

THE CITY OF TORONTO

City Clerk's Division

Minutes of the North York Community Council

Meeting No. 9

Wednesday, October 24, 2001.

The North York Community Council met on Wednesday, October 24, 2001, in the Council Chamber, North York Civic Centre, commencing at 10:10 a.m.

Attendance:

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

	10:10 a.m. to 12:30 p.m.	2:10 p.m. to 4:45 p.m.
Councillor Li Preti, Chair	x	x
Councillor Augimeri		
Councillor Filion	x	x
Councillor Feldman	x	x
Councillor Mammoliti, Vice-Chair		
Councillor Shiner	x	x
Councillor Sutherland	x	x

Confirmation of Minutes:

On motion by Councillor Feldman, Ward 10 – York Centre, the minutes of the meeting of the North York Community Council held on September 13, 2001, were confirmed.

8.1 Southbound Right Turn Lane Designation – Norfinch Drive/Oakdale Road at Finch Avenue West – Ward 8 – York West.

The North York Community Council had before it a report (October 5, 2001) from the Director, Transportation Services, District 3, Works and Emergency Services, reporting on dedicating the southbound curb lane on Norfinch Drive/Oakdale Road at Finch Avenue West, for right turns only, buses excepted; and recommending that:

- (1) the southbound curb lane on Norfinch Drive at Finch Avenue West be designated for right turning vehicles only, buses excepted, between Finch Avenue West and a point 70 metres northerly thereof; and
- (2) the appropriate by-law(s) be amended accordingly.

The North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 8 – Clause No. 1)**8.2 Parking/Stopping Prohibitions – Clanton Park Road – Ward 10 – York Centre.**

The North York Community Council had before it a report (October 4, 2001) from the Director, Transportation Services, District 3, Works and Emergency Services, reporting on amending the current parking prohibitions on Clanton Park Road; and recommending that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended by deleting the “No Parking Any Time” prohibition on the south side of Clanton Park Road, from 45.75 metres east of the easterly limit of Bonnacord Road to the easterly limit of Clanton Park Road;
- (2) Schedule VIII of By-law No. 31001, of the former City of North York, be amended by installing a “No Parking Any Time” prohibition on the south side of Clanton Park Road, from 45.75 metres east of the easterly limit of Bonnacord Road to the southerly limit of Yeomans Road; and
- (3) Schedule IX of By-law No. 31001, of the former City of North York, be amended by installing a “No Stopping Any Time” prohibition on both sides of

Clanton Park Road, from the easterly limit of Yeomans Road to the easterly limit of Clanton Park Road.

The North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 8 – Clause No. 2)

8.3 Sale of Surplus Property to Metropolitan Toronto Habitat for Humanity Inc. – Vacant Land Located at the North East Corner of Lovilla Boulevard and Weston Road – Ward 7 – York West.

The North York Community Council had before it a report (October 2, 2001) from the Commissioner of Corporate Services, seeking authorization for disposal of the surplus vacant land at the northeast corner of Lovilla Boulevard and Weston Road to Metropolitan Toronto Habitat for Humanity Inc. at below market value for the development of affordable-ownership housing and to authorize the granting of an easement to Bell Canada over a portion of the property; and recommending that:

- (1) a permanent easement be granted to Bell Canada, for nominal consideration, over the City-owned land designated as Part 3 on Plan 64R-13313, for protection of its existing equipment, on terms and conditions satisfactory to the Commissioner of Corporate Services;
- (2) the Offer to Purchase from Metropolitan Toronto Habitat for Humanity Inc. (MTHFHI) to purchase the City-owned land located at the northeast corner of Lovilla Boulevard and Weston Road be accepted on the terms and conditions outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (3) the requirement with respect to the non-refundable monthly payments provided for in Clause No. 14 of Report No. 27 of the former Metropolitan Management Committee, adopted on September 28, 1994, be waived;
- (4) authority be granted to direct a portion of the proceeds on closing to fund the outstanding balance to Account No. CA6343;
- (5) the City Solicitor be authorized to complete the transaction on behalf of the

North York Community Council Minutes
Wednesday, October 24, 2001

City, including payment of any necessary expenses and amending the closing date to such earlier or later date as he considers reasonable; and

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

The North York Community Council also had before it a communication (October 23, 2001) from Councillor G. Mammoliti, Ward 7 – York West, advising that he would be unable to attend the Community Council meeting and requesting that the matter be deferred until the next Community Council meeting scheduled for November 21, 2001.

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 8 – Clause No. 3)

8.4 Harmonization of the Noise By-law.

The North York Community Council had before it a communication (September 19, 2001) from the City Clerk, Planning and Transportation Committee, advising that the Planning and Transportation Committee, at its meeting held on September 11, 2001, recommended that the report (August 16, 2001) from the Commissioner of Urban Development Services and the communication (July 19, 2001) from the Secretary, Board of Health respecting Harmonization of the Noise By-law be forwarded to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee.

The North York Community Council also had before it a report (October 10, 2001) from the Commissioner of Works and Emergency Services, reporting on the implications on City operations of the restricted use of leaf blowers as recommended by the Board of Health at their meeting held on July 16, 2001; and recommending that:

- (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
- (2) Staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal

5
North York Community Council Minutes
Wednesday, October 24, 2001

methods.

A staff presentation was made by Mr. Gino Vescio, Senior Policy and Research Officer, Municipal Licensing and Standards, Urban Development Services.

A. Councillor Filion, Ward 23 – Willowdale, moved that the North York Community Council recommend to the Planning and Transportation Committee that:

- (1) Section 8(b), titled “Exemption: Public Safety and Highways”, attached to the report (August 16, 2001) from the Commissioner of Urban Development Services, be deleted;
- (2) that the draft by-law be further amended to provide that construction noise be prohibited prior to 8:00 a.m. on Saturdays.

B. Councillor Sutherland, Ward 33 – Don Valley East, moved that the North York Community Council recommend to the Planning and Transportation Committee that:

- (1) Recommendation (2)(a) embodied in the communication (July 19, 2001) from the Board of Health to the Planning and Transportation Committee and Works Committee be deleted.
- (2) That Recommendation (2)(b) embodied in the communication (July 19, 2001) from the Board of Health to the Planning and Transportation Committee and Works Committee be amended to read as follows:

“(2)(b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on residential and non-residential properties.”

C. Councillor Shiner, Ward 24 – Willowdale, moved in amendment to Councillor Filion’s motion that the draft by-law be further amended to provide that the City and its various Agencies, Boards and Commissions, be exempt from the requirement of placing an advertisement in the newspapers and other publications when making applications for an exemption to the Noise By-law.

D. Councillor Shiner, Ward 24 – Willowdale, moved that the Commissioner of

North York Community Council Minutes
Wednesday, October 24, 2001

Urban Development Services be requested to submit a report to the Planning and Transportation Committee, for its meeting scheduled for November 12, 2001, on the noise levels of new air conditioners and recommending a maximum noise level emission for air conditioners.

Upon the question of the adoption of Motion C., moved by Councillor Shiner, in amendment to Councillor Filion's motion, it was carried.

Upon the question of the adoption of Motion D., moved by Councillor Shiner, it was carried.

Upon the question of the adoption of Motion B., moved by Councillor Sutherland, it was carried.

Upon the question of the adoption of Motion A(1), moved by Councillor Filion, it was carried.

Upon the question of the adoption of motion A(2), moved by Councillor Filion, it was carried.

(Report No. 8 – Clause No. 15(a))

8.5 Sign Permit and Variance Application Fee Harmonization.

The North York Community Council had before it a communication (October 9, 2001) from the City Clerk, advising that City Council, at its meeting held on October 2, 3 and 4, 2001, referred Clause No. 6 in Report No. 10 of the Planning and Transportation Committee, titled "Sign Permit and Variance Application Fee Harmonization" to all Community Councils for consideration and comment thereon to the Planning and Transportation Committee prior to its public meeting on this matter to be held on November 12, 2001.

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council recommended to the Planning and Transportation Committee that:

- (1) the proposed fees outlined in the report (September 5, 2001) from the Commissioner of Urban Development Services, be approved with the provision that:

North York Community Council Minutes
Wednesday, October 24, 2001

- (a) the sign permit fee for mobile signs be increased to \$200.00;
- (b) the revenue derived from the aforementioned fee increase be used to hire one full-time employee responsible for the enforcement of the provisions of the Sign By-law respecting mobile signs; and
- (c) the foregoing be included as an item in the 2002 Budget request.

(Report No. 8 – Clause No. 15(b))

8.6 Ontario Municipal Board Hearing – 7 Lailey Crescent – Ward 23 – Willowdale.

The North York Community Council had before it a report (October 9, 2001) from the City Solicitor, reporting on the outcome of the Ontario Municipal Board Hearing concerning 7 Lailey Crescent; and recommending that this report be received for information.

On motion by Councillor Sutherland, Ward 33 – Don Valley East, the North York Community Council received the foregoing report.

(Report No. 8 – Clause No. 15(c))

8.7 Appeal of Application for Condominium – TB CDC 01 002 (55CDM-01-503) - 1431266 Ontario Inc. o/a York Woods Village – 1723 Finch Avenue West – Ward 8 - York West.

The North York Community Council had before it a report (October 2, 2001) from the Director, Community Planning, North District, Urban Development Services, reporting on the appeal of an application for a 24-unit townhouse condominium filed by 1421266 Ontario Inc. (York Woods Village); and recommending that the City Solicitor be directed to attend at the hearing to ensure that all the usual and appropriate conditions are included in any approval of the condominium application for 1723 Finch Avenue West.

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 8 – Clause No. 4)

8.8 Preliminary Report – Application to Amend the Official Plan and Zoning By-law and Draft Plan of Subdivision – TB CMB 2001 0013 and TB SUB 2001 0003 – Downsview Rehabilitation Centre/WSIB – 115 Torbarrie Road – Ward 7 – York West.

The North York Community Council had before it a report (October 3, 2001) from the Director, Community Planning, North District, Urban Development Services, 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; and recommending 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 had before it a communication (October 23, 2001) from Councillor G. Mammoliti, Ward 7 – York West, advising that he would be unable to attend the Community Council meeting and requesting that the matter be deferred until the next Community Council meeting scheduled for November 21, 2001.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council deferred consideration of the foregoing report to its next meeting scheduled for November 21, 2001, at the request of the Ward Councillor.

(Report No. 8 – Clause No. 15(d))

8.9 Preliminary Report – Application to Amend the Official Plan and Zoning By-law

7625 – TB CMB 2001 0015 – Berncray Holdings Inc. and Four Winds FBM Ltd. In Trust – 45-75 Four Winds Drive – Ward 8 – York West.

The North York Community Council had before it a report (October 4, 2001) from the Director, Community Planning, North District, Urban Development Services, 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; and recommending that:

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

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

(Report No. 8 – Clause No. 15(e))**8.10 Preliminary Report – Application to Amend Zoning By-law 7625 and North York Official Plan – TB CMB 2001 016 – Leisureworld Inc. - 22 Norfinch Drive – Ward 8 – York West.**

The North York Community Council had before it a report (October 4, 2001) from the Director, Community Planning, North District, Urban Development Services, 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; and recommending that:

- (1) Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
- (2) Notice for the community consultation meeting to be given to landowners and residents within 120 metres of the site.

10
North York Community Council Minutes
Wednesday, October 24, 2001

- (3) Notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council approved the foregoing report.

(Report No. 8 – Clause No. 15(f))

8.11 Preliminary Report – Application to Amend Zoning By-law – TB ZBL 2001 0016 – Blooming Forest Bhikkuni Buddhist Association of Canada – 960-962 Wilson Avenue – Ward 9 – York Centre.

The North York Community Council had before it a report (October 4, 2001) from the Director, Community Planning, North District, Urban Development Services, 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; and recommending that:

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

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council approved the foregoing report (October 4, 2001) from the Director, Community Planning, North District, subject to:

- (1) Recommendation No. (1) being amended to read as follows:
 - “(1) Staff be directed to schedule a community consultation meeting for late November 2001, together with the Ward Councillor;”
and
- (2) Recommendation No. (2) being amended to read as follows:
 - “(2) Notice for the community consultation meeting be given to landowners and residents within a catchment area greater than 120 metres of the site, the expanded notification area to be determined by the Director, Community Planning, North District, in consultation with the Ward Councillor”.

(Report No. 8 – Clause No. 15(g))

8.12 Preliminary Report – Application to Amend Zoning By-law 7625 – TB ZBL 2001 0019/TB SPC 2001 0098 – Trustees of the Newtonbrook Congregation of The United Church of Canada – 53 Cummer Avenue – Ward 23 – Willowdale.

The North York Community Council had before it a report (October 1, 2001) from the Director, Community Planning, North District, Urban Development Services, providing preliminary information on the above-noted application and seeking Community Council's directions on further processing of the application and on the community consultation process; and recommending that:

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

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council approved the foregoing report (October 1, 2001) from the Director, Community Planning, North District, Urban Development Services, subject to:

- (1) Recommendation No. 2 being amended to read as follows:
 - “(2) Notice for the community consultation meeting be given to individuals residing within the expanded notification area to be determined by the Director, Community Planning, North District, in consultation with the Ward Councillor.”

(Report No. 8 – Clause No. 15(h))

8.13 Preliminary Report – Applications to Amend Zoning By-law – TB ZBL 2001 0017 and TB ZBL 2001 0006 (amended) – BBT Devgroup Inc. & Shane Baghai Home Inc. – Adam Brown c/o Brown Dryer Karol – 34 Avondale Avenue and Blocks 4 and 5, Plan 66M-2354 and Part of Terlean Road Allowance – Ward 23 – Willowdale.

The North York Community Council had before it a report (October 4, 2001) from the Director, Community Planning, North District, Urban Development Services, providing preliminary and further information on the above-noted applications and seeking Community Council's directions on further processing of the applications and on the community consultation process; and recommending that:

- (1) Staff be directed to schedule a joint community consultation meeting on both applications together with the Ward Councillor.
- (2) Notice for the joint community consultation meeting be given to landowners and residents within 120 metres of the sites (34 Avondale Avenue and Plan of Subdivision 66M-2354) and within the expanded notification area previously directed by Council Motion.
- (3) Notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act and to all those individuals within the expanded notification area referred to in Recommendation No. (2) above.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council approved the foregoing report, subject to Recommendation Nos. (1) and (2) being deleted.

(Report No. 8 – Clause No. 15(i))

8.14 Further Report – Application to Amend Zoning By-law 7625 – TB ZBL 2001 0007 – GSI Real Estate and Planning Advisors on behalf of The Royal Canadian Legion – 6 Spring Garden Avenue – Ward 23 – Willowdale.

The North York Community Council had before it a report (October 5, 2001) from the Director, Community Planning, North District, Urban Development Services, reporting on a request on behalf of the Royal Canadian Legion, Branch 66 for a reduction or waiving of the rezoning application fee; and recommending that City Council make a

determination on this request.

The North York Community Council also had before it a communication (October 2, 2001) from Mr. William Hollo, GSI Real Estate and Planning Advisors Inc. on behalf of the Royal Canadian Legion, Branch 66, outlining the reasons for requesting a full refund of the zoning application fees and suggesting that should that not be acceptable, all the fees except for the basic fee of \$1,290.00 be refunded since the Legion is not constructing the density realized by its application on its site.

Mr. William S. Hollo, GSI Real Estate and Planning Advisors Inc. appeared before the North York Community Council in connection with the foregoing matter, on behalf of the Royal Canadian Legion, Branch 66.

- A. Councillor Filion, Ward 23 – Willowdale, moved that it be recommended to City Council that the request by the Royal Canadian Legion for a full refund of the zoning application fees be approved.

- B. Councillor Shiner, Ward 24 – Willowdale, moved, in amendment to Councillor Filion's motion that it be recommended to City Council that:
 - (1) the report (October 1, 2001) from the Director, Community Planning, North District, Urban Development Services, be received;
 - (2) the base fee of \$1,290.00 for the zoning by-law amendment application, paid by the Royal Canadian Legion, be retained; and
 - (3) the remaining planning fees in the amount of \$3,586.00, paid by the Royal Canadian Legion, in connection with the zoning by-law amendment application, be refunded.

Upon the question of the adoption of Motion B., moved by Councillor Shiner, in amendment to Motion A., moved by Councillor Filion, it was carried.

Upon the question of the adoption of Motion A, as amended, it was carried.

Councillor Filion, Ward 23 – Willowdale, was opposed to the amendment moved by Councillor Shiner.

(Report No. 8 – Clause No. 5)

8.15 Draft By-law to Authorize the Alteration of Bayview Avenue South of Sheppard Avenue East by the Extension of the Centre Median – Wards 23 & 24 – Willowdale.

The North York Community Council had before it a Draft by-law to authorize the alteration of Bayview Avenue south of Sheppard Avenue East by the extension of the Centre Median; and Clause No. 11 of the North York Community Council Report No. 7, titled “Proposed Road Alteration – Median Extension – Bayview Avenue, south of Sheppard Avenue East – Wards 23 & 24 – Willowdale”, which was adopted, without amendment, by the Council of the City of Toronto at its meeting held on October 2, 3, and 4, 2001.

Pursuant to the Municipal Act, notice with respect to the proposed enactment of the draft by-law was advertised in the Toronto Sun newspaper on October 1, 8, 15 and 22, 2001, and the following persons appeared at the public hearing on October 24, 2001, to address the North York Community Council:

- Ms. Millie Bernard, an affected property owner, who expressed concerns with the proposed extension of the median on Bayview Avenue because residents would be unable to go north without first going south, especially since there is “no left turn” sign at the south exit of the building on Bayview Avenue, prohibiting traffic from going northward. She also expressed the concern that this situation would, to some extent, cause a devaluation in their properties.
- Mr. R. Stopnicki, Director, Transportation Services, District 3, Works and Emergency Services, who addressed the concerns raised by the deputant and clarified that traffic at the south exit would be permitted to go north and that the “no left turn” sign would be removed.

On motion by Councillor Sutherland, Ward 33 –Don Valley East, the North York Community Council recommended to City Council, that the by-law in the form of the foregoing draft by-law be enacted.

(Report No. 8 – Clause No. 6)

8.16 Tree Removal Request – 7 Findlay Boulevard – Ward 10 – York Centre.

The North York Community Council had before it a report (October 1, 2001) from the Commissioner of Economic Development, Culture and Tourism, reporting on a written

request from the homeowner of 7 Findlay Boulevard, to permit the removal of a 45-cm Schwedler Norway Maple tree from the boulevard fronting their home; and recommending that this request to remove the tree be denied.

Mr. Joe Galati appeared before the North York Community Council in connection with the foregoing matter.

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council recommended to City Council that:

- (1) the report (October 1, 2001) from the Commissioner of Economic Development, Culture and Tourism, not be adopted; and
- (2) the request to remove the 45 cm Schedler Norway Maple tree located on the boulevard be approved, conditional upon the amenity value, removal and replacement costs, totalling \$4,525.00, being paid by the property owner of 7 Findlay Boulevard.

Councillor Filion, Ward 23 – Willowdale, was opposed to the motion.

(Report No. 8 – Clause No. 7)

8.17 Tree Removal Request – 48 Paulvale Avenue – Ward 8 – York West.

The North York Community Council had before it a report (April 19, 2001) from the Commissioner of Economic Development, Culture and Tourism, reporting on an appeal to the North Community Council from the owner of 48 Paulvale Avenue, to permit the removal of a 28 cm White Ash tree from the boulevard fronting the house; and recommending that this request to remove the tree be denied.

The North York Community Council also had before it the following:

- Clause No. 23(g) of the North Community Council Report No. 4, titled “Tree Removal Request – 48 Paulvale Avenue – Ward 8 – York West”, which was received, for information, by the Council of the City of Toronto at its meeting held on May 30, 31 and June 1, 2001, which is on file in the office of the City Clerk, North York Civic Centre; and
- communication (October 2, 2001) from Saverio Varano, requesting that this

17
North York Community Council Minutes
Wednesday, October 24, 2001

matter be placed on the next North York Community Council agenda for consideration; which is on file in the office of the City Clerk, North York Civic Centre.

Ms. Giuseppina Mirarchi, on behalf of Mr. Saverio Varano, appeared before the North York Community Council in connection with the foregoing matter.

Councillor Filion assumed the Chair.

- A. Councillor Li Preti, Ward 8 – York West, moved that the request to remove the 28 cm White Ash tree located on the boulevard be approved, conditional upon the amenity value, removal and replacement costs, totalling \$1,864.00, being paid by the property owner of 48 Paulvale Avenue.

Councillor Li Preti resumed the Chair.

- B. Councillor Shiner, Ward 24 – Willowdale, moved that consideration of the report (April 19, 2001) from the Commissioner of Economic Development, Culture and Tourism, be deferred sine die.

Upon the question of the adoption of Motion B., moved by Councillor Shiner, it was carried.

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

(Report No. 8 – Clause No. 15(j))

8.18 Request for Exemption to the Sign By-law – Variance for Proposed Roof Sign – 4828 Yonge Street – Ward 23 – Willowdale.

The North York Community Council had before it a report (October 9, 2001) from the Acting Director and Deputy Chief Building Official, Urban Development Services, evaluating and making recommendations regarding a request for a variance from the sign by-law by Mrs. Jean Phillips and Miss Elizabeth Geleff, to permit the erection of a third party illuminated billboard sign on the roof of an existing building; and recommending that the request for a minor variance from the sign by-law be refused.

Miss Elizabeth Geleff appeared before the North York Community Council in connection

with the foregoing matter on behalf of Mrs. Jean Phillips Geleff.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 8 – Clause No. 8)

8.19 Request for Exemption to the Sign By-law – Variance for Proposed Third Party Wall Sign – 25 Sheppard Avenue West – Ward 23 – Willowdale.

The North York Community Council had before it a report (October 9, 2001) from the Acting Director and Deputy Chief Building Official, Urban Development Services, evaluating and making recommendations regarding a request for a variance from the sign by-law by Mr. Viktor Lang, Managing Director, Print N’ promotions Ltd. to permit the erection of a third party illuminated wall sign on an existing building; and recommending that the request should not be considered as a minor variance and should be refused.

- A. Councillor Filion, Ward 23 – Willowdale, moved that the North York Community Council recommend to City Council, the adoption of the foregoing report.

Upon the question of the adoption of Motion A., moved by Councillor Filion, it was carried.

Later in the meeting, on motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council re-opened this matter to allow Mr. Victor Lang an opportunity to address the Community Council.

Mr. Victor Lang, Managing Director, Print N’ promotions Ltd. appeared before the North York Community Council in connection with the foregoing matter.

- B. Councillor Feldman, Ward 10 – York Centre, moved that the North York Community Council re-affirm its previous recommendation moved by Councillor Filion.
- C. Councillor Filion, Ward 23 – Willowdale, moved that the Director and Deputy Chief Building Official, North District, be requested to submit a report to a future meeting of the North York Community Council on the Building Division’s

interpretation of first party advertising on wall signs and whether the type of advertising outlined by the Managing Director, Print N'promotions Ltd., on behalf of a tenant within the property located at 25 Sheppard Avenue West would be considered to be first party advertising.

Upon the question of the adoption of Motion B., moved by Councillor Feldman, it was carried.

Upon the question of the adoption of Motion C., moved by Councillor Filion, it was carried.

(Report No. 8 – Clause No. 9)

8.20 Final Report – Application to Amend the Zoning By-law 7625 – TB ZBL 2001 0004 – The Cadillac Fairview Corporation – 1800 Sheppard Avenue East – Fairview Mall – Ward 33 – Don Valley East.

As directed by the North Community Council, at its meeting held on April 4, 2001, appropriate notice of this Statutory public meeting was given as directed and in accordance with the Planning Act and the regulations thereunder.

The North York Community Council had before it a report (October 2, 2001) from the Director, Community Planning, North District, Urban Development Services, reporting on an application to amend the Zoning By-law to accommodate additional retail and office space at Fairview Mall shopping centre located at 1800 Sheppard Avenue East at Don Mills; and recommending that City Council:

- (1) Amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10.
- (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 amend the Zoning By-law to Council for enactment, the Site Plan Agreement registered on title be amended to include the conceptual site plan, the site plan goals and principles as indicated in Attachment 8, and the requirements of Transportation Services, Works & Emergency Services Department.

North York Community Council Minutes
Wednesday, October 24, 2001

- (4) Before introducing the necessary Bills to amend the Zoning By-law to Council for enactment, the owner shall satisfy the requirements of Technical Services, Works & Emergency Services Department.

The North Community Council also had before it a joint communication (October 16, 2001) from Pat Lynch and Elaine Harmston, on behalf of Better Beginnings - Now, Children's Aid Society of Toronto, North Branch, expressing the need for additional space to accommodate community programmes and services, and strongly urging the North York Community Council and Toronto City Council to support the request for community space in the Fairview Mall expansion plans.

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

The following persons appeared before the North York Community Council in connection with the foregoing matter.

- Mr. Stephen Diamond, McCarthy, Tetrault, on behalf of the applicant, who commented on the merits of the application. During his submission he indicated that the applicant supported the staff recommendations and the recommendations put forward in the Resolution submitted by Councillor Sutherland. He further indicated that the application promotes the City's plan for intensification along the subway line and while there is no authority to provide community space as part of the application the applicant has agreed to provide 5,000 sq. ft. for community space. The only concern with the recommendation put forward by the Ward Councillor was with respect to the word, "turnkey community services space" and was of the opinion that the word, "turnkey" needs to be further clarified in terms of the actual furnishings to be provided by the applicant for the proposed community space. He believed that the 5,000 sq. ft. of community space is sufficient in light of the fact that the applicant is not required to provide such space and is willing to make this contribution on a voluntary basis.

Mr. Diamond further commented that they have worked with the Library to make sure that their concerns are addressed, and supported the idea of a pedestrian access to the mall. In closing, he stated that they would be willing to enter into an agreement to allow library users access to the parking that is available.

North York Community Council Minutes
Wednesday, October 24, 2001

- Ms. Anne Fitzpatrick, on behalf of Better Beginnings Now, Children's Aid Society of Toronto, North Branch, who expressed her support for the 5,000 sq. ft. of community space, and subsequently commented that the needs of the community in reality would be 15,000 sq. ft. She then advised that community services within the community would work with the City to co-ordinate the use of space, including the needs of youth, families and seniors of all income backgrounds with a diversity of needs. In addition she commented that the space could also be a focal point for government information, Municipal, Provincial and Federal. In closing she thanked Councillor Sutherland for his assistance regarding the application and urged the North York Community Council to encourage Cadillac Fairview to reconsider providing additional space to accommodate community programs and services. (A copy of her written submission was filed with the City Clerk.)
- Ms. Shannon Allen and Mr. Jason Talbot, Eva's Place, jointly commented on the need for space to accommodate programs benefiting parents, seniors, and teenagers, including teenage mothers. They further added that additional and more varied programs would provide a greater opportunity for teens and seniors to interact.
- Ms. Liem Le, Community Social Planning Council of Toronto, spoke in support of the need for additional community space to accommodate the many varied programs that benefit residents of diverse age groups and cultural backgrounds. She expressed her thanks to Councillor Sutherland for his support in the matter. In closing she commented that it is important for community space to be accessible, cost efficient and inclusive.
- A. Councillor Sutherland, Ward 33 – Don Valley East, moved that the North York Community Council after considering the deputations and based on the findings of fact, conclusions and recommendations contained in the report (October 2, 2001) from the Director, Community Planning, North District, Urban Development Services, and for the reasons that the proposal is an appropriate use of lands, recommend to City Council the adoption of the following Resolution by Councillor Sutherland, Don Valley East:

“WHEREAS Cadillac Fairview has committed to providing 5,000 square feet of space for community purposes as part of the expansion of the shopping centre;

North York Community Council Minutes
Wednesday, October 24, 2001

AND WHEREAS the mechanism to secure this community space is through a Section 37 Agreement by way of an Official Plan Amendment process;

THEREFORE BE IT RESOLVED THAT:

- (a) the application submitted by The Cadillac Fairview Corporation regarding Zoning By-law Amendment No. TB ZBL 2001 0004 be approved;
- (b) the report (October 2, 2001) from the Director, Community Planning, North District, be adopted;
- (c) the City Clerk give Notice of a Statutory Public meeting for the Official Plan Amendment for January 2002 at the North York Community Council;
- (d) the Director, Community Planning, North District, report back in January 2002, on the Official Plan Amendment; and
- (e) the 5,000 sq. ft. turnkey community services space to be provided, be co-ordinated through the Parks and Recreation Division, Economic Development, Culture and Tourism Department; and the report from the Director, Community Planning, North District, ensure that this space be provided at no cost to the City.”

B. Councillor Shiner, Ward 24 – Willowdale, moved that:

- (1) Recommendation (3) of the report (October 2, 2001) from the Director, Community Planning, North District, Urban Development Services, be amended to provide that the Section 37 Agreement referred to in the aforementioned Resolution submitted by Councillor Sutherland be incorporated as part of that recommendation;
- (2) the following additional conditions be imposed:
 - (a) a Parking Agreement be entered into between the Library and the Fairview Mall, which would allow library users the right-of-access from Fairview Mall Drive entrance and permit Library users to park at spaces on the Fairview Mall parking lot free of charge;

- (b) the public access to the Library via the Fairview Mall Drive entrance be maintained during the construction period; and
 - (c) the pedestrian surface path be reconstructed to enable pedestrians to walk safely and conveniently from the Library to the Fairview Mall.
- (3) The Director, Community Planning, North District, when reporting back to the North York Community Council in January 2002 on the Official Plan Amendment, be directed to report, in consultation with the Commissioner of Economic Development, Culture and Tourism on whether the 5,000 sq. ft. will meet the community needs, or whether it is necessary to negotiate for additional space.

Upon the question of the adoption of Motion A., moved by Councillor Sutherland, and Motion B., moved by Councillor Shiner, it was carried.

(Report No. 8 – Clause No. 10)

8.21 Final Report – Application for Zoning By-law Amendment UDZ-99-17 and Application for Site Plan Approval UDSP-99-162 – DUCA Financial Services Credit Union Ltd – c/o Hendrik Op’t Root Architect – 5270 and 5290 Yonge Street – Ward 23 – Willowdale.

As directed by the North York Community Council, at its meeting held on September 14, 1999, appropriate notice of this Statutory public meeting was given in accordance with the Planning Act and the regulations thereunder.

The North York Community Council had before it a report (October 3, 2001) from the Director, Community Planning, North District, Urban Development Services, reporting on an application to amend the Zoning By-law to permit a 20 storey condominium apartment building with a 3 storey non-residential podium containing a 644 m² social facility at the north west corner of Yonge Street and Ellerslie Avenue; and recommending that the application for rezoning be approved, subject to the following:

- (1) Amend the Zoning By-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12.

North York Community Council Minutes
Wednesday, October 24, 2001

- (2) Authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required as a result of the site plan approval and the final plan of survey reference description.
- (3) Prior to the enactment of the zoning by-law, the applicant/owner shall enter into an Agreement with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13 as amended, in a form satisfactory to the City Solicitor and the Director, Community Planning, North District, to secure the facilities, services and matters noted below:
- (i) identify and secure a Social Facility generally in accordance with the plans located in the office of the Director, Community Planning, North District prepared by Hendrik Op't Root – Architect, dated July, 2000, and in accordance with the Term Sheet attached to this report (Attachment 13).
 - (ii) in lieu of providing an on-site social facility the applicant provide a cash payment to the satisfaction of the Chief Financial Officer and Treasurer to construct a similar facility serving the North York Centre.
 - (iii) have conveyed or cause to be conveyed to the City, for a nominal sum, free of all encumbrances the property and described as Part 1, Part 2 and Part 3, draft Reference Plan prepared by J Stel Ontario Land Surveyor (on file in the Planning Department offices) for road purposes.
 - (iv) have provided a signed and dated reference plan confirming the road dedications described in the attached draft by-law.
- (4) It is recommended that City Council approve the proposed 20 storey residential apartment building with a 3 storey podium containing office and grade-related retail uses as indicated on the drawings entitled:

Site Plan, A-1 dated stamped as received July 12, 2000, prepared by Hendrik Op't Root, Architect Ltd.

Ground Floor Plan A-5 dated March 19, 2001, stamped as received March 21, 2001, prepared by Hendrik Op't Root, Architect Ltd.

Typical Floor Plan A-9 dated August 15, 2001, stamped as received August 20,

North York Community Council Minutes
Wednesday, October 24, 2001

2001 prepared by Hendrik Op't Root, Architect Ltd.
Elevations, A-12 dated August 15, 2001, stamped as received August 20, 2001,
prepared by Hendrik Op't Root, Architect Ltd.
Elevations, A-13 dated September 18, 2001, stamped as received September
24, 2001, prepared by Hendrik Op't Root, Architect Ltd.

subject to the following conditions of site plan approval:

- 4(1) The lands shall be developed and maintained in accordance with the approved Site Plan drawings and conditions of approval. The Owner acknowledges that notwithstanding this approval, the lands shall be developed in accordance with the applicable zoning by-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law(s) to the satisfaction of the Chief Building Official.
- 4(2) All of the work shown on the approved drawings and all of the work required by the conditions of this approval shall be completed by December 31, 2003, failing which, this approval shall require an extension by the Director of Community Planning, North District (the "Director"), or his successor, prior to the issuance of any building permit.
- 4(3) All refuse and recycling storage shall be contained within the building. Refuse and recycling materials shall be transported to the collection area on collection days only. The Owner acknowledges that garbage shall be collected in accordance with Garbage By-law 21732, as amended.
- 4(4) All driveways, loading and parking areas shall be paved with asphalt, turfstone, concrete or concrete unit pavers.
- 4(5) All designated parking spaces for persons with disabilities shall be identified with proper signage and logos to the satisfaction of the Director of Transportation Services - Works and Emergency Services Department, or his successor. All designated parking spaces, walkways and curb ramps shall conform with the City of Toronto (formerly North York), "Barrier-Free Accessibility, Design Guidelines and Policy Handbook (Exterior Guidelines)."
- 4(6) No signage, satellite dishes, cellular telephone antennae or associated equipment shall be provided on the roof of the building, without the prior approval of the Director.

North York Community Council Minutes
 Wednesday, October 24, 2001

- 4(7) All existing trees scheduled to be preserved shall be maintained in accordance with the City of Toronto (formerly North York) Standards for the Protection and Care of Trees. Any tree that is removed in contravention of the Site Plan Approval, or that is severely damaged, shall be replaced with a tree or trees of similar value to the satisfaction of the Director.
- 4(8) All site illumination shall be designed to prevent the spread of light onto adjacent properties.
- 4(9) Above-grade electrical transformers, gas regulators, and other equipment are not permitted above grade in any yard abutting a public street unless screened from view with landscaping or fencing to the satisfaction of the Director, or his successor. All clearances from Toronto (formerly North York) Hydro-Electric Commission facilities must be maintained to the satisfaction of Toronto Hydro or such successor body. The owner shall make arrangements to the satisfaction of the affected Utility for the installation, relocation and protection of all utilities.
- 4(10) The municipal address of the project is to be well illuminated, provided in a prominent location and designed to be easily readable from adjacent streets.
- 4(11) The Owner agrees to provide the City with a complete and acknowledged Record of Site Condition, in accordance with the applicable Ministry of Environment and Energy Guideline for Use at Contaminated Sites in Ontario, within 3 months of the site plan approval, as amended.
- 4(12) The Owner shall agree, to at all times, indemnify and save the City harmless from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the City in respect of any failure by the Owner to fulfil any of its obligations under this Agreement in respect of its responsibility for any potential soil contamination or remediation of the lands.
- 4(13) The Owner shall develop the lands in accordance with the requirements and conditions, as contained in the memorandum of (refer to attached):

AGENCY	DATE OF MEMORANDUM
--------	-----------------------

North York Community Council Minutes
Wednesday, October 24, 2001

Community and Neighbourhood Services (Healthy Environments)	February 23, 2001, June 5, 2001
Toronto Works and Emergency Services (Development Services Division)	February 17, 2000, November 23, 2000
Toronto Works and Emergency Services (Transportation Services Division)	April 4, 2001, June 7, 2001, and October 3, 2001
Economic Development, Culture and Tourism, Parks and Recreation Division	May 14, 2001, February 14, 2000
Economic Development, Culture and Tourism, Parks and Recreation Division	May 14, 2001
Economic Development, Culture and Tourism (Policy and Development Division, and Technical Services)	February 14, 2000
Toronto Hydro	August 2, 2000
City of Toronto Fire Services	
Public Health	February 23, 2001 and June 15, 2001

- 4(14) The owner shall submit the following to the satisfaction of the Medical Officer of Health and the Director before any excavation permit is issued:
- (a) The owner agrees to carry out a Phase II Environmental Site Assessment.
 - (b) the owner agrees to provide the City with a complete and acknowledged Record of Site Condition in accordance with the applicable Ministry of Environment and Energy Guideline for Use at Contaminated Sites in Ontario, prior to the issuance of an excavation permit.
- 4(15) The owner shall submit the following to the satisfaction of the Director before any building permit is issued:
- (a) 3 copies of a revised site plan which incorporates:
 - (i) the technical requirements of all the departments.
 - (ii) the necessary modifications to eliminate the grade difference along Yonge Street.

North York Community Council Minutes
Wednesday, October 24, 2001

- (iii) the revised parking garage layout.
- (b) 3 copies of detailed landscape plan, which should address the following:
 - (i) Provision of street trees with a minimum 80 calliper and a spacing of eight metres for shade trees and 5 metres for ornamental tree (minimum 70 mm calliper). Trees and screening should be provided in accordance with the recommendations contained in the Pedestrian Wind Assessment Report prepared by RWDI and other required landscape matters including detailed planting and paving requirements.
 - (c) confirmation that arrangements have been made to satisfy the requirements of:

AGENCY	AS NOTED IN THEIR MEMORANDUM DATED
Toronto Works and Emergency Services (Development Services Division)	<u>February 17 2000</u>
Toronto Works and Emergency Services (Transportation Services Division)	April 4, 2001, June 7, 2001 and October 3, 2001
Economic Development, Culture and Tourism, Parks and Recreation Division	May 14, 2001
Economic Development, Culture and Tourism (Policy and Development Division, and Tech. Services)	February 14, 2000
City of Toronto Fire Services	
Public Health	February 23, 2001 and June 15, 2001

- (d) confirmation that approval has been obtained from the Toronto Hydro-Electric Commission.
- (e) confirmation that the owner has entered into site plan prepared to the satisfaction of the City Solicitor and the Director, to register the approved drawings and conditions of approval on title.
- (f) the owner shall submit a cost estimate with a letter of credit or

North York Community Council Minutes
Wednesday, October 24, 2001

certified cheque equal to 120% of the value of the landscaping including plantings, decorative paving and fencing. The letter of credit shall be submitted in a form satisfactory to the Chief Financial Officer in accordance with its standard format for letters of credit as of the date of submission of the letter to the City, and which shall provide for automatic renewal rights at the end of the term, to complete all outstanding work required by the conditions of approval. The deposit shall be returned to the owner at such time as the Director, Community Planning, North District, is satisfied that the property has been developed in accordance with the approved drawings and conditions of approval.

- (g) a lighting detail and concept plan for the driveway area.
 - (h) the owner shall agree, to at all times, indemnify and save the City harmless from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the City in respect of any failure by the Owner to fulfil any of its obligations under this Agreement in respect of its responsibility for any potential soil contamination or remediation of the lands;
- 4(16) The Owner shall submit confirmation from a qualified professional (i.e. qualified environmental control consultant) that all intake/exhaust vents and mechanical equipment will not create objectionable noise impacts to the adjacent sites.
- 4(17) The Owner shall submit confirmation from a qualified professional that certify that the Pedestrian Comfort policies in Section 5.6.5 of the North York Centre Secondary Plan have been met to the satisfaction of the Director of Community Planning, North District.

The North York Community Council also had before it a supplementary report (October 10, 2001) – DUCA Financial Services Credit Union Ltd. – c/o Hendrik Op't Root Architect – 5270 and 5290 Yonge Street from the Director, Community Planning, North District, Urban Development Services, reporting on modifications to the Final Report (October 3, 2001) in response to recommendations made by the Finance Department subsequent to the Final Report being released; and recommending that recommendation (3)(ii) be amended by deleting “Chief Financial Officer” and replacing it with Commissioner of Urban Development Services or her designate and, that the following

North York Community Council Minutes
Wednesday, October 24, 2001

be added to the recommendation:

“The cash in lieu of a social facility and any other contributions made pursuant to the Section 37 agreement are over and above the development charge requirements and are not to be treated as a credit against the development charge otherwise due and payable” so that the recommendation now reads:

“(ii) in lieu of providing an on-site social facility the applicant provide a cash payment to the satisfaction of the Commissioner of Urban Development Services or her designate to construct a similar facility serving the North York Centre. The cash in lieu of a social facility and any other contributions made pursuant to the Section 37 agreement are in addition to the development charge requirements and are not treated as a credit against the development charge otherwise due and payable.”

The North York Community Council also had before it a communication (October 22, 2001) from Mr. Hendrik Op't Root, Architect on behalf of the applicant, requesting exclusion in the Draft Zoning By-law in the calculation of the maximum height of the building, any penthouse, tower, cupola, steeple or other roof structure used only as an ornament upon or to house the mechanical equipment of the building; the inclusion of a Fitness Centre in the list of permissible uses; that Condition 4(2) of the staff report be clarified in order to reflect that site plan approval must be obtained by December 31, 2003, and not the actual completion of the building; that a supplementary report be prepared to deal with the aforementioned issues; and further requesting an opportunity to address Council and make a formal request with regard to the cash-in-lieu issue.

A staff presentation was made by Mr. Dennis Glasgow, Senior Planner, Community Planning, North District, Urban Development Services.

The following persons appeared before the North York Community Council in connection with the foregoing matter.

- Mr. Hendrik Op't Root, Architect on behalf of the applicant, who commented on the architectural merits of the building and the surrounding landscaping. He further added that it is a pedestrian friendly building and is a positive asset to North York. In closing, he stated that he enjoyed working with the Planning staff for the past two years and had succeeded in working out all the technical aspects of the application;
- Mr. Perry Copses, on behalf of a group of Condominium Associations in the

area, who expressed concerns regarding new development in the area, particularly with respect to the increased traffic that would be generated. While the residents appreciated the benefits of additional assessment, the additional traffic being generated would eventually lead to gridlock especially in the absence of a completed ring road network. He then pointed out that some time ago, the community was assured that ring roads would accommodate the extra traffic, however, to date the ring road has not been completed, thus increasing the traffic congestion within the community. In concluding, he requested that there be a moratorium on future development in the area, and especially on the west side of Yonge Street until such time as the ring road network has been completed;

- Mr. Tim Pellew, Vice President, Lansing Community Association, who expressed concerns with respect to the height of the proposed building. During his submission he indicated that the proposed development raises an important issue that was never contemplated by the Official Plan because the area to the west of Canterbury is in the Uptown but is still zoned R2, one family detached dwellings. The Official Plan assumes development of parcels of land stretching from Yonge Street to the west boundary of the Uptown, and provides for protection of properties outside the boundary but little is said about the protection of properties within the Uptown but not forming part of a nearby development. This sort of situation is not necessarily temporary but could last many years if development is slow. He further indicated that the height of the Duca Building would have to be reduced about 30m if a 45-degree plane is applied, thereby benefiting all the neighbourhood. In addition he provided further comments on other locations within the neighbourhood where a 45-degree plane was applied, which benefited other homes in the area. In closing, Mr. Pellew advised that the height is an important issue and that lowering the height of the proposed building would be a benefit to the entire neighbourhood. (A copy of his written submission was filed with the City Clerk.)
- Mr. Adam Brown, Brown Dryer Karol, on behalf of the applicant, who indicated that he had just been retained by the applicant. While the applicant concurred with the recommendations of planning staff there was still one issue that needed to be resolved. He was therefore requesting a deferral to the next meeting of the North York Community Council to allow the applicant a further opportunity to meet with planning staff and the Ward Councillor in order to resolve the issue of the cash-in-lieu of a social facility and other contributions made pursuant to the Section 37 agreement.

North York Community Council Minutes
Wednesday, October 24, 2001

- Mr. Terry Todd, who expressed concerns with respect to the height of the proposed development. He also stated that the proposed zoning for the subject site would not be in the best interests of the residents living on the south side of Churchill Avenue.

- A. Councillor Fillion, Ward 23 – Willowdale, moved that the North York Community Council after considering the deputations and based on the findings of fact, conclusions and recommendations contained in the reports (October 3, 2001 and October 10, 2001) from the Director, Community Planning, North District, Urban Development Services, and for the reasons that the proposal is an appropriate use of lands, recommend to City Council that:
 - (1) the reports (October 3, 2001 and October 10, 2001) from the Director, Community Planning, North District, Urban Development Services, be adopted, and the application submitted by DUCA Financial Services Credit Union Ltd., regarding Zoning By-law Amendment UDZ-99-17 and Site Plan Approval UDSP-99-162, be approved subject to the conditions outlined in the aforementioned reports;
 - (2) Attachment 14 to the report (October 3, 2001) from the Director, Community Planning, North District, Urban Development Services, be amended by adding thereto, the words, “the Commissioner of Economic Development, Culture and Tourism” following the words “in consultation with the Commissioner of Corporate Services” where same appears in the first and second paragraph of said Attachment.
 - (3) the Director, Community Planning, North District, Urban Development Services and the Director, Transportation Services, District 3, Works and Emergency Services, be requested to submit a report to a future meeting of the North York Community Council on the status of the service road construction on both sides of Yonge Street, detailing land that has been acquired to date; land that still needs to be acquired; projections on what the cost would be to complete the service road on both sides of Yonge Street; a timetable for that construction and the extent to which development can proceed within the North York Centre without the service road.

- B. Councillor Shiner, Ward 24 – Willowdale, moved in amendment to Motion A., moved by Councillor Fillion, that the report requested from the Director, Community Planning, North District, Urban Development Services and the

Director, Transportation Services, District 3, Works and Emergency Services, also include the levies that have been collected since amalgamation, for the construction of the Service Road in the North York Centre.

Upon the question of the adoption of Motion B., moved by Councillor Shiner, in amendment to Motion A., moved by Councillor Filion, it was carried.

Upon the question of the adoption of Motion A., moved by Councillor Filion, it was carried.

(Report No. 8 – Clause No. 11)

8.22 Request to Erect a Memorial Plaque at the Entrance to Earl Bales Park.

The North York Community Council had before it a communication (October 23, 2001) from the City Clerk, Economic Development and Parks Committee, advising that the Economic Development and Parks Committee, at its meeting held on October 22, 2001, referred the petition (undated) from Mrs. Wilks, resident in support of erecting a memorial plaque at the entrance to Earl Bales Park in honour of Mr. Morry Smith, to the North York Community Council for consideration and report to the Economic Development and Parks Committee at its meeting scheduled to be held on November 19, 2001.

The North York Community Council also had before it a communication (undated) from Mrs. Wilks, addressed to Councillor Filion, forwarding a further petition signed by approximately 143 area residents in support of the request to have a memorial plaque erected at the entrance to Earl Bales Park in recognition of the tremendous effort made by the late Morry Smith to preserve the beautiful property as a public park.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended to the Economic Development and Parks Committee that the request to erect a memorial plaque in Earl Bales Park in honour of Mr. Morry Smith be endorsed, subject to completion of the established consultation process and the determination of an appropriate location for such plaque.

(Report No. 8 – Clause No. 15(k))

8.23 Ontario Municipal Board Hearing respecting 112 Cameron Avenue – Ward 23 – Willowdale.

The North York Community Council had before it the following Resolution submitted by Councillor Filion, Ward 23 – Willowdale:

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused an application by Marzenda Nedza, the owner of 112 Cameron Avenue, for consent to sever one residential property fronting onto the north side of Cameron Avenue into two residential properties having frontages of 7.62 m each;

WHEREAS the Committee of Adjustment for the City of Toronto (North District)

refused the two associated variance applications requesting variances for lot frontage and width, east and west side yard setbacks, length of dwelling and lot coverage;

WHEREAS only the decision for the severance application has been appealed to the Ontario Municipal Board; and

WHEREAS no date has been set for the hearing of the consent application appeal;

THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to authorize City legal staff to attend the Ontario Municipal Board hearing to uphold the City's By-law and defend the Committee of Adjustment's decision".

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council, in accordance with the provisions of §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present having voted in the affirmative.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended to City Council, the adoption of the foregoing Resolution.

(Report No. 8 – Clause No. 12)

8.24 Ontario Municipal Board Hearing respecting 89 Johnston Avenue – Ward 23 – Willowdale.

The North York Community Council had before it the following Resolution by Councillor Filion, Ward 23 - Willowdale:

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused an application by Paul Sandusky, the owner of 89 Johnston Avenue, for consent to sever one residential property fronting onto the south side of Johnston Avenue into two residential properties having frontages of 7.62 m each;

WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused the two associated variance applications requesting variances for lot frontage and

width, east and west side yard setbacks and below grade garages;

WHEREAS the applicant has appealed the consent and associated minor variance decisions of refusal to the Ontario Municipal Board;

WHEREAS no date has been set by the Board to hear the applications;

THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to authorize City legal staff to attend the Ontario Municipal Board hearing to uphold the City's By-law and defend the Committee of Adjustment's decision".

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council, in accordance with the provisions of §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present having voted in the affirmative.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended to City Council, the adoption of the foregoing Resolution.

(Report No. 8 – Clause No. 13)

8.25 Barrier Replacement – 77 to 99 Robert Hicks Drive – Ward 10 – York Centre.

The North York Community Council had before it the following Resolution by Councillor Feldman, Ward 10 – York Centre:

“WHEREAS the original subdivision agreement made between the owners/subdividers and the former Borough of North York in 1978, required that a noise protective barrier be erected along the rear of certain lots, including those lots now known municipally as 77 to 99 Robert Hicks Drive, which lots back on to Finch Avenue West;

AND WHEREAS the original barrier erected over twenty years ago in accordance with the residential subdivision provisions is deteriorating and is in a state of disrepair;

AND WHEREAS the present Owners of these lots wish to replace the original barrier

North York Community Council Minutes
Wednesday, October 24, 2001

with a substitute fence, which along with mature landscaping, will provide for the privacy and noise protection of the lots at 77 to 99 Robert Hicks Drive;

AND WHEREAS Property Standards has deemed the fence to be a safety hazard and directed that the existing fence has to be taken down and replaced;

NOW THEREFORE BE IT RESOLVED THAT notwithstanding the provisions of the original subdivision agreement dated June 19, 1978, those Owners of residential lots fronting on Robert Hicks Drive and backing on to Finch Avenue West, and being lots 77 to 99 on Robert Hicks Drive may replace the original barrier at the rear of those lots with a substitute solid fence of uniform design or a board on board fence.”

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council, in accordance with the provisions of §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present having voted in the affirmative.

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council recommended to City Council, the adoption of the foregoing Resolution.

(Report No. 8 – Clause No. 14)

Adjournment:

The North York Community Council adjourned its meeting at 4:45 p.m., Wednesday, October 24, 2001.

Chair.