

THE CITY OF TORONTO

Clerk's Division

Minutes of the Planning and Transportation Committee

Meeting No. 11

Monday, November 4, 2002

The Planning and Transportation Committee met on November 4, 2002, in Committee Room No. 1, 2nd Floor, City Hall, Toronto, commencing at 9:30 a.m.

Councillor	9:30 a.m.
Councillor Gerry Altobello, Chair	X
Councillor Pam McConnell, Vice-Chair	X
Councillor Lorenzo Berardinetti	X
Councillor Betty Disero	-
Councillor Joanne Flint	-
Councillor Peter Milczyn	X
Councillor Howard Moscoe	X
Councillor Kyle Rae	X

Declarations of Interest Pursuant to the Municipal Conflict of Interest Act

None declared.

Confirmation of Minutes

On motion by Councillor Moscoe, the minutes of the meeting of the Planning and Transportation Committee held on October 7, 2002 were confirmed.

11.1 Draft Etobicoke Centre Secondary Plan and Zoning By-law (Formerly Kipling-Islington City Centre Secondary Plan)

The Planning and Transportation Committee gave consideration to a report (August 15, 2002) from the Commissioner of Urban Development Services reporting on the draft Etobicoke Centre Secondary Plan and Zoning By-law and recommending that:

- (1) Planning and Transportation Committee authorize a public meeting under the requirements of the Planning Act to be held at the October 7, 2002 Planning and Transportation Committee meeting;
- (2) notice of the Public meeting be published in a daily newspaper with City-wide circulation as well as a local Etobicoke community newspaper;
- (3) the City Solicitor be authorized to make such stylistic and technical changes to the draft Secondary Plan and Zoning By-law as may be required; and
- (4) Planning and Transportation Committee forward this report to Etobicoke Community Council for their review and comments to City Council.

(Note: Copies of the report "Etobicoke Centre Secondary Plan - August 2002" were distributed to Members of Council and key staff in the agenda package for the September 9, 2002 meeting of the Planning and Transportation Committee. Photocopies of that report are appended to this package for Members of Council only.)

The Committee also had before it the following communications:

- (October 21, 2002) from the City Clerk, Etobicoke Community Council advising that the Etobicoke Community Council, at its meeting held on October 16, 2002:
 - (1) requested the Director, Community Planning, West District, to submit a report directly to the Planning and Transportation Committee for its meeting scheduled to be held on November 4, 2002, on:
 - (a) proposed changes to the draft Etobicoke Centre Secondary Plan and Zoning By-law;
 - (b) the possibility of Tax Increment Financing to promote office/commercial development in the Secondary Plan Area;
 - (c) the identification of potential parkland sites and quantitative parkland requirements for the additional population; and

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- (d) the terms of reference and composition of a community reference group for the Community Improvement Plan; and
- (2) requested the Chief General Manager, Toronto Transit Commission, to submit a report to the Planning and Transportation Committee for its meeting scheduled to be held on November 4, 2002, or as soon as practicable thereafter, respecting the public transit improvement aspects of the draft Etobicoke Centre Secondary Plan;
- (October 30, 2002) from Keith Lew, M.C.I.P., R.P.P. forwarding comments on behalf of Canadian Tire Real Estate Limited (CTREL) respecting land located on the south side of Dundas Street West, opposite Wilmar Road;
- (October 27, 2002) from the Commissioner of Urban Development Services submitting changes to the draft Etobicoke Centre Secondary Plan and Zoning By-law resulting from recent community consultation, written submissions and deputations, and recommending that:
 - (1) the draft Etobicoke Centre Secondary Plan dated August 2002, be amended as shown in Attachment 1;
 - (2) the Etobicoke Centre Secondary Plan dated August 2002, as revised, be adopted and that the existing City Centre Secondary Plan be repealed;
 - (3) the draft Etobicoke Centre Zoning By-law be revised as per Attachment 2, of this report; and
 - (4) the Etobicoke Centre Zoning By-law, as revised, be enacted;
- (October 31, 2002) from Laurie McPherson, RPP, MCIP, Bousfield, Dale-Harris, Cutler & Smith Inc., Consulting Town Planners submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to lands municipally known as 2 Dunbloor Road between Dundas Street and Bloor Street;
- (November 3, 2002) from Barry A. Horosko, Bratty and Partners, LLP, Barristers and Solicitors obo Canadian Tire Real Estate Limited ("CTREL") submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to lands on the south side of Dundas Street West, located within the study area.;
- (undated) from Adam Brown, Concert Properties Ltd. requesting a revision to the Etobicoke Centre Secondary Plan as it relates to 5145 Dundas Street West;

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- (November 4, 2002) from Scott Arbuckle, Senior Planner, Planning & Engineering Initiatives Ltd. obo McDonald's Restaurants of Canada submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to 5453 Dundas Street West, west of Wilmar Road and 5230 Dundas Street West, west of Beamish Drive;
- (November 4, 2002) from Michael W. Foley, MCIP, RPP, Manager of Planning, Tim Hortons obo TDL Group Ltd. and Wendy's Restaurants of Canada submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to 5250 Dundas Street West; and
- (October 11, 2002) from Neil M. Smiley, Fasken Martineau DuMoulin LLP, Barristers and Solicitors obo 1503342 Ontario Limited submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to lands located on the south-west corner of Bloor St. West and Islington Avenue.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Adam Brown, Brown Dryer Karol, Barristers and Solicitors submitted a motion and requested the Committee to revise the Etobicoke Centre Secondary Plan and Zoning By-law as proposed in his motion;
- Keith Lew, Lew Associates Ltd., obo Canadian Tire Real Estate Ltd., requested that the Etobicoke Centre Secondary Plan and By-law be amended to delete the new street and the holding zone from the CTREL property;
- Scott Arbuckle, Planning & Engineering Initiatives Ltd., obo McDonald's Restaurants of Canada Limited, requested an exemption for properties located at 5453 and 5230 Dundas Street West and submitted a communication dated November 4, 2002;
- Ursula Andrachuk, expressed concerns about her taxes increasing if her property is zoned commercial;
- Michael Foley, The TDL Group Ltd. requested that the draft Etobicoke Centre Secondary Plan and implementing Zoning by-law recognize the OMB Order and his property be treated in a similar fashion as KFC, and filed a submission dated November 4, 2002;

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- Nathalie Richard, stated that she wanted to know who the public contact for more information was on the sale of a public laneway directly adjacent to proposed development at Islington and the process involved in the sale of a public laneway; and
- Neil M. Smiley, Fasken Martineau DuMoulin LLP, Barristers and Solicitors, expressed concerns with respect to the proposed Etobicoke Centre Secondary Plan and implementing By-law and filed a copy of his submission dated October 11, 2002 to the Etobicoke Community Council.

On motion by Councillor Milczyn, the Planning and Transportation Committee:

(A) recommended to City Council based on the facts and findings contained in the reports (August 15, 2002 and October 27, 2002) from the Commissioner, Urban Development Services and the Etobicoke Centre Secondary Plan – August 2002, that the report (October 27, 2002) from the Commissioner, Urban Development Services be adopted, subject to:

(1) amending Recommendations (1) and (3) to read:

“(1) The draft Etobicoke Centre Secondary Plan dated August 2002, be amended as shown in Attachment 1 subject to amending revised Policy 4.2.5.9. in Attachment 1 by deleting the word “potential” and inserting the word “need”:

(3) the draft Centre Etobicoke Centre Zoning By-law be revised as per Attachment 2 of this report, subject to amending Schedule “D” in Attachment 2 as it relates to 2 Dunbloor Road by increasing the height on that block from 60 metres to 78 metres;”;

- (2) adding the following additional Recommendation (5):

“(5) authority be granted for the introduction of the necessary Bill(s) in Council to give effect thereto.”

so that the recommendations of the report, now read:

- “(1) The draft Etobicoke Centre Secondary Plan dated August 2002, be amended as shown in Attachment 1 subject to amending revised Policy 4.2.5.9. in Attachment 1 by deleting the word “potential” and inserting the word “need”;
- (2) the Etobicoke Centre Secondary Plan dated August 2002, as revised, be adopted and that the existing City Centre Secondary Plan be repealed;
- (3) the draft Etobicoke Centre Zoning By-law be revised as per Attachment 2 of this report, subject to amending Schedule “D” in Attachment 2 as it relates to 2 Dunbloor Road by increasing the height on that block from 60 metres to 78 metres;
- (4) the Etobicoke Centre Zoning By-law, as revised, be enacted; and
- (5) authority be granted for the introduction of the necessary Bill(s) in Council to give effect thereto.”
- (B) requested the Commissioner of Urban Development Services to report to the January 13, 2003 meeting of Planning and Transportation Committee on Terms of Reference for the Community Improvement Plan; and

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- (C) requested the Commissioner of Urban Development Services to review the application submitted by Concert Properties on the basis of negotiating a Section 37 Agreement for increased density within the parameters of the proposal submitted by the applicant and to also review the applicant's revised height schedule, and submit a report for consideration at a statutory public meeting at the January 21, 2003 meeting of the Etobicoke Community Council.
- (D) endorsed in principle the following motion and referred this motion, together with the Committee's endorsement, to the Policy and Finance Committee and to Mayor Lastman:
- “That tax increment financing be put in place for commercial office development in the Central area.”
- (E) (on motion by Councillor Moscoe) requested the Commissioner of Urban Development Services to report directly to City Council for its meeting on November 26, 2002, on:
- (1) strengthening the public art component of the plan;
 - (2) only permitting underground retail areas adjacent to subway stations.

Note: The Committee, at its meeting on September 9, 2002, adopted Recommendations (1), (2) and (4) of the following report. This report is before the Committee at this meeting in accordance with Recommendation (1) to conduct a statutory meeting pursuant to the Planning Act

The Planning and Transportation Committee advises having held a statutory public meeting on November 4, 2002 and that notice of this meeting was given in accordance with The Planning Act;

(Policy and Finance Committee, Mayor Lastman, Commissioner, Urban Development Services)

(Clause No. 1, Report No. 13)

11.2 Review of Regulations Applicable to Public Garages

The Planning and Transportation Committee gave consideration to a report (October 21, 2002) from the Commissioner of Urban Development Services providing information regarding the current regulations applicable to public garages and recommending that this report be received as an interim report, and that after completion of a review of all applicable regulations and a consultation process, a further report on the feasibility of amending the appropriate municipal by-laws regarding public garages be submitted to the Planning and Transportation Committee.

On motion by Councillor Moscoe, the Planning and Transportation Committee:

(A) amended the report (October 21, 2002) from the Commissioner of Urban Development Services by:

(1) amending the list of points in the category titled "The concerns expressed include:" contained on Pages 1 and 2 of the report by:

(a) amending point (f) by adding the words: "suitably protected against encroachment by the judicious use of poured concrete curbs built to municipal standards and bollards built to specified urban design standards", so as to read:

"(f) establishing a minimum percentage of lot area for landscaping suitably protected against encroachment by the judicious use of poured concrete curbs built to municipal standards and bollards built to specified urban design standards";

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- (b) amending point (g) by deleting the words “curb stops” and replacing with the words “poured concrete curbs”, so as to read:
 - “(g) using poured concrete curbs and pavement markings to delineate points of access and egress;”;
- (c) adding the following two additional points
 - “(n) limiting flags and banners;
 - (o) the establishment of urban design standards for car lots.”;
- (2) requesting the Commissioner to also report on:
 - (a) in terms of urban design, using curbs instead of bollards; and
 - (b) establishing urban design standards and guidelines for used car lots;

and received this report, as so amended, noting that after completion of a review of all applicable regulations and a consultation process, a further report on the feasibility of amending the appropriate municipal by-laws regarding public garages will be submitted to the Planning and Transportation Committee;

- (B) requested the City Solicitor to report to the Planning and Transportation Committee on the concept of imposing, as a condition of establishing a used car lot, a requirement that the City take a one foot reserve; and
- (C) requested the Commissioner of Urban Development Services, through Municipal Licensing and Standards, to inspect the vacant car lot at the corner of Billy Bishop Way and Dufferin Street.

(Commissioner, Urban Development Services, City Solicitor)

(Clause No. 4(a), Report No. 13)

11.3 Further Report On A Proposed Incentive Program For Business Improvement Areas (BIA's) To Engage In Graffiti Removal

The Planning and Transportation Committee gave consideration to a report (October 11, 2002) from the Commissioner of Urban Development Services providing further information on a proposed incentive program that would involve Business Improvement Areas in graffiti removal. The report also provides a discussion of the components of an effective, City-wide anti-graffiti program, the City of Vancouver's anti-graffiti by-law and efforts to control graffiti on City property and recommending that:

- (1) The Commissioner of Urban Development Services be authorized to include a request for \$10,200 in the 2003 Consolidated Grants Budget for the purpose of establishing a pilot partnership program between the City and three Business Improvement Areas for the removal of graffiti in those retail strips contingent on their financial participation;
- (2) the Commissioner of Urban Development Services be authorized to consult with the Business Improvement Areas and the BIA Office of Economic Development, Culture and Tourism as described in this report with regard to program details and design, and recommend to Council an operational plan for the proposed program in 2003;
- (3) the Commissioner of Urban Development Services and the Toronto Police Service assess the available information regarding approaches to graffiti suppression, eradication and diversion, review those materials with appropriate City Officials and external partners and that the Commissioners of Urban Development Services and Economic Development, Culture and Tourism report to their respective standing committees on a comprehensive strategy including any desirable legislative changes as well as financial implications early in 2003;
- (4) this report be forwarded to the Policy and Finance Committee for consideration and that recommendation 1 be referred to the Economic Development and Parks Committee for information and the Grants Sub-Committee for its consideration in the 2003 budget process; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The Committee also had before it a communication (October 31, 2002) from Staff Sergeant Heinz Kuck, 53 Division Community Response, Graffiti Eradication Program Co-ordinator, Toronto Police Service forwarding comments regarding the Toronto Police Service Graffiti Eradication Program.

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(Folder with brochures, pamphlets, magazine articles, executive summary of activity and press clippings in on file in the office of the City Clerk.)

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that City Council, through the Policy and Finance Committee, adopt the report (October 11, 2002) from the Commissioner of Urban Development Services subject to amending Recommendation (1) by adding to the end the words “and that the York Eglinton Business Improvement Area be invited to participate in the pilot partnership program”, so as to read:

“(1) The Commissioner of Urban Development Services be authorized to include a request for \$10,200 in the 2003 Consolidated Grants Budget for the purpose of establishing a pilot partnership program between the City and three Business Improvement Areas for the removal of graffiti in those retail strips contingent on their financial participation, and that the York Eglinton Business Improvement Area be invited to participate in the pilot partnership program;” and

forwarded this report, and the Committee’s recommendations, to the Policy and Finance for consideration of its financial implications and subsequent transmission to City Council.

The Planning and Transportation Committee, in accordance with Recommendation (4) of the report (October 11, 2002) from the Commissioner of Urban Development Services, referred Recommendation (1) of the report to the Economic Development and Parks Committee for information, and to the Grants Sub-Committee for its consideration in the 2003 budget process.

(Policy and Finance Committee, Economic Development and Parks Committee, Grants Sub-Committee, Commissioner, Urban Development Services, Commissioner, Economic Development, Culture and Tourism)

(Clause No. 4(b), Report No. 13)

11.4 Interest/Penalty Issue Associated with the Apportionment of Taxes

The Planning and Transportation Committee gave consideration to a report (October 22, 2002) from the Chief Financial Officer and Treasurer advising of a strategy for dealing with interest/penalty charges that have accrued on various tax accounts as a result of delays in processing tax apportionment requests, as detailed in this report, and recommending that:

- (1) the Chief Financial Officer and Treasurer be authorized, on a one-time basis, to write-off interest/penalty charges on the tax accounts set out in Appendix A;
- (2) as a standard condition of registration of a plan of subdivision or of a plan of condominium, that all tax arrears and current taxes owing be paid in full, and that authority be granted for entering into the necessary agreements to secure such conditions;
- (3) prior to the adoption of any part lot control by-laws, that all tax arrears and current taxes owing be paid in full;
- (4) the Committee of Adjustment be requested to require, as a standard condition of all consents, that all tax arrears and current taxes owing be paid in full;
- (5) the Chief Financial Officer and Treasurer be directed to write to the Municipal Property Assessment Corporation and request that it find the ways and means necessary to expedite its processing of ownership changes thereby keeping the assessment roll as updated as possible;
- (6) the Planning & Transportation Committee forward this report to the Policy & Finance Committee for its consideration; and,
- (7) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

- The Committee also had before it a confidential report (September 10, 2002) from the City Solicitor respecting the legality and risks of writing-off accrued interest and penalty charges accrued to tax accounts subject to apportionment, having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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On motion by Councillor Moscoe, the Planning and Transportation Committee recommended that Council, through the Policy and Finance Committee:

- (1) adopt the report (October 22, 2002) from the Chief Financial Officer and Treasurer subject to amending Recommendation (5) by adding the words “Chair and Members of the” before the words “Municipal Property Assessment Corporation”, so as to read:

“(5) the Chief Financial Officer and Treasurer be directed to write to the Chair and Members of the Municipal Property Assessment Corporation and request that it find the ways and means necessary to expedite its processing of ownership changes thereby keeping the assessment roll as updated as possible;”

- (2) receive the confidential report (September 10, 2002) from the City Solicitor. and that in accordance with the Municipal Act, discussions thereto be held in-camera having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

and in accordance with Recommendation (6) of the report, forwarded this report, and the Committee’s recommendations, to the Policy and Finance for consideration of its financial implications and subsequent transmission to City Council.

On motion by Councillor Moscoe, the Committee requested the Chief Financial Officer and Treasurer to report to the Planning and Transportation Committee on ways in which new owners can be notified upon registration of future tax obligations.

(Policy and Finance Committee, Chief Financial Officer and Treasurer; cc: City Solicitor)

(Clause No. 4(c), Report No. 13)

11.5 Bike Week

The Planning and Transportation Committee gave consideration to a report (September 30, 2002) from the City Clerk, Toronto Cycling Committee advising that the Toronto Cycling Committee, at its meeting held on September 23, 2002, referred the report (August 2, 2002) from the Bicycle Promotions Co-ordinator, to the Planning and Transportation Committee for information.

The Planning and Transportation Committee received for information the communication (September 30, 2002) from the City Clerk, Toronto Cycling Committee.

(Clause No. 4(d), Report No. 13)

11.6 Toronto Bike Plan - Kyoto Accord

The Planning and Transportation Committee gave consideration to a report (October 7, 2002) from the City Clerk, Toronto Cycling Committee advising that the Toronto Cycling Committee, at its meeting held on September 23, 2002, requested the Planning and Transportation Committee to approve the following motion:

“Whereas increasing the cycling modal split in the City of Toronto will help to reduce greenhouse gas emissions and help Canada meet its Kyoto targets;

And Whereas the Toronto Bike Plan outlines a clear plan to increase the percentage of cycling trips, and has been approved by Toronto City Council;

Therefore Be It Resolved That the City of Toronto, in its negotiations with senior levels of government regarding funding agreements for transportation infrastructure projects, Kyoto accord implementation, and other jointly funded projects related to transportation and/or the environment, include specific requests for funds to augment the cycling infrastructure, planning and promotions budgets to accelerate the realization of the goals of the Toronto Bike Plan.”

The Committee also had before it a communication (October 29, 2002) from Martin Koob supporting the motion from the Toronto Cycling Committee regarding the Toronto Bike Plan and the Kyoto Accord.

Crawford Murphy appeared before the Planning and Transportation Committee in connection with the foregoing matter.

The Planning and Transportation Committee recommended to City Council that the following motion contained in the communication (October 7, 2002) from the City Clerk, Toronto Cycling Committee, be adopted:

“Therefore Be It Resolved that the City of Toronto, in its negotiations with senior levels of government regarding funding agreements for transportation infrastructure projects, Kyoto accord implementation, and other jointly funded projects related to transportation and/or the environment, include specific requests for funds to augment the cycling infrastructure, planning and promotions budgets to accelerate the realization of the goals of the Toronto Bike Plan.”

(Clause No. 2, Report No. 13)

11.7 “No Bicycles on Go Transit Buses” Policy

The Planning and Transportation Committee gave consideration to a report (October 6, 2002) from the City Clerk, Toronto Cycling Committee advising that the Toronto Cycling Committee, at its meeting held on September 23, 2002, requested the Planning and Transportation Committee to approve the following motion:

“Whereas the Greater Toronto Area is the only large urban centre that does not have bike racks on transit buses;

And Whereas part of the Toronto Bike Plan promotes a seamless partnership between cyclists and public transit;

Therefore Be It Resolved That the Mayor of the City of Toronto, as a representative to Go Transit, request the Authority:

- (a) to promote a bicycle friendly policy;
- (b) to consider purchasing transit buses complete with bike racks;
and
- (c) to implement a consistent policy across Go Transit dealing with bicycles on transit buses.”

The Committee also had before it a communication (undated) from Jacquelyn Hayward, Program Coordinator, Black Creek Regional Transportation Management Association forwarding comments suggesting that bikes should be carried using frontal racks on GO buses and more freely allowed onto GO Trains, and bike storage facilities should be improved and increased at stations and stops.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Crawford Murphy; and
- Jacquelyn Hayward.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council the adoption of the following motion contained in the communication (October 6, 2002) from the City Clerk, Toronto Cycling Committee:

“Therefore Be It Resolved that the Mayor of the City of Toronto, as a representative to Go Transit, request the Authority:

- (a) to promote a bicycle friendly policy;
- (b) to consider purchasing transit buses complete with bike racks; and
- (c) to implement a consistent policy across Go Transit dealing with bicycles on transit buses.”

(Clause No. 3, Report No. 13)

11.8 Motions From Children and Youth Action Committee Youth Section

The Planning and Transportation Committee gave consideration to a communication (September 25, 2002) from Councillor Olivia Chow, Children and Youth Advocate recommending that whenever and wherever the number of planned housing units exceeds 2,000 units, a community recreation Centre to serve youth, children and local residents should be planned and constructed unless there is already a recreation centre in the vicinity that could accommodate the recreation needs of the new residents.

On motion by Councillor Moscoe, the Planning and Transportation Committee referred the communication (September 25, 2002) from Councillor Chow, Children and Youth Advocate to the Commissioner of Community and Neighbourhood Services and the Commissioner of Economic Development Culture and Tourism for a joint report back to the Economic Development and Parks and the Planning and Transportation Committees.

(Commissioner, Community and Neighbourhood Services; Commissioner, Economic Development, Culture and Tourism; cc: Planning and Transportation Committee; Economic Development and Parks Committee and Children and Youth Advocate)

(Clause No. 4(e), Report No. 13)

11.9 Liquor and Business Licensing

The Planning and Transportation Committee gave consideration to a communication (October 30, 2002) from Councillor Altobello requesting that staff be directed to prepare a report on the ways and means of revoking liquor licences and/or business licences to night-clubs and other establishments that have continuous violent occurrences in their establishments.

The Planning and Transportation Committee adopted the communication (October 30, 2002) from Councillor Altobello and in so doing requested the Commissioner of Urban Development Services to prepare a report on the ways and means of revoking liquor licences and/or business licences to night-clubs and other establishments that have continuous violent occurrences in their establishments.

(Commissioner, Urban Development Services, cc: Councillor Altobello)

(Clause No. 4(f), Report No. 13)

The meeting adjourned at 11:15 a.m.