
North York Community Council

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| Meeting No. | 28 | Contact | Francine Adamo, Committee Administrator |
| Meeting Date | Tuesday, October 13, 2009 | Phone | 416-395-7348 |
| Start Time | 9:30 AM | E-mail | nycc@toronto.ca |
| Location | Council Chamber, North York Civic Centre | Chair | Councillor Maria Augimeri |

| Item | | Page |
|---------|--|------|
| NY28.19 | Demolition Control Applications - 60 Rowena Drive (5 Avonwick Gate) (Ward: 34) | 1 |
| NY28.22 | Turn Restrictions - Avenue Road at Glencairn Avenue (Ward: 16) | 3 |
| NY28.23 | Operational Changes to Traffic Control Signal - Bayview Avenue at 2365 Bayview Avenue (Crescent School) (Ward: 25) | 4 |
| NY28.27 | Final Report - Common Elements Condominium and Part Lot Control Applications - 91, 93, 95, 97, 99 Finch Avenue West (Ward: 23) | 5 |
| NY28.28 | Final Report – Partial Removal of the Holding (H) Symbol application – 2075 Bayview Ave Sunnybrook Hospital (Ward: 25) | 6 |
| NY28.32 | Ontario Municipal Board Hearing - A0250/09NY - 350 Briar Hill Avenue (Ward: 16) | 8 |
| NY28.33 | Ontario Municipal Board Hearing - Committee of Adjustment Application - 122 Anndale Drive (Ward: 23) | 9 |

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| Location | Council Chamber, North York Civic Centre | Chair | Councillor Maria Augimeri |

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| NY28.19 | ACTION | | | Ward: 34 |
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Demolition Control Applications - 60 Rowena Drive (5 Avonwick Gate)

Confidential Attachment - The receiving of advice in the report from the City Solicitor (October 8, 2009) that is subject to solicitor-client privilege

Committee Recommendations

North York Community Council recommends that:

1. City Council refuse the application to demolish the subject residential building at 60 Rowena Drive (5 Avonwick Gate).
2. City Council receive the confidential legal advice set out in Attachment 1 to the report (October 8, 2009) from the City Solicitor.
3. City Council direct that the information contained in Attachment 1 to the report (October 8, 2009) from the City Solicitor, remains confidential.

Decision Advice and Other Information

North York Community Council met in closed session to consider this Item as the report with confidential attachment (October 8, 2009) from the City Solicitor relates to litigation or potential litigation that affects the City or one of its agencies, boards and commissions and contains advice or communications that are subject to solicitor-client privilege.

Origin

(September 18, 2009) Report from Edward Tipping, Director and Deputy Chief Building Official

Summary

This Staff Report is about a matter for which Community Council does not have delegated

authority from City Council to make a decision on whether to issue or refuse the permit to demolish the residential properties at the above noted address because the buildings on the subject property have a heritage designation under the Ontario Heritage Act (OHA).

On March 6, 2009 Toronto Building received a demolition permit application to demolish three vacant residential buildings located at 60 Rowena Drive (also known as 5 Avonwick Gate). The buildings on the property have been designated under the OHA.

In accordance with Section 33 of the Planning Act and the Municipal Code, Chapter 363, Article II "Demolition Control", the above noted demolition permit application is submitted to the North York Community Council for consideration and to make recommendation to refuse or to grant the issuance of a demolition permit because the owner has not applied for a building permit to replace the buildings to be demolished.

If the North York Community Council recommends granting the issuance of the demolition permit, it may do so with or without conditions.

The recommendation to grant or to refuse the demolition application will be forwarded to City Council for a final decision.

Background Information

Staff Report & Attachments 1-2 - Demolition Control Applications - 60 Rowena Drive (5 Avonwick Gate)
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23592.pdf>)

Communications

(October 6, 2009) E-mail from Helen P. Sunter (NY.New.NY28.19.1)
(October 13, 2009) E-mail from Steven J. O'Melia, Miller Thomson LLP, on behalf of Toronto Catholic District School Board (NY.New.NY28.19.2)

Speakers

Dennis Timbrell, Chair, O'Connor Irish Heritage House Inc.
Edith Geduld, Past Chair, North York Community Preservation Panel

19a Demolition Control Applications – 60 Rowena Drive (5 Avonwick Gate)

Origin

(October 8, 2009) Report from City Solicitor

Summary

North York Community Council, at its meeting of October 13, 2009 will be dealing with a report dated September 28, 2009 from the Director and Deputy Chief Building Official with respect to an application to demolish residential buildings at 60 Rowena Drive (5 Avonwick Gate). The application is required under chapter 363 of the Toronto Municipal Code and section 33 of the Planning Act.

As the subject property has been designated under the Ontario Heritage Act City Council has previously dealt with a report for consent to demolish the designated buildings and decided to refuse to consent to the demolition.

The purpose of this report is to provide the Community Council with legal advice related to its decision on the application to demolish the buildings pursuant to Chapter 363 of the Toronto Municipal Code and section 33 of the Planning Act.

Background Information

Staff Report - Demolition Control Applications - 60 Rowena Drive (5 Avonwick Gate)
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-24201.pdf>)

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| NY28.22 | ACTION | | | Ward: 16 |
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Turn Restrictions - Avenue Road at Glencairn Avenue

Committee Recommendations

North York Community Council recommends that:

1. City Council prohibit eastbound left turns from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday to Friday, except public holidays, on Glencairn Avenue at Avenue Road.
2. City Council prohibit westbound left turns from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday to Friday, except public holidays, on Glencairn Avenue at Avenue Road.
3. City Council prohibit eastbound through traffic movements from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday to Friday, except public holidays on Glencairn Avenue and Avenue Road.
4. City Council prohibit westbound through traffic movements from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday to Friday, except public holidays on Glencairn Avenue at Avenue Road.

Origin

(September 18, 2009) Report from Director, Transportation Services Division, North York District

Summary

To obtain approval to implement turn restrictions at the intersection of Avenue Road and Glencairn Avenue.

The proposed turn restrictions will address the safety concerns regarding left turning and

through movements at the intersection of Avenue Road and Glencairn Avenue.

Since the Toronto Transit Commission (TTC) operates a transit service on Avenue Road, City Council approval of this report is required. TTC staff has been consulted on the proposed turn prohibition removal and have not objected to the proposal.

Background Information

Staff Report - Turn Restrictions - Avenue Road at Glencairn Avenue

(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23637.pdf>)

Map - Avenue Road at Glencairn Avenue, Left and Through Prohibitions

(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23638.pdf>)

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| NY28.23 | ACTION | | | Ward: 25 |
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Operational Changes to Traffic Control Signal - Bayview Avenue at 2365 Bayview Avenue (Crescent School)

Committee Recommendations

North York Community Council recommends that:

1. City Council rescind the existing westbound left turn restriction at all times, from the access to 2365 Bayview Avenue (Crescent School).

Origin

(September 18, 2009) Report from Director, Transportation Services Division, North York District

Summary

To obtain approval to rescind the existing westbound left turn prohibition at Bayview Avenue at the access to 2365 Bayview Avenue (Crescent School).

The removal of the above-noted traffic control measure will provide full movement egress from the access to Crescent School and improve southbound traffic operations on Bayview Avenue during the peak periods.

Since the Toronto Transit Commission (TTC) operates a transit service on Bayview Avenue, City Council approval of this report is required. TTC staff has been consulted on the proposed turn prohibition removal and have not objected to the proposal.

Background Information

Staff Report - Operational Changes to Traffic Control Signal - Bayview Ave at 2365 Bayview Ave (Crescent School)

(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23640.pdf>)

Map - Westbound Left Turn Prohibition Removal, Bayview Ave at Crescent School

(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23641.pdf>)

Map - Existing Westbound to Southbound Routing from the Crescent School
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23642.pdf>)

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| NY28.27 | ACTION | | | Ward: 23 |
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Final Report - Common Elements Condominium and Part Lot Control Applications - 91, 93, 95, 97, 99 Finch Avenue West

Statutory - Planning Act, RSO 1990

Committee Recommendations

North York Community Council recommends that:

1. City Council, in accordance with the delegated approval under by-law 229-2000, be advised that the Chief Planner intends to approve the draft plan of common elements condominium, as generally illustrated on Attachment 1 to the report (September 21, 2009) from the Director, Community Planning, North York District, subject to:
 - a. the conditions generally listed in Attachment 3 to the report (September 21, 2009) from the Director, Community Planning, North York District, which unless otherwise noted, must be fulfilled prior to the release of the plan of condominium for registration;
 - b. any such revisions to the proposed condominium plan or any such additional or modified conditions as the Chief Planner may deem to be appropriate; and
 - c. draft plan approval not being issued until the necessary Bill(s) is in full force and effect.
2. City Council enact a Part Lot Control Exemption By-law, with respect to the subject lands, to be prepared to the satisfaction of the City Solicitor.
3. City Council authorize the City Solicitor to introduce any necessary Bills for a Part Lot Control Exemption By-law to expire (2) years from date of enactment.
4. City Council require the owner to provide proof of payment to the satisfaction of the City Solicitor for all current property taxes for the subject site prior to enactment of the Part Lot Control Exemption By-law.
5. City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to transfer and charge any part of the lands without the written consent of the Chief Planner or his designate prior to the introduction of Bills in Council.
6. City Council direct that the Chief Planner or his delegate not provide written consent to transfer and charge any parts of the lands until all appropriate pre-approval conditions

in the Site Plan Agreement are fulfilled.

7. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium Plan has been registered.
8. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

Decision Advice and Other Information

North York Community Council held a statutory public meeting on October 13, 2009, and notice was given in accordance with the Planning Act. No one addressed the North York Community Council.

Origin

(September 21, 2009) Report from Director, Community Planning, North York District

Summary

These applications were made on June 3, 2009 (CD) and May 15, 2009 (PL) and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The Common Elements Condominium application is required to provide legal access to the individual townhouse units and to ensure ongoing shared ownership and maintenance of the common elements including the private driveway.

The exemption from Part Lot Control provisions of the Planning Act is required to permit the creation of individual conveyable townhouse and semi-detached lots.

This report recommends approval of the Draft Plan of Common Elements Condominium and approval of the application to lift Part Lot Control subject to the conditions listed below, including that the owner of the lands be required to register a Section 118 Restriction under the Land Titles Act agreeing not to convey or mortgage any part of the lands without the prior consent of the Chief Planner or his designate.

Background Information

Final Report & Attachments 1-4 - 91, 93, 95, 97, 99 Finch Ave. W.
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrrd/backgroundfile-23629.pdf>)

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| NY28.28 | ACTION | | | Ward: 25 |
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Final Report – Partial Removal of the Holding (H) Symbol application – 2075 Bayview Ave Sunnybrook Hospital

Public Notice Given

Committee Recommendations

North York Community Council recommends that:

1. City Council amend former City of North York Zoning By-law 7625 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to the report (April 22, 2009) from the Director, Community Planning, North York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council require the applicant to obtain Notice of Approval Conditions of Site Plan Approval before the necessary Bills are introduced to City Council for enactment.
4. City Council direct that Sunnybrook Hospital and the University of Toronto be advised that the City of Toronto's long term ambulance plan includes the need for an ambulance station to be located in the vicinity of the hospital in order to provide necessary emergency fire protection to the hospital campus and the surrounding community.
5. City Council direct that Sunnybrook Hospital and the University of Toronto be reminded of their obligation to convey to the City of Toronto a site for an ambulance station which was an agreed upon condition of the original zoning for the hospital site expansion, at no cost to the City.
6. City Council direct that Sunnybrook Hospital and the University of Toronto that when the next phase of hospital development approval occurs or the holding symbol is further lifted, the provision of the ambulance station site (at no cost to the City) will be requested as a condition of development.

Decision Advice and Other Information

Notice of Intent to Remove a Holding Symbol (H) was given in accordance with the Planning Act.

Origin

(April 22, 2009) Report from Director, Community Planning, North York District

Summary

This application was made on January 26, 2009 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a 780 m² (8,400 ft²) 2 – storey addition to the existing Wellspring Centre facility located on the northwest portion of the Sunnybrook Hospital campus site at 2075 Bayview Avenue. The addition requires a partial removal of the holding symbol (H) to permit an increase in density which would bring the total gross floor area of the hospital campus to 259,480 m² (2,793,108 ft²) or 0.66 fsi. The application is recommended for approval on the basis that the proposed addition is appropriate and satisfies the criteria to permit a partial lifting of the hold on the subject property. This report recommends that the

bills proceed to Council once the applicant has obtained Notice of Conditions of Site Plan Approval.

Background Information

Staff Report & Attachments 1-5 - Final Report - 2075 Bayview Ave Sunnybrook Hospital
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23671.pdf>)

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| NY28.32 | ACTION | | | Ward: 16 |
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Ontario Municipal Board Hearing - A0250/09NY - 350 Briar Hill Avenue

Committee Recommendations

North York Community Council recommends that:

1. City Council direct the City Solicitor and appropriate Planning Staff to attend the Ontario Municipal Board hearing to uphold the Committee of Adjustment's decision regarding application A0250/09NY relating to 350 Briar Hill Avenue.

Origin

(October 13, 2009) Member Motion from Councillor Stintz

Summary

On September 2, 2009 the Committee of Adjustment modified an application to demolish the existing dwelling and construct a new two-storey dwelling with a gross floor area of 185.8m² (0.60 times the area of the lot) whereas a maximum of 108.36m² (0.35 times the area of the lot) is permitted. In addition, variances were requested for a proposed east side yard setback of .4m and proposed front yard soft landscaping area of 72.6%. The City Planning Staff Report recommended that the gross floor area be reduced to be more in keeping with the character of the neighbourhood, to better maintain the intent and purpose of the By-law, as well as with previous Committee decisions noting that the vast majority of approvals in the area had been approved with a gross floor area of .54 time the area of the lot or less.

It was the decision of the Committee of Adjustment that the Minor Variance Application be approved on Condition:

The Committee of Adjustment Approved the following variances:

- Proposed east side yard setback of .4m whereas a minimum of 1.2m is required for the portion of the building not exceeding 17m in length; and
- Proposed front yard soft landscaping area of 72.6% whereas a minimum of 75% is required.

The Committee of Adjustment Modified and Approved the following variance:

- Proposed gross floor area of 167.2m² (0.54 times the area of the lot), whereas a maximum of 108.36m² (0.35 times the area of the lot) is permitted;

This modification achieves the following goals:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee the variance(s) is minor.

The decision was subject to the following conditions(s):

1. The owner shall satisfy the City of Toronto Municipal code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
2. The owner shall submit a Tree Security Deposit (in the form of a certified cheques or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

The applicant appealed the Committee of Adjustment Decision to the Ontario Municipal Board.

Background Information

Notice of Motion - Ontario Municipal Board Hearing - 350 Briar Hill Avenue
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-24218.pdf>)

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| NY28.33 | ACTION | | | Ward: 23 |
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Ontario Municipal Board Hearing - Committee of Adjustment Application - 122 Anndale Drive

Committee Recommendations

North York Community Council recommends that:

1. City Council authorize the City Solicitor and City Planning Staff to attend the Ontario Municipal Board Hearing to uphold the City's By-law and the Committee of Adjustment's decisions.

Origin

(October 13, 2009) Member Motion from Councillor John Filion

Summary

Pedro Miguel Viera and Angela Kosmatos, the owners of 122 Anndale Drive, submitted an application to the Committee of Adjustment, North York Panel, for the construction of a new two storey dwelling with an integral, at grade garage.

Variances were requested with respect to lot coverage of 36.9% (188.6m²), front yard setback of 5.79m, west side yard setback of 1.38m to the 6.3m long portion of the at grade garage, overall building length of 18.67m, building height of 9.0m, finished first floor elevation of 1.71m and front yard setback of 3.96m to the front stairs.

Planning staff commented that the proposed lot coverage was excessive for the area and would not respect and reinforce the existing physical character of the area. Staff further commented that the proposed height was also excessive. Staff recommended that the proposed lot coverage and height variances be refused.

The Committee of Adjustment for the City of Toronto (North District) Approved the variances requested for a front yard setback of 5.79m, a west side yard setback of 1.38m to the 6.3m long portion of the at grade garage, overall building length of 18.67m, a finished first floor elevation of 1.71m and a front yard setback of 3.96m to the front stairs. The Committee Modified the variance requested for lot coverage to 32% (163.52m²). The Committee Refused the variance requested for a building height of 9.0m. The decision was subject to Forestry conditions

The applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board.

The Ontario Municipal Board has not set a hearing date for these applications.

The Councillor is requesting representation at the Ontario Municipal Board hearing.

Background Information

Notice of Motion and Attachments - Ontario Municipal Board Hearing - Committee of Adjustment Application - 122 Anndale Drive
(<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-24217.pdf>)

Submitted Tuesday, October 13, 2009

Councillor Maria Augimeri, Chair, North York Community Council