the recommended

alignment of the Scarborough-Malvern Light Rail Transit line, as determined by the environmental assessment study, to be considered at a public meeting of the Planning and Growth Management Committee.

2. Directed that notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Motions

Motion to Adopt Item moved by Councillor Karen Stintz (Carried)

Links to Background Information

Scarborough Malvern Light Rail Transit

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-15906.pdf>)

PG19.5	ACTION	Amended		Ward: All
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Maximum Floorplates in Older Commercial Areas

(September 23, 2008) Report from Chief Planner and Executive Director, City Planning

Recommendations

The City Planning Division recommends that:

1. City Council not proceed with a by-law to implement a maximum floorplate by-law in older commercial districts and small businesses in older neighbourhoods.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

Summary

This report responds to Council's July 2007 direction to report on a by-law to implement a maximum floorplate by-law to protect older commercial districts and small businesses in older neighbourhoods. The aim is to retain affordable rental space for small business on these traditional shopping streets.

The report concludes that there is little evidence that the older commercial strips are being affected by large stores, and that regulating the floorplate size would be an inappropriate technique for addressing the issue. No changes to the zoning by-laws are recommended at this time.

Committee Recommendations

On motion by Councillor Vaughan, the Planning and Growth Management Committee recommended that City Council:

1. receive the report (September 23, 2008) from the Chief Planner and Executive Director of City Planning for information.

Decision Advice and Other Information

On motion by Councillor Vaughan, the Planning and Growth Management Committee requested the:

1. Chief Planner and Executive Director of City Planning to submit a report to the Committee, as soon as possible, on a proposal for a floorplate by-law for the Queen Street West Heritage Conservation District; and
2. Chief Planner and Executive Director of City Planning to submit a report to the Committee, as soon as possible, on a by-law with thresholds for new development that replicates existing and established floorplate ratios.

Motions

Motion to Amend Item moved by Councillor Adam Vaughan (Carried)

Links to Background Information

Maximum Floorplates in Older Commercial Areas

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-15996.pdf>

PG19.6	ACTION	Amended		Ward: All
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Conversion of Rental Housing to Co-ownership

(September 25, 2008) Report from Chief Planner and Executive Director, City Planning

Recommendations

The City Planning Division recommends:

1. That City staff meet with Provincial staff to develop a protocol that would enable Provincial staff to:
 - a. not register applications that involve rental conversions under the Business Corporations Act for co-ownerships and under the Co-operative Corporations Act for equity co-operatives or co-operatives with share capital, or
 - b. defer the incorporation of co-ownerships and equity co-operatives until the City has issued a permit in favour of the conversion of the rental property under the authority of the City of Toronto Act, and
 - c. ensure that any prospective registrant under the Business Corporations Act or

the Co-operative Corporations Act are fully advised of the City's position regarding the establishment of co-ownerships or equity co-operatives through the conversion of residential rental properties, in advance of such corporations being registered, and

- d. provide the City, on a semi-annual basis, with a list of any corporations registered with the Province for the purpose of co-ownership of rental property in the City of Toronto so that the City might monitor activity and, if required, take appropriate legal action.

Financial Impact

There are no financial impacts beyond what has already been approved in the City Planning Division's 2008 Operating Budget.

Summary

This report responds to a request from Planning and Growth Management Committee that the Chief Planner and Executive Director report on a policy or by-law regulating the conversion of rental housing to co-ownership. Council previously dealt with this matter as part of the implementation of Section 111 of the City of Toronto Act. Chapter 667 of the Municipal Code, which was enacted in July 2007, prohibits the conversion of rental housing to any form of co-ownership without a permit from City Council.

Unlike conversion to condominium, where the City is the approval authority for the creation of a condominium, the creation of a corporation (either under the Business Corporations Act or the Co-operative Corporations Act) is a Provincial responsibility. Thus, while the City's Code prohibits this conversion, the means to effectively achieve this is not within the City's direct control. Consequently, the City's ability to enforce the Code's provisions is largely a rearguard action, that is, prosecution after the fact.

On August 25th, the Mayor wrote to the Ministers of Municipal Affairs and Housing, Government Services and Finance/Financial Services Commission and requested that the Province implement one of the following two options: prohibit the registration of businesses operating as co-ownerships and equity co-operatives that involve the conversion of rental buildings; or, defer the incorporation of these types of properties until such time as the City has issued a permit in favour of the conversion of the property. Provincial staff have agreed to meet with City staff to discuss this issue.

This report recommends that Council direct staff to work with the Province to assist in achieving a more proactive approach to regulating the conversion of rental housing to co-ownerships and equity co-ops in the City, consistent with the intent of the powers that were provided under the City of Toronto Act.

Committee Recommendations

On motion by Councillor Stintz, the Planning and Growth Management Committee recommended that City Council:

1. Direct City staff to meet with Provincial staff to develop a protocol that would enable Provincial staff to:

- a. not register applications that involve rental conversions under the Business Corporations Act for co-ownerships and under the Co-operative Corporations Act for equity co-operatives or co-operatives with share capital, or
- b. defer the incorporation of co-ownerships and equity co-operatives until the City has issued a permit in favour of the conversion of the rental property under the authority of the City of Toronto Act, and
- c. ensure that any prospective registrant under the Business Corporations Act or the Co-operative Corporations Act are fully advised of the City's position regarding the establishment of co-ownerships or equity co-operatives through the conversion of residential rental properties, in advance of such corporations being registered, and
- d. provide the City, on a semi-annual basis, with a list of any corporations registered with the Province for the purpose of co-ownership of rental property in the City of Toronto so that the City might monitor activity and, if required, take appropriate legal action.

Decision Advice and Other Information

On motion by Councillor Stintz, the Planning and Growth Management Committee requested the City Solicitor to report to Council on October 29, 2008, on the concept of appropriate legal action referred to in Recommendation 1 d. of the staff report.

Motions

Motion to Amend Item moved by Councillor Karen Stintz (Carried)

Links to Background Information

Conversion of Rental Housing to Co-ownership

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-15994.pdf>

PG19.7	Information	Received		Ward: All
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City Council Decisions on Complete Planning Applications – Information Report

(September 29, 2008) Report from Chief Planner and Executive Director, City Planning

Summary

This report provides a status update on Planning and Growth Management Committee's July 2, 2008 direction to provide recommendations allowing for decisions on the merits of complete applications that have been submitted to the City to be made by Council within the statutory time periods, together with a draft guideline or protocol providing for timely and meaningful

staff consultation with local Ward Councillors during the evaluation and processing of planning applications.

Staff are reviewing current business practices on reporting to allow for decisions on complete applications to be made by Council within statutory time periods and are reviewing a draft protocol providing for meaningful staff consultation with local Ward Councillors during the evaluation and processing of planning applications. As this work has not yet concluded, staff will report back to Planning and Growth Management Committee in the future.

Decision Advice and Other Information

On motion by Councillor Di Giorgio, the Planning and Growth Management Committee received the item for information.

Motions

Motion to Receive Item moved by Councillor Frank Di Giorgio (Carried)

Links to Background Information

City Council decisions on Complete Applications
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16011.pdf>

(Deferred from July 2, 2008 PG17.6 and September 10, 2008 PG18.6)

PG19.8	ACTION	Deferred		Ward: 12
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Supplementary Report: 103-111 Ingram Drive – Site Plan Approval and Building Permit History

(September 26, 2008) Report from Chief Building Official and Executive Director, Toronto Building

Summary

This report responds to the Planning and Growth Management Committee's request at its meeting of September 10, 2008 for a supplementary information staff report to clarify several issues, identified by the Committee, with respect to 103 Ingram Drive and 111 Ingram Drive.

The report (PG 18.6) considered by Committee on September 10, 2008 provided information on the Site Plan Approval application activity and building permit application activity for the structures and trailers, all relating to the existing businesses on the property municipally identified as 103 Ingram Drive (also referred to as 103-111 Ingram Drive).

Decision Advice and Other Information

On motion by Councillor Di Giorgio, the Planning and Growth Management Committee deferred the item until its meeting on November 13, 2008.

Motions

Motion to Defer Item moved by Councillor Frank Di Giorgio (Carried)

Links to Background Information

103, 111 Ingram Drive Supplementary Report

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16009.pdf>)

8a 103-111 Ingram Drive – Site Plan Approval and Building Permit History

(June 16, 2008) Report from Chief Planner and Executive Director, City Planning

Financial Impact

There are no financial implications.

Summary

This report provides information on the Site Plan Approval application activity and building permit application activity for the structures and trailers, all relating to the existing businesses on the property municipally identified as 103 Ingram Drive (also referred to as 103-111 Ingram Drive).

Links to Background Information

103-111 Ingram Drive - Site Plan Approval and Building Permit History

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16008.pdf>)

PG19.9	Information	Received		Ward: All
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Legislative Changes Regarding Section 37/45 Community Benefits in Ontario Municipal Board Decisions

(September 29, 2008) Report from Chief Planner and Executive Director, City Planning

Summary

There has been insufficient time to complete the requested report for the October 14, 2008 agenda, and staff will report to the November 13, 2008 meeting of Planning and Growth Management Committee.

Decision Advice and Other Information

On motion by Councillor Stintz, the Planning and Growth Management Committee received the item for information.

Motions

Motion to Receive Item moved by Councillor Karen Stintz (Carried)

Links to Background Information

Section 37, 45 community benefits in OMB decisions

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16007.pdf>)

(Deferred from September 10, 2008 - PG18.5)

PG19.10	ACTION	Amended		Ward: All
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Operation of the Committee of Adjustment

(August 21, 2008) Report from Chief Planner and Executive Director, City Planning

Summary

This report addresses issues raised by the Planning and Growth Management Committee at the meeting held on April 10, 2008, (PG14.2) in response to the report dated March 6, 2008. The report dated February 27, 2008 addressed policy changes pertaining to the operation of the Committee of Adjustment.

The Planning and Growth Management Committee adopted recommendations on April 10, 2008, dealing with such matters as:

- staff reports regarding severance applications
- the substance of reports
- early notification to Councillors on severance applications and electronic notification of Committee's decisions
- staff attendance at the Ontario Municipal Board
- increase in application fees
- the establishment of a reserve fund to hire planners to defend the Committee of Adjustment decisions at the OMB.

These recommendations were referred to staff for a report to the Planning and Growth Management Committee on the implementation plan and financial implications.

Many of these recommendations are already in place in the Committee of Adjustment offices.

That this report be received by the Planning and Growth Management Committee for information.

Speakers

Greg Smart

Decision Advice and Other Information

The Planning and Growth Management Committee:

1. Approved the following:

- a. Planning staff write reports on all applications for severance and associated applications.

City Planning staff will continue to prepare reports on severance applications to create new lots and associated applications. Reports are generally not prepared for delegated consents, which include technical severances (re-establishing lots that merged in title), lot additions, leases in excess of 21 years, mortgages and discharges of mortgages and creating and/or re-establishing easements/rights-of-way, as they rarely involve new development. This delegated practice will continue.

- b. In written reports, Planning staff bear in mind that the City's by-laws and existing character of neighbourhoods should be maintained unless there are compelling reasons to do otherwise.

The Planning Act requires that the Committee of Adjustment members and commenting agencies carefully consider the 4 tests. City Planning staff are trained to be mindful of the statutory requirements when conducting site inspections of properties that may be the subject of a written staff report. City Planning staff when writing reports on Committee of Adjustment applications consider not only the merits of the proposal but also critically review it from a planning perspective. Site inspections are conducted and each development proposal is assessed with respect to the intent of the zoning by-law, the intent of the Official Plan, whether it is considered desirable for the neighbourhood, if similar applications have been granted in the vicinity, whether it offends other city-wide policies or if specific conditions are to be imposed. The Official Plan states that the physical character of the neighbourhood be maintained.

- d. Planning staff review all instances in which the Committee of Adjustment has rejected an application to determine whether City staff can attend the hearing in defence of the Committee decision.

City Planning staff will continue the city-wide adopted practice that has been in place since amalgamation that requires an individual Councillor to bring forward a motion to Community Council or City Council requesting Legal Services staff to attend a hearing at the Ontario Municipal Board. City Planning staff cannot be required by City Council to attend. Rather, Legal Services inquires whether there is City Planning staff support for the position taken by City Council. If so, City Planning staff are prepared to attend the Ontario Municipal Board's hearing to provide professional evidence.

In those cases where there is no planning or City-wide interest, and Council

adopts a motion by an individual Councillor to appeal a decision, Council must authorize the City Solicitor to attend the Ontario Municipal Board hearing and retain an outside professional planning consultant to defend its appeal. Given the time constraints of a 20 day appeal period, an individual Councillor may request the City Solicitor to lodge an appeal, however attendance at the Board hearing is still, and should be, directed by City Council.

2. Requested the Chief Planner and Executive Director of City Planning to report further on what additional resources would be needed to achieve the following:
 - c. Planning staff notify Councillors of all severance applications at the time they are received.

Committee of Adjustment offices will continue to work toward the adopted best practice of mailing notices of public hearing not less than 15 days prior to each hearing. Districts with higher volumes of applications and public hearings are better equipped to meet this deadline as agenda schedules are set in advance of the actual public hearing date. Districts that have fewer hearings and lower application volumes are basically accepting complete applications and scheduling them for hearing at the same time. In all instances, this administrative practice is well within the 14 day consent and 10 day minor variance public notification requirement set by the Planning Act.

(Motion by Councillor Filion)

3. Requested the Committee Chair to involve the Planning and Growth Management Committee in the development of Committee of Adjustment Planning fees.
4. Requested the Chief Building Official to follow up with Enbridge on how to identify non-compliant chimneys that occur as a result of a Committee of Adjustment decision and identify ways to minimize the impacts on the adjacent properties.

(Motion by Councillor Stintz)

Motions

Motion to Adopt Item as Amended moved by Councillor John Filion (Carried)

Motion to Amend Item (Additional) moved by Councillor Karen Stintz (Carried)

Links to Background Information

Operation of the Committee of Adjustment

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-15610.pdf>

PG19.11	Information	Received		Ward: All
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Establishing a Local Appeal Body for Committee of Adjustment Decisions - Status Report

(September 25, 2008) Report from Chief Planner and Executive Director of City Planning

Summary

At its meeting of June 5, 2008, Planning and Growth Management Committee directed the establishment of a Councillor-Staff Working Group to develop the structure for an Appeal Panel to hear appeals of Committee of Adjustment decisions on Minor Variance and Consent Applications and to report back to PGM Committee by October 2008.

The purpose of this report is to provide a brief background regarding Local Appeal Bodies (LABS) as they pertain to the City of Toronto and to advise the Committee that the establishment of the Councillor-Staff Working Group is underway. It is anticipated that a final report regarding this matter will be completed in Spring 2009.

Decision Advice and Other Information

On motion by Councillor Di Giorgio, the Planning and Growth Management Committee received the item for information.

Motions

Motion to Receive Item moved by Councillor Frank Di Giorgio (Carried)

Links to Background Information

Local Appeal Body for Committee of Adjustment Decisions
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-15995.pdf>

Submitted Tuesday, October 14, 2008

Councillor Norman Kelly, Chair, Planning and Growth Management Committee

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2008-10-14	Morning	9:45 AM	1:10 PM	Public
2008-10-14	Afternoon	2:00 PM	2:05 PM	Public
2008-10-14	Afternoon	2:30 PM	3:40 PM	Public

Attendance

Date and Time	Quorum	Members
2008-10-14 9:45 AM - 1:10 PM (Public Session)	Present	<i>Present:</i> Di Giorgio, Filion, Kelly, Stintz, Vaughan <i>Not Present:</i> Milczyn <i>Also present (non-members):</i> Councillors Davis, Hall, Jenkins
2008-10-14 2:00 PM - 2:05 PM (Public Session)	Present	<i>Present:</i> Di Giorgio, Filion, Kelly, Vaughan <i>Not Present:</i> Milczyn, Stintz
2008-10-14 2:30 PM - 3:40 PM (Public Session)	Present	<i>Present:</i> Di Giorgio, Filion, Kelly, Stintz, Vaughan <i>Not Present:</i> Milczyn

 Chair