

City of Toronto

Clerk's Division

Minutes of the Humber York Community Council

Meeting No. 6

July 17, 2002

The Humber York Community Council held a meeting on Wednesday, July 17, 2002 in the Council Chamber, York Civic Centre, 2700 Eglinton Avenue West, at 9:30 a.m.

9:30 a.m. to
10:45 a.m.

Members present:	Councillor F. DiGiorgio, Chair	x
	Councillor F. Nunziata, Vice Chair	x
	Councillor C. Korwin-Kuczynski	x
	Councillor B. Disero	x
	Councillor D. Miller	x
	Councillor H. Moscoe	x
	Councillor M. Silva	x

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

**6.1 437 Roncesvalles Avenue (St. Jude's Anglican Church and Parish Hall);
Inclusion on the City of Toronto Inventory of Heritage Properties.
(Parkdale-High Park, Ward 14)**

The Humber York Community Council had before it a report (May 6, 2002) from the Commissioner, Economic Development, Culture and Tourism, reporting on the inclusion of the property at 437 Roncesvalles Avenue, St. Jude's Anglican Church and Parish Hall, on the City of Toronto Inventory of Heritage Properties; advising that there are no financial implications resulting from the adoption of the report; and recommending that:

- (1) City Council include the property at 437 Roncesvalles Avenue (St. Jude's Anglican Church and Parish Hall) on the City of Toronto Inventory of Heritage Properties; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The following persons appeared before the Humber York Community Council in connection with the foregoing matter:

- Mr. Ivan Fleischmann, Miller Thomson, Solicitor for the applicant; and
- Mr. Jassie Khurana, Khurana Associates, Planning & Development Consultants.

On motion by Councillor Moscoe, the Community Council recommended to Council that no action be taken with respect to the foregoing report.

Carried, with Councillor Miller voting in the negative.

(Clause No. 1, Report No. 10)

6.2 138 Prescott Avenue – Exemption from Ch. 248 of the (former) City of Toronto Municipal Code, Parking Licences, To Permit Driveway Widening. (Davenport, Ward 17)

The Humber York Community Council had before it a report (June 14, 2002) from the Manager, Right of Way Management, Transportation Services, District 3, reporting on a request for an exemption from Municipal Code 248, Parking Licences, of the (former) City of Toronto, to permit driveway widening for two vehicles at 138 Prescott Avenue, which does not meet the requirements of the Code; advising that as this is an appeal and a request for an exemption it is scheduled as a deputation item; and recommending that City Council **deny** the application to permit driveway widening for a second vehicle at 138 Prescott Avenue.

Mr. Tony Di Ciantis, Toronto, appeared before the Community Council in connection with the foregoing matter.

On motion by Councillor Disero, the Community Council recommended to Council that:

- (1) the application to permit driveway widening for a second vehicle at 138 Prescott Avenue, be approved, subject to:**
 - (a) the parking area for each space not exceeding 2.2 m by 5.9 m in dimension; and**
 - (b) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code, Chapter 248, Parking Licences, of the former City of Toronto Municipal Code;**
- (2) the licence for the second parking space be issued for a period of one (1) year and that such licence not be transferrable; and**
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.**

Councillor Moscoe in amendment moved:

That the owner of 140 Prescott Avenue be advised of the action taken by the Humber York Community Council.

Upon the question that the motion by Councillor Moscoe be adopted:

Yes: Councillor Moscoe

No: Councillors Disero, DiGiorgio, Korwin-Kuczynski, Nunziata and Silva

Motion lost.

Upon the question that the motion by Councillor Disero be adopted, it was carried, with Councillor Moscoe voting in the negative.

(Clause No. 2, Report No. 10)

**6.3 3048 Dundas Street West, Axis Gallery & Grill; Extension of Hours for the Boulevard Café on the McMurray Street Flank.
 (Parkdale-High Park, Ward 13)**

The Humber York Community Council had before it a report (June 14, 2002) from the Manager, Municipal Licensing and Standards, reporting on the request for extended hours of operation of the boulevard café on the McMurray Street flank of 3048 Dundas Street West; and recommending that City Council may deny any further extension of the operating hours and allow the existing extended hours of the boulevard café operation to continue.

On motion by Councillor Miller, the Community Council recommended to Council that:

- (1) the operating hours for the boulevard café on the McMurray Street flankage of 3048 Dundas Street West, Axis Gallery and Grill, be further extended to 2:00 a.m. on Thursday, Friday and Saturday, and to 12:00 midnight on all other days; and**
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.**

(Clause No. 3, Report No. 10)

**6.4 Installation/Removal of On-Street Parking Spaces
 For Persons With Disabilities.
 (Parkdale-High Park, Ward 14, and Davenport, Ward 18)**

The Humber York Community Council had before it a report (June 13, 2002) from the Director, Transportation Services, District 1, reporting on requests for the installation/removal of on-street disabled persons' parking spaces; advising that the funds to undertake the necessary signage adjustments in the estimated amount of \$1,200.00 are

contained in the Transportation Services Division 2002 Operating Budget; and recommending that:

- (1) the installation/removal of disabled on-street parking spaces as noted in Table "A" of this report be approved; and
- (2) the appropriate City officials be requested to take any action necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

On motion by Councillor Miller, the Community Council recommended to Council the adoption of the foregoing report.

(Clause No. 4, Report No. 10)

**6.5 Annual Caribana/Toronto International Carnival and Canadian National Exhibition – Temporary Adjustments to existing Traffic/Parking Regulations on streets in the vicinity of Exhibition Place.
 (Parkdale-High Park, Ward 14; Davenport, Ward 18 & Trinity-Spadina, Ward 19)**

The Humber York Community Council had before it a report (June 21, 2002) from the Director, Transportation Services, District 1, reporting on the enhancement of traffic operations and pedestrian safety during this year's Caribana/Toronto International Carnival (August 3, 4 and 5, 2002) and Canadian National Exhibition (August 16 to September 2, 2002); advising that funds to undertake the necessary signage adjustments in the estimated amount of \$5,000. are contained in the Transportation Services Division's 2002 Operating Budget; and recommending that

- (1) the Toronto East York Community Council recommend adoption of the traffic and parking regulations noted in Appendices "A" and "B" of this report;
- (2) the Humber York Community Council recommend adoption of the traffic and parking regulations noted in Appendix "C" of this report;
- (3) the appropriate City officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

On motion by Councillor Moscoe, the Community Council recommended to Council the adoption of Recommendations (2) and (3) in the foregoing report.

(Clause No. 5, Report No. 10)

**6.6 Buttonwood Avenue at Verona Avenue/
 Charlton Settlement Avenue; All-Way Stop Control.
 (York South-Weston, Ward 11)**

The Humber York Community Council had before it a report (June 11, 2002) from the Director, Transportation Services, District 1, reporting on the need to install an all-way stop control at the intersection of Buttonwood Avenue and Verona Avenue/Charlton Settlement Avenue; advising that the funds to undertake the necessary signage in the estimated amount of \$200.00 are available in the Transportation Services Division 2002 Operating Budget; and recommending that:

- (1) the Uniform Traffic By-laws Nos. 196-84 and 2958-94 of the former City of York be amended to introduce an eastbound and westbound stop control on Buttonwood Avenue at Verona Avenue/Charlton Settlement Avenue; and
- (2) the appropriate City Officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

On motion by Councillor Nunziata, the Community Council recommended to Council the adoption of the foregoing report.

(Clause No. 6, Report No. 10)

6.7 Premises Nos. 21 and 31 Ascot Avenue; Spirit Sparks Centre for Joyful Learning/ Stella Maris Catholic School; Reduction of the School Bus Loading Zone to provide temporal parking for pick-up and drop-off of school children. (Davenport, Ward 17)

The Humber York Community Council had before it a report (June 13, 2002) from the Director, Transportation Services, District 1, reporting on temporal on-street parking to facilitate the pick-up and drop-off of school children; advising that the funds to undertake the necessary pole and sign installation in the estimated amount of \$300.00 are available in the Transportation Services Division 2002 Operating Budget; and recommending that:

- (1) the existing school bus loading zone operating on the south side of Ascot Avenue between a point 52 metres west of Dufferin Street and a point 65 metres further west be amended to operate between a point 76 metres west of Dufferin Street to a point 41.5 metres further west;
- (2) the no parking 8:30 a.m. to 6:00 p.m., Monday to Friday prohibition on the south side of Ascot Avenue between Dufferin Street and the lane first west thereof be amended to operate between Dufferin Street and a point 52 metres west and between a point 76 metres west of Dufferin Street and a point 41.5 metres further west;
- (3) parking be prohibited on the south side of Ascot Avenue from a point 52 metres west of Dufferin Street to a point 17.5 metres further west, between 10:00 a.m. and 11:30 a.m., 1:30 p.m. and 3:30 p.m., Monday to Friday;

- (4) parking be allowed for a maximum period of 10 minutes on the south side of Ascot Avenue between a point 52 metres west of Dufferin street to a point 17.5 metres further west, between 8:30 a.m. and 10:00 a.m., 11:30 a.m. and 1:30 p.m., and 3:30 p.m. and 6:00 p.m., Monday to Friday; and
- (5) the appropriate City Officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

On motion by Councillor Disero, the Community Council recommended to Council the adoption of the foregoing report.

(Clause No. 7, Report No. 10)

6.8 Premises No. 231 Glenholme Avenue, Rawlinson Community School – Request to shift the existing School Bus Loading Zone on the Earncliffe Avenue Flankage. (Davenport, Ward 17)

The Humber York Community Council had before it a report June 12, 2002) from the Director, Transportation Services, District 1, reporting on shifting the existing school bus loading zone; advising that the funds to undertake the necessary pole and sign installation in the estimated amount of \$300.00 are available in the Transportation Services Division 2002 Operating Budget; and recommending that:

- (1) the existing school bus loading zone extending from a point 76 metres east of Glenholme Avenue to a point 31 metres further east, be amended to apply from a point 59.5 metres east of Glenholme Avenue to a point 28 metres further east; and
- (2) the appropriate City Officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

On motion by Councillor Disero, the Community Council recommended to Council the adoption of the foregoing report.

(Clause No. 8, Report No. 10)

6.9(i) Ravine Erosion on Spears Street. (York South-Weston, Ward 11)

The Humber York Community Council had before it a report (April 22, 2002) from the Director, Development Engineering, responding to a request from the Humber York Community Council to report on matters related to erosion complaints in the area of Spears Street; and recommending that the report be received for information.

On motion by Councillor Nunziata, the Community Council received the foregoing report.

(Clause No. 17(a), Report No. 10)

**6.9(ii) Control of Future Development in the Spears Street-Hilldale Road Area
with respect to Embankment Erosion.
(York South-Weston, Ward 11)**

The Humber York Community Council had before it a report (June 14, 2002) from the Director, Community Planning, West District, proposing the use of site plan control and investigating ravine control as mechanisms for controlling future development in light of concerns raised regarding soil stability and erosion; and recommending that:

- (1) a community consultation meeting be arranged by the Ward Councillor in consultation with Community Planning staff to consider the application of Site Plan Approval for all development in the Spears Street-Hilldale Road Area to address soil erosion problems;
- (2) notice for the community consultation meeting be given to landowners and residents within the Spears Street-Hilldale Road Area shown on Attachment 1;
- (3) Planning staff consult with Economic Development, Culture and Tourism Department staff that are preparing the harmonized Ravine Control By-law for the City with respect to the application of ravine control measures to the Spears Street-Hilldale Road Area; and
- (4) Planning staff prepare a final report following the community consultation meeting and consultation with Economic Development, Culture and Tourism Department staff for the last quarter of 2002.

The following persons appeared before the Humber York Community Council in connection with the foregoing matter:

- Ms. Cheryl Ewasyn, Toronto;
- Ms. Jutta Jamecsny, Toronto; and
- Mr. Jassie Khurana, Khurana Associates, Planning & Development Consultants.

On motion by Councillor Nunziata, the Community Council recommended to Council that:

- (1) **City staff undertake a study of the area bounded by Spears Street, Hillborn Avenue, Hilldale Road and Cripps Avenue in regard to erosion problems and to establish an appropriate top of bank;**

- (2) **an Interim Control By-law be introduced for the area bounded by Spears Street, Hillborn Avenue, Hilldale Road and Cripps Avenue, to prohibit further development within the area;**
- (3) **the submission of a hydrogeological study be required for all future development applications within the abovementioned boundary;**
- (4) **Recommendations (1) and (2) in the following report (June 14, 2002) from the Director, Community Planning, West District, be approved; and**
- (5) **the Ontario Municipal Board be advised of the action taken.**

(Clause No. 9, Report No. 10)

**6.9(iii) Engineering Services on Private Property.
(York South-Weston, Ward 11)**

(June 17, 2002) from the City Solicitor advising that the Humber York Community Council in considering a report (April 22, 2002) from the Director, Development Engineering, entitled "Ravine Erosion on Spears Street", requested a report "on the appropriateness of City representatives entering onto private property to undertake engineering work and on the potential liability implications to the City of such action"; providing a review of the City's authority to provide certain engineering services on private lands; and recommending that the report be received for information.

On motion by Councillor Nunziata, the Community Council received the foregoing report.

(Clause No. 17(b), Report No. 10)

**6.9(iv) Ravine Erosion on Spears Street.
(York South-Weston, Ward 11)**

The Humber York Community Council had before it a confidential report (June 14, 2002) from the City Solicitor regarding a request from the Humber York Community Council to conduct title searches of lands in the vicinity of Spears Street, such report to be considered in-camera having regard that the subject matter relates to solicitor-client privilege, including communications necessary for the purpose.

On motion by Councillor Nunziata, the Community Council recommended to Council the adoption of the recommendation of the Humber York Community Council embodied in the confidential communication (July 18, 2002) from the City Clerk, which was forwarded to all members of Council under separate cover; and further, that in accordance with the provisions of the Municipal Act, discussions pertaining to this Clause be held in camera, having regard that the subject matter relates to solicitor-client privilege, and is otherwise subject to the Municipal Freedom of Information and Protection of Privacy Act.

(Clause No. 10, Report No. 10)

**6.10 Poll Results – Overnight Permit Parking on Rexford Road
between Willard Avenue and Windermere Avenue.
(Parkdale-High Park, Ward 13)**

The Humber York Community Council had before it a report (June 14, 2002) from the City Clerk, providing the results of a poll conducted to determine majority support for the implementation of overnight permit parking; advising that the majority of respondents are in favour of the proposal; and recommending that:

- (1) overnight permit parking be implemented on Rexford Road between Willard Avenue and Windermere Avenue, during the hours of 12:00 midnight and 6:00 a.m., 7 days a week; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Miller, the Community Council deferred consideration of the foregoing report to its September 17, 2002 meeting.

(Clause No. 17(c), Report No. 10)

**6.11 Poll Results – Overnight Permit Parking on Thornhill Avenue
between Baby Point Road and the north dead end.
(Parkdale-High Park, Ward 13)**

The Humber York Community Council had before it a report (June 19, 2002) from the City Clerk providing the results of a poll conducted to determine majority support for overnight permit parking; advising that the same number of residents that are in favour are also opposed to the proposal; and recommending that the Community Council determine whether or not overnight permit parking should be implemented on Thornhill Avenue between Baby Point Road and the north dead end.

On motion by Councillor Miller, the Community Council received the foregoing report.

(Clause No. 17(d), Report No. 10)

**6.12 1662 Jane Street – Committee of Adjustment Minor Variance
Decision No. A78/02HY.
(York South-Weston, Ward 11)**

The Humber York Community Council had before it a communication (June 20, 2002) from Councillor Nunziata, advising that the Committee of Adjustment refused the above application; that area residents have expressed concerns regarding parking; that the

applicant has appealed the decision to the OMB and recommending that the City Solicitor be authorized to attend the Board in support of the Committee of Adjustment's decision.

On motion by Councillor Nunziata, the Community Council recommended to Council that the City Solicitor be authorized to attend the Ontario Municipal Board in support of the unanimous decision of the Committee of Adjustment to refuse the application for a minor variance with respect to 1662 Jane Street.

(Clause No. 11, Report No. 10)

**6.13 340 Oakwood Avenue - Boulevard Marketing Structure.
(Davenport, Ward 17)**

The Humber York Community Council had before it a communication (June 25, 2002) from Councillor B. Disero requesting staff of the Municipal Licensing and Standards Section to report to the Humber York Community Council on the occupation of the City boulevard by the owner/operator of 340 Oakwood Avenue.

On motion by Councillor Disero, the Community Council:

- (1) requested the Commissioner of Urban Development Services to report on this matter; and**
- (2) received the foregoing communication.**

(Clause No. 17(e), Report No. 10)

6.14 This item was withdrawn from the agenda.

**6.15 Final Report – 1415 Lawrence Avenue West; Application for Site Plan Approval; Keele Lawrence Investments Inc.
(York-South Weston, Ward 12)**

The Humber York Community Council had before it a report (June 24, 2002) from the Director, Community Planning, North District, reporting on the site plan application; advising on the applicable parking standard for the proposed development; and that there are no financial implications resulting from the adoption of the report; and recommending that:

- (1) should Council wish to approve the application for Site Plan approval for the property at 1415 Lawrence Avenue West, File No. TC SPC 01 046 containing revised plans AO1, AO2, AO3, AO4, AO5, AO6 and AO7 all dated May 24, 2002, and Landscape Plans L-O1 dated May 24, 2002 and L-O2 dated May 3, 2002, appropriate conditions of site plan approval follow:**

- (a) 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 and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law to the satisfaction of the Chief Building Official;
- (b) all of the work shown on the approved drawings and all of the work required by the conditions of this approval shall be completed within 2 years of the date of this approval failing which, this approval shall require an extension by the Director, Community Planning, North District or his/her successor prior to the issuance of any building permit;
- (c) all refuse and recycling storage shall be contained within the building;
- (d) all driveways, loading and parking areas shall be paved with asphalt, concrete or concrete unit pavers;
- (e) all designated parking spaces for persons with disabilities shall be identified with signage and logos to the satisfaction of the Director of Transportation Services - Works and Emergency Services Department, or his/her successor. All designated parking spaces, walkways and curb ramps shall conform to the North York "Barrier-Free Accessibility, Design Guidelines and Policy Handbook" (Exterior Guidelines);
- (f) 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;
- (g) the existing trees to remain on site shall be protected during the construction period in accordance with the 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, Community Planning, North District or his/her successor;
- (h) drainage shall be directed to ensure that no drainage problems are created on adjacent properties;
- (i) all site illumination shall be designed to prevent the spread of light onto adjacent properties;
- (j) above-grade electrical transformers, gas regulators, and other equipment are not permitted above grade in any yard abutting a public street unless

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screened from view with landscaping or fencing to the satisfaction of the Director, Community Planning, North District or his/her successor;

- (k) the owner shall make arrangements to the satisfaction of the affected utility for the installation, relocation and protection of all utilities. All clearances from Toronto Hydro-Electric Commission facilities shall be maintained to the satisfaction of the Toronto Hydro Electric Commission or successor body;
- (l) 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;
- (m) the Owner shall develop the lands in accordance with the requirements and conditions, as contained in the following memorandums:
 - (i) Toronto Hydro dated June 8, 2002; and
 - (ii) Bell Canada dated March 8, 2002
- (n) the applicant shall submit 3 copies of a revised site plan which upgrades the entrances to the proposed development making them safe and of equal design quality whether above or below grade by incorporating the following:
 - (i) the elimination of the Fire route across the Lawrence Avenue frontage and its replacement with an extension of the entrance lobby to within 15 metres of the Lawrence Avenue right-of-way, a 1.5 metre wide walkway and landscaping;
 - (ii) making the residential lobby on the west side of the building a through lobby with equal quality access from either Lawrence Avenue or the rear parking lot;
 - (iii) the relocation of two front yard handicapped parking spaces to the east side of the existing driveway;
 - (iv) the enclosure of the portion of the surface parking area that is below the proposed south east addition;
 - (v) upgrade the pedestrian access from the rear surface parking lot to Keele Street ensuring that it is designed as a safe and clearly delineated route; and
 - (vi) add windows to east façade of the proposed south east addition;
- (o) the applicant shall submit 3 copies of a detailed revised landscape plan to the satisfaction of the Director before any building permit, other than a foundation permit, is issued which includes:
 - (i) additional sodding where hard surfaces are shown at the north east corner of the building; and
 - (ii) light poles are to be pedestrian scale, about 4.5 metres in height;

- (p) prior to any building permit, including a foundation permit, the applicant shall provide confirmation that arrangements have been made to satisfy the requirements of the Technical Services Division of the Works and Emergency Services Department as noted in their memorandum dated June 17, 2002 contained in Attachment 10 which supercedes earlier comment recommendations;
- (q) prior to any building permit, including a foundation permit, the applicant shall provide confirmation that arrangements have been made to satisfy the requirements of the Parks & Recreation Division of the Economic Development, Culture & Tourism Department as noted in their memorandum dated March 28, 2002;
- (r) all rooftop mechanical equipment shall be screened from view (or integrated into the overall design of the building) to the satisfaction of the Director, Community Planning, North District or his/her successor;
- (s) 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;
- (t) the Owner agrees to provide 292 square metres of indoor amenity space on the ground floor of the development for the use of residents of the proposed development and 24 of the total 89 apartment units shall have balconies;
- (u) the Owner shall submit the following to the satisfaction of the Director, Community Planning, North District or his/her successor prior to the issuance of any building permit:
 - (i) an executed site plan agreement, shall be registered on title for the approved drawings and conditions of approval, to the satisfaction of the City Solicitor and the Director, Community Planning, North District, or his/her successor. The site plan agreement shall stipulate:
 - (a) 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; and

- (b) the Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for 120% of the value of the landscaping including plantings, decorative paving and fencing. 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;

- (v) in the event of non-completion of work the Owner:
 - (i) acknowledges that where it fails to promptly complete the work required by this Agreement, the City, in addition to and without prejudice to any other rights which it may have pursuant to this Agreement or otherwise at law, may enter onto the lands, perform such work and take any steps as are required, in the sole discretion of the City, to carry out and complete the work;
 - (ii) agrees that the City has the right to recover the total cost of all work and materials, plus a management fee equal to 20 percent of the total cost of such work and materials. In addition to any other remedies it may have, the City may collect the sums owing in like manner as municipal taxes, with all such amounts to be payable as directed by City Council pursuant to Section 326 of the *Municipal Act*; and
 - (iii) acknowledges that the City enters onto the lands solely as the agent of the Owner, and such entry shall not be deemed, for any purpose, to constitute acceptance or assumption of all or any portion of the work required by this Agreement; and

- (w) the Owner agrees:
 - (i) that it shall save harmless, defend and fully indemnify the City, and each of the persons under the City's jurisdiction, from and against all actions, suits, claims, and demands which may be brought against or made upon the City, and any persons under the City's jurisdiction, and from and against all loss, costs, charges, damages and expenses which may be sustained, incurred or paid by the City, and each of any persons under the City's jurisdiction, by reason of, or on account of, or in consequence of this clause;
 - (ii) it will pay to the City and to each of any persons under the City's jurisdiction, on demand, any loss, costs, or damages which may be sustained, incurred or paid by the City in consequence of any such action, suit, claim or demand;

- (iii) on default of such payment all such loss, costs or damages and all such monies so paid or payable may be recovered in any court of competent jurisdiction.

On motion by Councillor DiGiorgio, the Community Council recommended to Council the adoption of the foregoing report, subject to the following:

- (1) WHEREAS a community consultation meeting was held on February 23, 1998, at which time approximately 70 persons attended raising concerns regarding the height and density of the original proposed development; and**

WHEREAS City Council approved the staff recommendations in the Final Report which would have approved amendments to the Official Plan and Zoning By-law so as to permit a 138-unit, 8-storey residential development with ground floor commercial uses at a density of 2.5 times the area of the lot; and

WHEREAS all public hearings required pursuant to the Planning Act have been held; and

WHEREAS since Council's adoption on February 29, March 1 and 2, 2000 of the report dated December 20, 1999 from the Director, Community Planning, North District embodied in Clause No. 26 of Report No. 3 of the North York Community Council, the property was acquired by a new owner who has agreed to further reduce the height and density of what Council had approved; and

WHEREAS since Council's approval on February 29, March 1 and 2, 2000, the Zoning By-law Amendment was not enacted since site plan approval was not obtained; and

WHEREAS on February 13, 14 and 15, 2002, Council reopened and reconsidered its decision of February 29, March 1 and 2, 2000 and amended the proposed Zoning By-law and deemed that no further notice to the public was required, so as to permit a unit count of 65 units, a height of 5-storeys, and a density of 1.1 x the area of the lot; and

WHEREAS in finalizing the details of the plans, it has become apparent that structurally, the proposal endorsed at the Council meeting of February 13, 14 and 14, 2002, is no longer feasible; and

WHEREAS the current owner has submitted a formal revised site plan to the City so as to permit a unit count of 89 units, the retention of the existing 5-storey building and the addition of a 4-storey portion, at a density of 1.19 x the area of the lot, with 113 parking spaces; and

WHEREAS the revised site plan does not comply with certain requirements of the comprehensive Zoning By-law No. 7635 with respect to parking, west side yard setback, loading total gross floor area, number of units, and residential and non-residential uses on the ground floor;

NOW THEREFORE BE IT RESOLVED that Recommendation No. (1)(n),(i),(ii) and (iii), in the report dated June 24, 2002 from the Director, Community Planning, North District, respecting the site plan approval conditions be struck out; and

BE IT FURTHER RESOLVED that Recommendation No. (1)(p) in the report dated June 24, 2002 from the Director, Community Planning, North District, respecting the site plan approval conditions be amended to read as follows:

“(1)(p) Prior to any building permit, including a foundation permit, the applicant shall provide confirmation that the arrangements have been made to satisfy the requirements of the Technical Services Division of the Works and Emergency Services Department as noted in their memorandum dated June 17, 2002, contained in Attachment 10 which supersedes earlier recommendations, except for condition 1.8 of the same memorandum which shall be amended to read as follows:

“A minimum of 113 parking spaces must be provided for the proposed development.”” and

BE IT FURTHER RESOLVED that Recommendation No. (2) in the report dated December 20, 1999 from the Director, Community Planning, North District, respecting the draft Zoning By-law, as embodied in Clause No. 26 in Report No. 3 of the North York Community Council, be amended to read as follows:

“(2) The site’s C2 (Local Shopping Centre) be amended to C4 Exception zone (Mixed Use Commercial Zone)

**Exception Regulations:
Permitted Uses**

- (a) the maximum gross floor area for all uses shall be 7,172.50 m²;
- (b) the maximum non-residential gross floor area shall be 2,343 m²;
- (c) the maximum number of dwelling units shall be 89;
- (d) the maximum height of the building shall be 5-storleys or 21m, whichever is less;

- (e) the total number of parking spaces shall be 113;
- (f) Yards:
 Front Yard minimum 15 m;
 Rear Yard minimum 55 m (from rear of the addition to the rear property line);
 Side Yard east minimum 0 m;
 Side Yard west minimum 6.1 m;
- (g) the total number of loading spaces shall be one;
- (h) residential and non-residential uses are permitted on the two lower levels of the building;
- (i) a sign pylon on the north-east corner of the site is permitted;
 and

BE IT FURTHER RESOLVED that no cash-in-lieu of parking is required;
 and

BE IT FURTHER RESOLVED that any video inspection of the sewers that are required by the Works and Emergency Services Department, that the applicant be required to undertake such studies and provide the Works and Emergency Services Department with any video tapes deemed necessary;
 and

BE IT FURTHER RESOLVED that a sign pylon at the north-east corner of the site is permitted; and

BE IT FURTHER RESOLVED that this motion supersedes the Notice of Motion J(35) which was adopted without amendment by Council on February 13, 14 and 15, 2002; and

BE IT FURTHER RESOLVED that Council, pursuant to Section 34(17) of the Planning Act, determine that no further notice to the public is required;
 and

BE IT FURTHER RESOLVED that subject to all conditions of the amended approval having been satisfied, Council further direct staff to bring forward the implementing by-law (with any technical revisions deemed necessary by City Legal) to implement the revised Site Plans submitted in May/June 2002, for final passage at the next Council meeting.

- (2) that Recommendation (1)(t) be amended by adding the words “finished to the satisfaction of the Director, Community Planning, North District”, at the end of the paragraph, to read as follows:

“(1)(t) The Owner agrees to provide 292 square metres of indoor amenity space on the ground floor of the development for the use of residents of the proposed development and 24 of the total 89 apartment units

**shall have balconies, finished to the satisfaction of the Director,
Community Planning, North District.”**

(Clause No. 12, Report No. 10)

**6.16 Exemption from Ch. 313 of the (former) City of Toronto Municipal Code to permit residential boulevard parking for 2 vehicles on Constance Street at the rear of 9 High Park Gardens.
(Parkdale-High Park, Ward 14)**

The Humber York Community Council had before it the following:

- (i) (June 17, 2002) report from the Manager, Right of Way Management, District 1, reporting on a request for an exemption from Municipal Code Chapter 313, Streets and Sidewalks, of the (former) City of Toronto, to permit residential boulevard parking for two vehicles on Constance Street, at the rear of 9 High Park Gardens, which does not meet the requirement of the Code; advising that as this is an appeal and a request for an exemption from the by-law, it is scheduled as a deputation item; and recommending that:

- (1) City Council deny the request for residential boulevard parking on Constance Street, at the rear of 9 High Park Gardens;

OR

- (2) City Council approve the application for residential boulevard parking for one vehicle on Constance Street, at the rear of 9 High Park Gardens, as shown on Appendix ‘A’, notwithstanding that there is access to this property, subject to:

- (a) the parking area being paved with semi-permeable paving materials, such as ecostone pavers or approved equivalent paving treatment acceptable to the Commissioner of Works and Emergency Services;
- (b) the parking area being set back a minimum of 2.1 m from the City curb;
- (c) a formal poll being conducted and that such a poll have a favourable result; and
- (d) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code;

OR

- (3) City Council approve the application for residential boulevard parking for two vehicles on Constance Street at the rear of 9 High Park Gardens, as shown on Appendix 'B', notwithstanding that there is access to this property, subject to:
- (a) the parking area for each space not exceeding 2.6 m by 5.9 m in dimension;
 - (b) the parking area being paved with semi-permeable paving materials, such as ecostone pavers or approved equivalent paving treatment acceptable to the Commissioner of Works and Emergency Services;
 - (c) the parking area being set back a minimum of 2.1 m from the City curb;
 - (d) a formal poll being conducted and that such a poll have a favourable result; and
 - (e) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code;

OR

- (4) City Council approve the application for residential boulevard parking for one vehicle parked on an angle, on Constance Street at the rear of 9 High Park Gardens, as shown on Appendix 'C', notwithstanding that there is access to this property, subject to:
- (a) the parking area not exceeding 2.6 m by 5.9 m in dimension;
 - (b) the parking area being paved with semi-permeable paving materials, such as ecostone pavers or approved equivalent paving treatment acceptable to the Commissioner of Works and Emergency Services;
 - (c) the parking area being set back a minimum of 2.1 m from the City curb;
 - (d) a formal poll being conducted and that such a poll have a favourable result; and
 - (e) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.

OR

- (5) City Council approve the application for residential boulevard parking for two vehicles parked on an angle, on Constance Street at the rear of 9 High Park Gardens, as shown on Appendix 'D', notwithstanding that there is access to this property, subject to:
- (a) the parking area for each space not exceeding 2.6 m by 5.9 m in dimension;
 - (b) the parking area being paved with semi-permeable paving materials, such as ecostone pavers or approved equivalent paving treatment acceptable to the Commissioner of Works and Emergency Services;
 - (c) the parking area being set back a minimum of 2.1 m from the City curb;
 - (d) a formal poll being conducted and that such a poll have a favourable result; and
 - (e) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.
- (ii) Letter from Ms. Lori Sterling regarding her appeal from the City's decision not to permit residential boulevard parking and forwarding a petition signed by area residents in support.

Ms. Lori Sterling, Toronto, appeared before the Community Council in connection with the foregoing matter.

On motion by Councillor Korwin-Kuczynski, the Community Council recommended to Council the adoption of Option (5) in the report (June 17, 2002) from the Manager, Right of Way Management, District 1, with the parking design shown in Appendix 'F', i.e. Applicant's proposal for angle parking for two cars with no setback, viz:

- “(5) City Council approve the application for residential boulevard parking for two vehicles parked on an angle, on Constance Street at the rear of 9 High Park Gardens, notwithstanding that there is access to this property, subject to:**
- (a) the parking area for each space not exceeding 2.6 m by 5.9 m in dimension;**
 - (b) the parking area being paved with semi-permeable paving materials,**

such as ecostone pavers or approved equivalent paving treatment acceptable to the Commissioner of Works and Emergency Services;

- (c) the parking area being set back a minimum of 2.1 m from the City curb;**
- (d) a formal poll being conducted and that such a poll have a favourable result; and**
- (e) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code, Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.”**

The Humber York Community Council received the communication and petition submitted by Ms. Lori Sterling.

(Clause No. 13, Report No. 10)

**6.17 1531-1537 Eglinton Avenue West; Application for Demolition Approval;
 Owner: Toronto Parking Authority; Applicant: Hallsall Associates Limited.
 (Eglinton-Lawrence, Ward 15)**

The Humber York Community Council had before it a report (June 11, 2002) from the Director, Community Planning, West District, reporting on whether or not beautification measures are to be secured as a condition of the approval of a demolition application, under special demolition control legislation applicable to the (former) City of York; advising that City funding is not required and that there are no impacts on capital or operating budgets; and recommending that:

- (1) the application to demolish the building shown on the Location Map attached as Attachment 1 to this report be approved pursuant to By-law No. 3102-95 with no conditions of approval related to site beautification; and**
- (2) the applicant submit to the Building Division and have approved a floor plan and east and south elevations (including a revised fire escape) for 1537 Eglinton Avenue West prior to the issuance of the demolition permit for 1531 to 1535 Eglinton Avenue West, and the required fire escape modifications for 1537 Eglinton Avenue West be completed to the satisfaction of the Building Division prior to the demolition of the buildings located at 1531 to 1535 Eglinton Avenue West.**

On motion by Councillor Moscoe, the Community Council recommended to Council that:

- (1) the foregoing report (June 11, 2002) from the Director, Community Planning, West District, be adopted;**

- (2) **subject to the approval of the owner, the exposed wall to the east of the new parking area be finished in an appropriate manner to be established through the site plan process; and**
- (3) **the Commissioner, Works and Emergency Services, be advised that site conditions will now permit garbage collection to be transferred from Eglinton Avenue West to the rear laneway; and that the Department be requested to begin consultation with the local merchants, the local Councillor and the Business Improvement Area regarding the relocation of the garbage collection, so that it can be implemented as soon as demolition opens the laneway and the parking lot is constructed.**

(Clause No. 14, Report No. 10)

**6.18 Parkdale Pilot Project.
(Parkdale-High Park, Ward 14)**

The Humber York Community Council had before it the following motion by Councillor Korwin-Kuczynski:

WHEREAS the issue of fees and costs related to the processing of planning applications for the regularisation of existing illegal conversions within the Parkdale Pilot Project area needs to be addressed as soon as possible; and

WHEREAS the next meeting of the Planning and Transportation Committee will not be held until September and as a result, planning applications in this Pilot Project are unable to be processed;

THEREFORE BE IT RESOLVED that the Commissioner, Urban Development Services, be requested to submit a report on this matter directly to the July 30, 2002 meeting of Council.

On motion by Councillor Korwin-Kuczynski, the Community Council approved the foregoing motion and recommended that this matter be forwarded to Council without recommendation.

(Clause No. 15, Report No. 10)

**6.19 Request for All-Way Stop Controls -
Wright Avenue at Gibson Avenue and Richwood Street.
(York South-Weston, Ward 11)**

The Humber York Community Council had before it a communication (June 25, 2002)

from Councillor F. Nunziata requesting a report from the Commissioner of Works and Emergency Services on the feasibility of all-way stop controls on Wright Avenue at

On motion by Councillor Nunziata, the Community Council:

- (1) requested the Commissioner of Works and Emergency Services to report on the feasibility of installing east and westbound all-way stop controls on Wright Avenue at Gibson Avenue and Richwood Street; and**
- (2) received the foregoing communication.**

(Clause No. 17(f), Report No. 10)

The meeting adjourned at 10:45 a.m.

Councillor F. DiGiorgio
Chair