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## Toronto and East York Community Council

<b>Meeting No.</b>	29	<b>Contact</b>	Rosalind Dyers, Committee Administrator
<b>Meeting Date</b>	Tuesday, November 10, 2009	<b>Phone</b>	416-392-7033
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	teycc@toronto.ca
<b>Location</b>	Committee Room 1, City Hall	<b>Chair</b>	Councillor Pam McConnell

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<b>Toronto and East York Community Council</b>		
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Councillor Sandra Bussin Councillor Janet Davis Councillor Paula Fletcher Councillor Adam Giambrone	Councillor Pam McConnell (Chair) Councillor Joe Mihevc Councillor Case Ootes Councillor Joe Pantalone	Councillor Gord Perks Councillor Kyle Rae Councillor Adam Vaughan (Vice-Chair) Councillor Michael Walker
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**Schedule of Timed Items**

10:00 a.m.: Items TE29.1 to TE29.18  
 1:30 p.m.: Item TE29.36  
 2:00 p.m.: Items TE29.19 to TE29.38  
 3:00 p.m.: Items TE29.29 to TE29.35

**Declaration of Interest under the *Municipal Conflict of Interest Act*****Confirmation of Minutes – October 13, 2009****Speakers/Presentations – A complete list will be distributed at the meeting**

**Introduction and Enactment of General Bills and Bill to Confirm the Proceedings of Community Council will be last items.**

TE29.3	ACTION	10:00 AM		Ward: 19
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**Final Report - Ossington Avenue - Restaurant Study**

*Statutory - Planning Act, RSO 1990*

**Origin**

(October 29, 2009) Report from the Director, Community Planning, Toronto and East York District

**Recommendations**

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2.
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 direct the Chief Planner and Executive Director, City Planning Division, through the Zoning By-law Project, to report to Planning and Growth Management Committee on consideration of amendments to the City-wide By-law regarding restrictions to rear yard and flanking patios.

**Summary**

This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The proposal is to amend the Zoning By-law with respect to implementing additional restrictions on restaurants and related uses on Ossington Avenue, between Queen Street West and Dundas Street West (the study area) in Ward 19.

Staff are recommending a number of amendments to the Zoning By-law which seek to balance the concerns of the residents and the business/property owners. The cumulative effects of the amendments aim to limit the overall impacts of restaurants and related uses on the adjacent residential area, while still allowing opportunities for new restaurants and related uses to open.

This report reviews and recommends approval of amendments to the Zoning By-law.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Background Information**

TE29.3 - Staff Report - Ossington Avenue - Restaurant Study - Final Report

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25069.pdf>)

TE29.3 - Staff Report - Ossington Avenue - Restaurant Study - Final Report - Placeholder

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24708.pdf>)

### **Communications**

(October 27, 2009) E-mail from Matthew Scholfield (TE.Main.TE29.3.1)

(October 29, 2009) E-mail from Jessica Wilson (TE.New.TE29.3.3)

## **4a Bloor Corridor Visioning Study - Draft Official Plan Amendment and Urban Design Guidelines**

### **Origin**

(November 2, 2009) Letter from Councillor A.A. Heaps, Chair, Toronto Cycling Advisory Committee

### **Recommendations**

The Toronto Cycling Advisory Committee recommends that the Toronto and East York Community Council, as part of its consideration of Item TE29.4 "Bloor Corridor Visioning Study - Draft Official Plan Amendment and Urban Design Guidelines", ensure that, as part of the development of the Bloor Corridor Visioning Study process, the needs of cyclists be addressed and that the Toronto Cycling Advisory Committee and the Toronto Cyclists Union be consulted therein.

### **Summary**

The Toronto Cycling Advisory Committee on October 22, 2009 heard a verbal update, regarding the Toronto Bike Plan, from the Manager, Cycling Infrastructure and Programs, Transportation Services Division.

### **Background Information**

TE29.4a. - Letter from the Chair, Toronto Cycling Advisory Committee

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25063.pdf>)

## 5a 469 and 471 Merton Street - Supplementary Report

### Origin

(November 5, 2009) Report from the Director, Community Planning, Toronto and East York District

### Recommendations

The City Planning Division recommends that City Council amend Section 1(6) of the draft by-law contained in the planning staff report dated October 22, 2009 to read as follows:

“(6) a minimum of 5 parking spaces shall be provided and maintained on the *lot*;”

### Summary

This report recommends a change to the number of parking spaces required by the draft by-law which is included as Attachment 7 to the Final Rezoning Report dated October 22, 2009 for 469 and 471 Merton Street (the Sunnybrook School expansion).

Section 1(6) of the draft by-law specifies a minimum of 6 parking spaces are to be provided whereas given that no parking is to be allowed in the emergency access driveway, (Section 1(7) of the draft by-law), only 5 spaces can be provided.

### Background Information

TE29.5a - Staff Report – 469 and 471 Merton Street - Supplementary Report  
<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25133.pdf>

TE29.6	ACTION	10:00 AM		Ward: 27
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## Final Report - 150 Bloor Street West, 175 Cumberland Street, 162 and 164 Cumberland Street - Rezoning

*Statutory - Planning Act, RSO 1990*

### Origin

(November 3, 2009) Report from the Director, Community Planning, Toronto and East York District

### Recommendations

The City Planning Division recommends that:

1. City Council amend Zoning By-law 492-80, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment Number. 7.

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.

### **Summary**

This application proposes to amend Site Specific By-law 492-80 to allocate the number and location of existing parking spaces within each parking garage for the various residential and commercial uses at 150 Bloor Street West, 175 Cumberland Street, and 162-164 Cumberland Street.

City Planning, Transportation Services and Buildings staff have reviewed this application based on: the current Zoning By-law 438-86, as amended; current parking standards; a review of the parking space sizes and numbers in the two buildings; and the history of the usage of the parking spaces. Staff recommend an appropriate distribution of parking space utilization in the two commercially owned garages and, where functional, staff recommend legalizing parking stall sizes, and loading spaces.

This report reviews and recommends approval of the application, with City staff modification, to amend Site Specific By-law 492-80.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Background Information**

TE29.6 - Staff Report - 150 Bloor West, 175 Cumberland, 162 and 164 Cumberland - Final Report

<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25129.pdf>

TE29.6 - Staff Report - 150 Bloor Street West, 175 Cumberland, 162 and 164 Cumberland - Final Report - Placeholder

<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24711.pdf>

### **Communications**

(November 2, 2009) E-mail from Ms. Ghee Chung (TE.New.TE29.6.1)

(November 3, 2009) Fax from Alan Baker (TE.New.Te29.6.2)

(November 4, 2009) E-mail from Mary Jean Potter (TE.Main.TE29.6.3)

(November 4, 2009) E-mail from Perry Breslin, Publisher, Performance Publications Group (TE.New.TE29.6.4)

(November 4, 2009) E-mail from Afrah Gouda (TE.New.TE29.6.5)

(November 4, 2009) Fax from Magdolna Volonese (TE.New.TE29.6.6)

(November 4, 2009) Fax from Joham Demeester (TE.New.TE29.6.7)

(November 4, 2009) Fax from Paul Turgeon (TE.New.TE29.6.8)

## **7a 252-258 Victoria Street and 19-21 Dundas Square - Rezoning Application - Supplementary Report**

### **Origin**

(November 4, 2009) Report from the Director, Community Planning, Toronto and East York District

### **Recommendations**

The City Planning Division recommends that:

1. Recommendation 5(d) and Clause (d) of Appendix 1 in the Planning Staff Report dated October 16, 2009 be deleted.

### **Summary**

Due to a miscommunication, the value of the applicant's Section 37 contribution, as set out in the Final Report dated October 16, 2009 (agenda item 29.7), is overstated. Specifically, public art is required in addition to other public benefits with a value of one million dollars. Public art was considered acceptable by the applicant, as a possible element of the one million dollar contribution but not as an additional obligation. Staff are satisfied that a total contribution of one million dollars is consistent with other recent Section 37 contributions in Ward 28 with comparable density increases.

### **Background Information**

TE29.7a – Supplementary Staff Report - 252-258 Victoria Street, 19-21 Dundas Square (<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25131.pdf>)

TE29.11	ACTION	10:00 AM		Ward: 21
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## **Request for Directions Report - 310 and 320 Tweedsmuir Avenue - Official Plan Amendment and Rezoning Applications**

### **Origin**

(October 30, 2009) Report from the Director, Community Planning, Toronto and East York District

### **Recommendations**

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board in support of the revised proposal as illustrated in the plans submitted to the City Planning Division (dated stamped: August 14, 2009), generally on the basis of the following:
  - a. The applicant withdraw their appeal to the former City of York Official Plan.

- b. The City Solicitor in consultation with the Chief Planner, Executive Director, City Planning submit to the Ontario Municipal Board a Zoning By-law amendment, which provides for the development of the subject lands with up to 596 residential dwelling units, including 146 non-condominium registered affordable replacement rental units subject to the provision of the Section 37 matters in Recommendation 2 below and as discussed in more detail in the Planning report of October 30, 2009, in a matter satisfactory to such officials.
  - c. The owner entering into and registering a Section 37 Agreement on title, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division securing the matters referred to in Recommendations 1.b. and 2 below.
  - d. The Ontario Municipal Board order to be held pending the satisfactory execution and registration of the Section 37 Agreement.
2. City Council authorize the appropriate City staff and require the owner to enter into and register an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor to secure the following facilities, services and matters to be provided by the owner, at its expense to the City and as described in more detail in the Planning Report dated October 30, 2009:
- a. The owner shall pay to the City an indexed cash contribution of \$500,000 to be used for capital improvements and enhancements to the Ben Nobleman Park, Wychwood Barns Park, Cedarvale Ravine, and Cedarvale Park.  
  
Such cash amount to be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement by the owner to the date of payment of the sum by the owner to the City.
  - b. The owner shall make the payment in Recommendation 2.a. above within 10 business days following the date the Zoning By-law Amendment comes into full force and effect and in any event prior to any building permit or any demolition permit issuing for any portion of the lands other than for the repair of any existing building on the lands.
  - c. The owner shall contribute \$700,000 for on-site public art (indexed annually) implemented under the City's public art provisions and practises.
  - d. The owner shall construct, provide and maintain 146 new replacement dwelling units on the site as rental dwelling units for a period of at least 20 years, commencing from the date of initial occupancy of each unit, during which time no application for demolition without replacement or conversion to condominium or non-rental housing purposes can be made.

- e. The owner shall provide rents for the 146 replacement rental dwelling units in accordance with the terms of the Section 37 Agreement for a period of 10 years for all new tenants and for the life of each tenancy for returning tenants.
  - f. The owner shall provide a tenant relocation and assistance package, including the right to return to a replacement rental dwelling unit on the land, in accordance with the provisions of the Section 37 Agreement.
  - g. The owner shall complete the construction of the replacement rental dwelling units such that they are ready and available for occupancy prior to the date on which the earliest of the other dwelling units to be constructed on the land are ready and made available for occupancy, other than the buildings existing on the lands in 2008 or a temporary new home sales and marketing office.
3. City Council authorize the Chief Building Official to issue a permit to demolish the building(s) on the land under Section 33 of the Planning Act, following the last to occur of the Zoning By-law Amendment in Recommendation 1.b. coming into full force and effect, the issuance of site plan approval, and the issuance of the building permit for the foundation of the new building that contains the 146 replacement rental dwelling units, subject to the following conditions:
- a. The owner erect a residential building on site no later than three (3) years from the date the first permit is issued for demolition of all or any portion of the building(s).
  - b. Should the owner fail to complete the new building containing the 146 replacement rental dwelling units within the time specified in condition 3.a., in addition to any other remedy, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
4. City Council authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

### **Summary**

Following a lengthy hearing at which the City and the tenants of 310 and 320 Tweedsmuir Avenue appeared in opposition to the owner's application, in a Decision dated February 18, 2000, the Ontario Municipal Board (OMB) allowed the appeals against the City's refusal to amend the former City of York's Zoning By-law and Official Plan at 310 and 320 Tweedsmuir Avenue. The Decision required amongst other things, that the owner provide replacement rental housing with affordable rent levels and tenant assistance. The OMB withheld its final order until the City and the owner had executed and registered on title a Section 37 Agreement and until the tenants had signed satisfactory leases for the replacement rental housing. In addition, Site Plan approval was to be finalized.



The OMB decision allowed a mixed built form on the site consisting of two 25-storey towers, a row of townhouses and a maximum nine-storey rental building that would contain the required 146 replacement rental units. In total, 409 dwelling units were approved for the site.

Since the OMB decision, the new owner of the property (Morguard Residential) worked with City staff to redesign the built form by redeploing the approved density in a design that more closely complies with the City's Design Criteria for Review of Tall Buildings. The revised proposal contains 596 residential units, of which 146 will be replacement rental units. The units will be contained within two towers atop 3-storey podiums. The purpose of this report is to describe the revised design, rental and affordable housing related plan and tenant assistance plan and to seek Council's direction to appear before the OMB in support of these revised plans.

### Financial Impact

There are no financial implications resulting from the adoption of this report.

### Background Information

TE29.11 - Staff Report - Request for Directions Report - 310 and 320 Tweedsmuir Avenue  
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25077.pdf>)

TE29.11 - Staff Report - Request for Directions Report - 310 and 320 Tweedsmuir Avenue -  
Official Plan Amendment and Rezoning Applications - Placeholder  
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24715.pdf>)

TE29.12	ACTION	10:00 AM		Ward: 28
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### Request for Direction Report - 251-255 King Street East, 37 Sherbourne Street and 2 Abbey Lane - Rezoning and Site Plan Approval

#### Origin

(November 3, 2009) Report from the Director, Community Planning, Toronto and East York District

#### Recommendations

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the Ontario Municipal Board appeal and referral made by the applicant on the applications for Zoning By-law Amendment Application No. 08 186000 STE 28 OZ and Site Plan Application No. 08 186022 STE 28 SA.
2. City Council endorse a Development Strategy for the lands known municipally as 251-255 King Street East, 37 Sherbourne Street and 2 Abbey Lane substantially as set out in Attachment 9 and within this report as a basis for a settlement at the Ontario Municipal Board.

- City Council authorize entering into and execution of an agreement pursuant to Section 37 of the Planning Act to secure the provision of public benefits and related matters in the event that a settlement is achieved or, should there be no settlement, the Ontario Municipal Board enacts amendments to the Zoning By-law for the City of Toronto providing for such an agreement.

### Summary

The applicant has appealed the rezoning application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the Planning Act. The associated Site Plan application has also been appealed. A pre-hearing conference is to be held on November 17, 2009. A hearing is set to commence in early 2010.

Since the appeal, the applicant has submitted a revised application to the City which Planning staff have circulated. Appropriate agencies and City departments are continuing to evaluate the revised proposal.

The revised application before the OMB is to permit the redevelopment of 251-255 King Street East, 37 Sherbourne Street and 2 Abbey Lane to construct a 17-storey mixed use building and reconstruct 2 elevations of the existing heritage building (251 King Street East). The proposed development will include 138 units with 285 square metres of commercial space on the ground floor.

This report recommends refusal of the proposal to amend the Zoning By-law and the associated Site Plan application.

### Financial Impact

The recommendations in this report have no financial impact.

### Background Information

TE29.12 - Staff Report - 251-255 King Street East - Rezoning and Site Plan  
<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25130.pdf>

TE29.12 - Staff Report - 251-255 King Street East - Directions Report - Placeholder  
<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24716.pdf>

TE29.39	ACTION		Delegated	Ward: 27
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### Sign Variance - 30 College Street

#### Origin

(October 1, 2009) Report from the Director, Toronto Building, Toronto and East York District

#### Recommendations

The Toronto Building Division recommends that:

- Toronto and East York Community Council approve the request for a variance to permit, for identification purposes, five non-illuminated projecting signs on the College Street frontage of the property at 30 College Street.

2. Toronto and East York Community Council direct the City Clerk's Office to advise the applicant, upon approval of a variance, of the requirement to obtain the necessary sign permits from the Chief Building Official.

### Summary

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision.

This report reviews and makes recommendations on a request by Nicole Paul with WSI Sign Systems Ltd. on behalf of Native Child Family Services, for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code to permit, for identification purposes, five non-illuminated projecting signs on the College Street frontage of the property at 30 College Street.

Staff recommends approval of the application. The variance is minor and within the general intent and purpose of the Municipal Code.

### Financial Impact

The recommendations in this report have no financial impact.

### Background Information

TE29.39 – Revised Staff Report - 30 College Street - Sign Variance  
<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24793.pdf>

TE29.52	ACTION		Delegated	Ward: 20
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### Naming of the New Park - Concord City Place Development

#### Origin

(November 6, 2009) Report from the General Manager, Parks, Forestry and Recreation

#### Recommendations

The General Manager of Parks, Forestry and Recreation recommends that Toronto and East York Community Council:

1. Approve the park name, Canoe Landing, as selected by the judging panel in the public competition, for the new park in the City Place neighbourhood, on the north side of Fort York Boulevard, between Spadina Avenue and Bathurst Street.

### Summary

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision.

This report responds to the direction of Toronto and East York Community Council, at its September 15, 2009 meeting, authorizing a public competition to select the best name for the

new park in the City Place neighbourhood, on the north side of Fort York Boulevard, between Spadina Avenue and Bathurst Street. The competition has been completed, and the judging panel has submitted its recommendation.

The Parks, Forestry, and Recreation Division is recommending that the park name selected by the judging panel be officially adopted as the name of the new park located at City Place.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **Background Information**

TE29.52 - Revised Staff Report - Naming of the New Park at Concord City Place

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25064.pdf>)

TE29.52 - Staff Report - Naming of the New Park - Concord City Place - Placeholder

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24813.pdf>)