
Toronto and East York Community Council

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

Item

TE29.1	Permanent Closure of a Portion of Rees Street (Ward: 20)	1
TE29.2	Final Report - City Initiated 'Avenue Study' of Bloor Street West Between Keele Street and the Rail Corridor, and Dundas Street West Between Glenlake Avenue and Boustead Avenue (Ward: 14)	2
TE29.3	Final Report - Ossington Avenue - Restaurant Study (Ward: 19)	5
TE29.4	Bloor Corridor Visioning Study - Draft Official Plan Amendment and Urban Design Guidelines (Ward: 20)	7
TE29.5	Final Report - 469 and 471 Merton Street - Rezoning Application (Ward: 22)	9
TE29.6	Final Report - 150 Bloor Street West, 175 Cumberland Street, 162 and 164 Cumberland Street - Rezoning (Ward: 27)	12
TE29.7	Final Report - 252-258 Victoria Street and 19-21 Dundas Square - Rezoning Application (Ward: 27)	15
TE29.8	Final Report - 606-618 Yonge Street, 5-9 St. Joseph Street, 11-19 and 25 St. Nicholas Street - Rezoning (Ward: 27)	19
TE29.9	Alteration to a Heritage Property and Intention to Designate, Part IV, Section 29, Ontario Heritage Act - 606-618 Yonge Street, 5-9 St. Joseph Street, and 15-25 St. Nicholas Street (Ward: 27)	24
TE29.10	Request for Direction Report- 1540 Bloor Street West - Rezoning and Site Plan Applications (Ward: 14)	27
TE29.11	Request for Directions Report - 310 and 320 Tweedsmuir Avenue - Official Plan Amendment and Rezoning Applications (Ward: 21)	29

Item		Page
TE29.12	Request for Direction Report - 251-255 King Street East, 37 Sherbourne Street and 2 Abbey Lane - Rezoning and Site Plan Approval (Ward: 28)	33
TE29.13	Demolition of a Designated Heritage Property – 251 King Street East (The National Hotel) (Ward: 28)	35
TE29.14	2 O'Connor Drive, 2, 6, and 12 Fernwood Gardens - Official Plan Amendment and Rezoning Applications and Demolition under Municipal Code Chapter 667 (Ward: 29)	38
TE29.15	Designation of the Harbord Village Heritage Conservation District Phase 2 under Part V of the Ontario Heritage Act (Ward: 20)	43
TE29.16	Alteration of a Structure in the South Rosedale Heritage Conservation District - 84 Crescent Road (Ward: 27)	45
TE29.17	16 York Street - York Centre - ICE Condominiums Public Art Plan (Ward: 20)	46
TE29.18	661 University Avenue Public Art Plan - MaRS Discovery Centre Phase II (Ward: 27)	47
TE29.53	Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 225 Commissioners Street (Ward: 30)	48
TE29.54	Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 390 Dawes Road and 500 Dawes Road (Ward: 31)	49
TE29.60	Proposed Permanent Closure of the Portion of the Bonnycastle Street Road Allowance and the Portion of Lake Shore Boulevard East Abutting 12 and 26 Bonnycastle Street (Ward: 28)	49
TE29.61	Appropriateness of the Eastbound "Stop" Sign - Oxtown Avenue at Oriole Parkway (Ward: 22)	50
TE29.67	Removal of On-Street Parking Space for Persons With Disabilities - Wineva Avenue (Ward: 32)	51
TE29.73	Amendments to Parking Regulations - 720 Mount Pleasant Road (Ward: 22)	52
TE29.77	Traffic Calming - Bingham Avenue, Between Kingston Road and Gerrard Street East (Ward: 32)	53
TE29.81	Use of Nathan Phillips Square for Vancouver 2010 Olympic Torch Relay Toronto Community Celebration (Ward: 27)	54

Item		Page
TE29.82	Use of Nathan Phillips Square for CTV Olympic Celebration February 20, 2010 (Ward: All)	54
TE29.83	Events of Municipal Significance for Liquor Licensing Purposes	55
TE29.84	Ontario Municipal Board - 363 Grace Street - Committee of Adjustment Application A0503/09TEY (Ward: 19)	56
TE29.85	Ontario Municipal Board - 12 R Dewson Street - Committee of Adjustment Decision (A0639/09TEY) (Ward: 19)	57
TE29.86	Ontario Municipal Board - 2170 Gerrard Street East - Committee of Adjustment Decision (Ward: 32)	58
TE29.88	Ontario Municipal Board - 70 Ossington Avenue - Committee of Adjustment Decision (A0421/09TEY) (Ward: 19)	60
TE29.89	72 Ossington Avenue - Application for Liquor Licence Clearance for a Rear Yard Patio (Ward: 19)	61
TE29.90	Ontario Municipal Board - 9 Prince Arthur Avenue - Committee of Adjustment Decision (Ward: 20)	62

Toronto and East York Community Council

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

TE29.1	ACTION			Ward: 20
--------	--------	--	--	----------

Permanent Closure of a Portion of Rees Street

Statutory - City of Toronto Act, 2006

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council enact the draft by-law from the City Solicitor to permanently close a portion of Rees Street as a public highway.

Decision Advice and Other Information

The Toronto and East York Community Council held a public meeting on November 10, 2009, and notice was given in accordance with the City of Toronto Act, 2006, of the proposed enactment of the draft by-law and was posted on the City's web site. No one appeared before the Community Council.

Origin

(October 23, 2009) Draft By-law from the City Solicitor

Summary

To enact a by-law to permanently close a portion of Rees Street as a public highway and that it be conveyed upon the terms and conditions set out in Toronto and East York Community Council Item TE27.57, as adopted by City Council at its meeting on September 30 and October 1, 2009.

Background Information

TE29.1 - Draft By-law - Closing of Portion of Rees Street

<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24706.pdf>

TE29.2	ACTION			Ward: 14
--------	--------	--	--	----------

Final Report - City Initiated 'Avenue Study' of Bloor Street West Between Keele Street and the Rail Corridor, and Dundas Street West Between Glenlake Avenue and Boustead Avenue

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11 to the report dated October 22, 2009 from the Director, Policy and Research and the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86 of the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. City Council adopt the Urban Design Guidelines for Bloor Street West between Keele Street and the rail corridor, and Dundas Street West between Glenlake Avenue and Boustead Avenue as provided in Section 6 of the Bloor-Dundas 'Avenue' Study - Final Consultant Report dated September 2009, attached as Attachment No. 9.
5. City Council request Heritage Preservation Services to review the following properties, 1691 Bloor Street West (Redeemer Lutheran Church), 1573 Bloor Street West (Lithuanian Community House) and 2454, 2466, 2480 Dundas Street West (warehouse buildings), and report back to the Toronto Preservation Board and Toronto and East York Community Council on whether these properties should be included on the City's Inventory of Heritage Properties.
6. City Council adopt the recommendations contained in the Community Services and Facilities Assessment set out in Attachment 10.
7. City Council request Transportation Services and Technical Services to examine the opportunity to improve the public realm at the northwest corner of Roncesvalles Avenue and Boustead Avenue as identified in Section 5.4.3 of the Bloor-Dundas 'Avenue' Study - Final Consultant Report dated September 2009, as part of the Roncesvalles Avenue streetscape improvements.

8. City Council adopt, in principle, the two preferred short-term options for the Bloor Street West Right-of-Way prepared for the Study Area in Attachment No. 7, and request Transportation Services to bring forward an implementation report to the Public Works and Infrastructure Committee.
9. City Council request Transportation Services to examine the three preferred long-term options for the Bloor Street West Right-of-Way identified in Section 5.4.2.1 of the Bloor-Dundas 'Avenue' Study - Final Consultant Report dated September 2009, as part of its study of the feasibility of a bikeway on Bloor Street and Danforth Avenue, as directed by City Council on October 22 and 23, 2007.
10. City Council request Transportation Services to investigate and consider measures, such as signals, to facilitate pedestrian crossings of Bloor Street West in proximity to Dorval Road.
11. City Council request Transportation Services to install zebra crosswalk markings at the Bloor Street West and Dundas Street West intersection to facilitate pedestrian movements to the TTC's Dundas West Station.
12. City Council request the Toronto Transit Commission to examine its directional signage to improve pedestrian movements to the Dundas West and Keele subway stations from the Bloor - Dundas and Bloor - Keele intersections, respectively.
13. City Council request the Toronto Transit Commission to investigate the feasibility of a new entrance to the Dundas West Station on the east side of the Dundas Street West right-of-way as part of any proposed transit improvements in the area.
14. City Council request Parks, Recreation and Forestry staff, in consultation with the Ward Councillor, to investigate and report back to Toronto and East York Community Council on the possibility of entering into an agreement with the Toronto Catholic School Board for greater public recreational use of the playing field at Bishop Marrocco - Thomas Merton Catholic Secondary School.

Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

(October 22, 2009) Report from the Director, Policy and Research and the Director, Community Planning, Toronto and East York District

Summary

These City-initiated amendments are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report recommends approval of amendments to the Official Plan and Zoning By-law 438-86, and adoption of Urban Design Guidelines to implement the findings and recommendations of the Bloor-Dundas 'Avenue' Study. The report also provides recommendations and an implementation strategy to help advance the revitalization of Bloor Street West and Dundas Street West within the Study Area.

The proposed zoning by-law amendments are intended to facilitate intensification in a mid-rise form characterized by a defined building base/podium with active at-grade non-residential uses that will strengthen the main street function of Bloor Street West and Dundas Street West. Proposed built form requirements including setbacks, upper level step-backs and maximum heights are intended to create a balance between new development along the Avenues (Bloor Street West and Dundas Street West) and the adjacent low-rise Neighbourhoods.

The proposed Official Plan Amendment applies to a large block of land on the east side of Dundas Street West, south of Bloor Street West. The lands are currently occupied by a grocery store and a mix of uses and a large surface parking area. During the Avenue Study a number of principles of development were identified for these lands. The proposed amendment brings forward these principles into a Site and Area Specific Policy to guide future development proposals for these lands.

Overall, the recommendations and implementation strategy in this report support the Avenue policies in the Official Plan and build on the findings of the Bloor Street Visioning Initiative adopted by City Council in Spring 2008. Together they will assist in creating opportunities for new housing and jobs and an improved public realm, all of which will contribute to a more vibrant community in the Bloor Street West and Dundas Street West area.

Background Information

TE29.2 - Staff Report - City Initiated Avenue Study of Bloor Street West between Keele and the Rail Corridor, and Dundas West between Glenlake and Boustead - Final Report
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24707.pdf>)

Communications

(November 9, 2009) Letter from The Residents of Alhambra Avenue submitting a petition signed by approximately 70 individuals (TE.New.TE29.2.1)

Speakers

Timothy Noronha, The West Bend Community Association
Harry Cornelius, Friends of Dundas and Bloor
Mary Jo Leddy, Romero House
Paul Filkiewicz
Adam Brown, Sherman Brown Dryer Karol LLP

TE29.3	ACTION			Ward: 19
--------	--------	--	--	----------

Final Report - Ossington Avenue - Restaurant Study

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report dated October 29, 2009 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council direct the Chief Planner and Executive Director, City Planning Division, through the Zoning By-law Project, to report to Planning and Growth Management Committee on consideration of amendments to the City-wide By-law regarding restrictions to rear yard and flanking patios.

Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

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

Summary

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

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

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

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

Background Information

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

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

TE29.3 - Staff Report - Ossington Avenue - Restaurant Study - Final Report - Notice of Pending Report

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

Communications

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

(October 29, 2009) Letter from Benjamin Hellie and Jessica Wilson, Associate Professors, Philosophy Department, University of Toronto (TE.New.TE29.3.2)

(November 5, 2009) E-mail from Martin Kohn, Kohn Shnier Architects (TE.New.TE29.3.3)

(November 9, 2009) E-mail from Michael Yen, on behalf of Manuel and Helder da Cunha (TE.New.TE29.3.4)

(November 8, 2009) E-mail from Tola Ajao (TE.New.TE29.3.5)

(November 9, 2009) E-mail from Brian Sharwood (TE.New.TE29.3.6)

(November 6, 2009) E-mail from Arriz Hassam (TE.New.TE29.3.7)

(November 6, 2009) E-mail from Breck McFarlane (TE.New.TE29.3.8)

(November 9, 2009) E-mail from Gillian Iles (TE.New.TE29.3.9)

(November 9, 2009) E-mail from Melinda Medley (TE.New.TE29.3.10)

(November 9, 2009) E-mail from Tim Hanna, Frantic City (TE.New.TE29.3.11)

(November 9, 2009) E-mail from Stewart Adams OAA, Unit A Architecture Inc. (TE.New.TE29.3.12)

(November 9, 2009) E-mail from Nicky Potter, forwarding a submission and petition signed by approximately 40 individuals from the Ossington Business Association (TE.New.TE29.3.13)

(November 9, 2009) E-mail from Donald Schmitt, Principal, Diamond and Schmitt Architects Incorporated (TE.New.TE29.3.14)

(November 10, 2009) E-mail from Mike Law (TE.New.TE29.3.15)

(November 9, 2009) E-mail from Brendan van Niejenhuis (TE.New.TE29.3.16)

(November 6, 2009) Letter from Eros G. Fiacconi, President, EGF Associates (TE.New.TE29.3.17)

Speakers

Brian Sharwood

Eros Fiacconi, EGF Associates (Submission Filed)

Eric Yealland

Sandy MacFadyen, Reposado Bar & Lounge

Brendan van Niejenhuis

Nicolette Potter

Breck McFarlane (Submission Filed)

Michael Yen, on behalf of Manuel and Helder da Cunha (Submission Filed)

Pol-Christo Williams

TE29.4	ACTION			Ward: 20
--------	--------	--	--	----------

Bloor Corridor Visioning Study - Draft Official Plan Amendment and Urban Design Guidelines

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment No. 98 attached as Attachment No. 1 to the report dated October 22, 2009 from the Director, Community Planning, Toronto and East York District.
2. City Council adopt the draft Bloor Corridor Urban Design Guidelines substantially in accordance with Attachment No. 2 to the report dated October 22, 2009 from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.
4. If and when the authority to enact inclusionary zoning is granted to the City of Toronto by the Province of Ontario, City Council direct that this study area be immediately included as an area for the standards to apply; and further that this area be considered for a pilot project in conjunction with the Province.
5. City Council authorize City officials to take all necessary steps to give effect to the above-noted recommendations.

Decision Advice and Other Information

The Toronto and East York Community Council:

1. Requested the Director, Community Planning, Toronto and East York District, to report directly to City Council for its meeting on November 30, 2009, on approaches to develop a framework to prioritize affordable housing as a requirement of Section 37 benefits resulting from rezoning in the area.
2. Referred the letters (November 5 and 6, 2009) from Cassels Brock & Blackwell LLP to the Director, Community Planning, Toronto and East York District, with a request that comments thereon be included in the report to be submitted to City Council for its meeting on November 30, 2009.

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

(October 22, 2009) Report from the Director, Community Planning, Toronto and East York District

Summary

This report presents and recommends approval of a draft Official Plan Amendment to include area-specific policies related to development in the Bloor Corridor, defined as Bloor Street West between Avenue Road and Bathurst Street. The proposed Official Plan policies are supported by draft Urban Design Guidelines that are also the subject of this report. These policy documents represent the culmination of the Bloor Corridor Visioning Study, a public consultation process and area study first initiated in 2005.

Background Information

TE29.4 - Staff Report - Bloor Corridor Visioning Study - Draft Official Plan Amendment and Urban Design Guidelines

<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24709.pdf>

TE29.4 - Attachment - Bloor Corridor Visioning Study

<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24933.pdf>

Communications

(November 6, 2009) Fax from Signe Leisk, Cassels Brock & Blackwell LLP

(TE.New.TE29.4.1)

(November 9, 2009) Letter from Michael Bowman, Osler, Hoskin & Harcourt LLP

(TE.New.TE29.4.2)

(November 10, 2009) Submission from Nancy Smith Lea, Toronto Coalition for Active Transportation (TE.New.TE29.4.3)

(November 10, 2009) Letter from Hamish Wilson (TE.New.TE29.4.4)

Speakers

Signe Leisk, Cassels Brock & Blackwell LLP

Nancy Smith Lea, Toronto Coalition for Active Transportation at the Clean Air Partnership (Submission Filed)

Robert Brown

Frank Cunningham, Annex Residents Association

Hamish Wilson (Submission Filed)

Michael Rosenberg

Declared Interests

The following member(s) declared an interest:

Deputy Mayor Joe Pantalone - in that he has an interest in property within the Study Area.

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

Origin

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

Summary

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

Background Information

TE29.4a. - Letter from the Chair, Toronto Cycling Advisory Committee
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25063.pdf>)

TE29.5	ACTION			Ward: 22
--------	--------	--	--	----------

Final Report - 469 and 471 Merton Street - Rezoning Application

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report dated October 22, 2009 from the Director, Community Planning, Toronto and East York District, and with the following additional amendment to Section 1(6) of the draft by-law:

"1(6) a minimum of 5 *parking spaces* shall be provided and maintained on the *lot*."
2. City Council determine that no further notice be given in respect of the proposed by-law as amended in accordance with the Supplementary Report dated November 5, 2009.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. The draft bills not proceed to City Council until a revised landscape plan, which includes addressing sound mitigation, drainage and fencing, and a letter of undertaking to do the work is submitted by the applicant to the satisfaction of the Director of Community Planning, Toronto and East York District.

Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

(October 22, 2009) Report from the Director, Community Planning, Toronto and East York District

Summary

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

This application proposes to expand the existing Sunnybrook School building which is a private school located at 469 Merton Street. The applicant proposes to construct a 2-storey plus basement addition on the adjacent property to the east at 471 Merton Street. The existing house at 471 Merton Street would be demolished.

While City Planning staff are concerned about the expansion of existing private schools within Neighbourhoods, the City Planning Division considers that this specific private school expansion proposal is satisfactory and is recommending approval given that:

- The existing building plus the proposed addition will have no significant built-form impact on the adjacent homes.
- A maximum permitted gross floor area (1,433 m²) of any building(s) on the site has been included in the draft site-specific zoning by-law (refer to Attachment 7) at a floor area that represents the existing building plus the proposed addition. If the proposed draft by-law is approved and if the current or any future owner of the school wished to add gross floor area beyond the amount of floor area of the existing building plus the addition, a rezoning would be required. However, Planning staff believe that in its proposed expanded state the school building will be at the maximum size that could be supported on this residential street.
- The proposed addition is not intended to allow for additional students. The school's enrolment has been capped in the draft site-specific zoning by-law at a maximum of 150 full-time students. The school has never had more than 150 students. Therefore, the school with the proposed addition, operating at or below the enrolment cap, is not expected to generate more traffic on the street. If the current or any future owner of the school wished to increase its enrolment beyond 150 students, a zoning amendment would be required. However, Planning staff consider that 150 students is the maximum number that could be supported in a private school on this residential street.
- The school's purchase of the property at 471 Merton Street (the portion of the site that would contain the proposed addition) has expanded the curb-side drop-off and pick-up area by approximately 7.5 metres. The combined area of the existing school frontage plus the newly acquired lot provides frontage that is now able to accommodate up to 5

cars at a time.

Background Information

TE29.5 - Staff Report - 469 and 471 Merton Street - Rezoning - Final Report
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24710.pdf>)

Communications

(October 26, 2009) E-mail from Judith Meeks (TE.Main.TE29.5.1)
(November 3, 2009) Letter from Irene Davy, Director, Sunnybrook School (TE.New.TE29.5.2)
(November 9, 2009) E-mail from Trevor J. Chin Fook (TE.New.TE29.5.3)
(November 9, 2009) E-mail from Victoria Fusca (TE.New.TE29.5.4)
(November 9, 2009) E-mail from Jenny Bekeschus (TE.New.TE29.5.5)
(November 9, 2009) E-mail from John Harvey (TE.New.TE29.5.6)
(November 6, 2009) Fax from Katherine A. Betts (TE.New.TE29.5.7)

Speakers

Jenny Bekeschus, Toronto Health Centre
Geoffrey Jones, Merton Street Residents' Association

5a 469 and 471 Merton Street - Supplementary Report

Origin

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

Summary

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

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

Background Information

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

TE29.6	ACTION			Ward: 27
--------	--------	--	--	----------

Final Report - 150 Bloor Street West, 175 Cumberland Street, 162 and 164 Cumberland Street - Rezoning

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 492-80, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report dated November 3, 2009 from the Director, Community Planning, Toronto and East York District, with additional amendments to Section 2(7)(b), so that the section now reads as follows:
 - “(b) Parking spaces for use by non-residential owners or occupants and for residential visitor parking shall be provided at the rates prescribed for such uses in section 4(5) of By-law No. 438-86, as amended, after meeting the requirements for residential parking in paragraph (a) of this section, as follows:
 - (i) a minimum of 87 parking spaces for use by non-residential owners or occupants of buildings A and B and for residential visitors of buildings A and B on lots A and or on lot B;
 - (ii) in the event that the owners of Lots A and B jointly elect to provide dedicated exclusive-use parking for the non-residential components of the project and the residential visitor components of the project in lieu of a shared pool of a minimum of 87 parking spaces, that the allocation of the minimum of 87 parking spaces required for such purposes must also be at the rates prescribed for such uses in Section 4(5) of By-law No. 438-86, as amended and include:
 - (a) a minimum of 73 parking spaces of the non-residential owners and occupants and residential visitors of Building A and such spaces to be located on lots A and B or on lot B; and
 - (b) a minimum of 14 parking spaces in respect of the non-residential owners or occupants and residential of Building B such spaces to be located on lot A and/or lot B.”
2. City Council determine that no further notice be given in respect of the proposed by-law.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Decision Advice and Other Information

The Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District, to submit directly to Council for its meeting on November 30, 2009, a revised by-law incorporating the proposed changes to Section 2(7)(b).

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

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

Summary

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

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

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

Background Information

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

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

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

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

Communications

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

(November 3, 2009) Fax from Alan Baker (TE.New.TE29.6.2)

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

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

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

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

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

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

(November 5, 2009) Fax from Peter C. Fang (TE.New.TE29.6.9)

- (November 5, 2009) Fax from Merill Kichler (TE.New.TE29.6.10)
 (November 5, 2009) Fax from S. D. Rubin (TE.New.TE29.6.11)
 (November 5, 2009) Fax from Barbara Hershenhom (TE.New.TE29.6.12)
 (November 5, 2009) Fax from Daphne Evans (TE.New.TE29.6.13)
 (November 5, 2009) Fax from Sheldon D. Rosen (TE.New.TE29.6.14)
 (November 5, 2009) Fax from Edith Fisher (TE.New.TE29.6.15)
 (November 5, 2009) Fax from Robert and Mary Fielden (TE.New.TE29.6.16)
 (November 5, 2009) Fax from Sydney G. Frankfort (TE.New.TE29.6.17)
 (November 5, 2009) Fax from Robert F. M. Nourse (TE.New.TE29.6.18)
 (November 5, 2009) Fax from David Shek (TE.New.TE29.6.19)
 (November 5, 2009) Letter from Barry and Gail Lord, Co-Presidents Lord Cultural Resources (TE.New.TE29.6.20)
 (November 5, 2009) Fax from Jill Turner and Ron Warr (TE.New.TE29.6.21)
 (November 5, 2009) Fax from Irene Zamborsky (TE.New.TE29.6.22)
 (November 6, 2009) Fax from Jack Schwartz (TE.New.TE29.6.23)
 (November 6, 2009) Fax from Barbara Pasternak (TE.New.TE29.6.24)
 (November 6, 2009) Fax from Sybil Kunin (TE.New.TE29.6.25)
 (November 6, 2009) Fax from Ilana Frank (TE.New.TE29.6.26)
 (November 6, 2009) Fax from Jeanne W. Erickson (TE.New.TE29.6.27)
 (November 6, 2009) Fax from Elsie J and Eric Etchen (TE.New.TE29.6.28)
 (November 6, 2009) Fax from Roger Abbott (TE.New.TE29.6.29)
 (November 7, 2009) Fax from Peter Hault (TE.New.TE29.6.30)
 (November 7, 2009) Fax from Mary McMillan (TE.New.TE29.6.31)
 (November 9, 2009) E-mail from Gordon and Barbara Stromberg (TE.New.TE29.6.32)
 (November 9, 2009) E-mail from John and Georgie Babatzanis (TE.New.TE29.6.33)
 (November 9, 2009) E-mail from Irene Summers (TE.New.TE29.6.34)
 (November 5, 2009) E-mail from Jean Cuddy (TE.New.TE29.6.35)
 (November 9, 2009) E-mail from D. Grant Vingoe (TE.New.TE29.6.36)
 (November 9, 2009) E-mail from Godfrey and Patricia Palmer (TE.New.TE29.6.37)
 (November 9, 2009) Fax from Karim Moolani (TE.New.TE29.6.38)
 (November 9, 2009) Fax from Maria Manza, Executive Director, VIP Services (TE.New.TE29.6.39)
 (November 9, 2009) Letter from Ronald M. Kanter, MacDonald Sager Manis LLP (TE.New.TE29.6.40)
 (November 10, 2009) Submission from Angus Baldwin (TE.New.TE29.6.41)
 (November 10, 2009) Submission from Planning staff, Toronto and East York District, submitting a chart, entitled "Parking Considerations 150 Bloor Street West" (TE.New.TE29.6.42)

Speakers

Angus Baldwin (Submission Filed)
 Sheldon D. Rosen, The SDR Group
 Edith Fisher
 Max Perlman
 Monica R. Armour
 Roger Abbott
 Ronald M. Kanter, Macdonald Sager Manis LLP

Norman Freedman
 Michael Melling, Davies Howe Partners LLP
 Stephen Waque, Borden Ladner Gervais
 Jean Cuddy (Submission Filed)

TE29.7	ACTION			Ward: 27
--------	--------	--	--	----------

Final Report - 252-258 Victoria Street and 19-21 Dundas Square - Rezoning Application

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86, as amended for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated October 16, 2009 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
3. A demolition permit not be issued until a first below grade building permit has been issued for the tower portion and a Heritage Easement Agreement has been signed.
4. Heritage Preservation Services write a report for consideration by the Toronto Preservation Board, Community and City Council early in 2010 for the demolition of a listed property at 258 Victoria Street.
5. Prior to the submission of the Bill to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following public benefits:
 - a. Prior to the issuance of the first above grade permit, pay to the City the sum of \$1,000,000 consisting of \$600,000 towards the heritage upgrade of 19-21 Dundas Square (HNR Building) and \$400,000 towards capital improvements to O'Keefe Lane and additional street improvements within the immediate area.

- b. Require that the cash amounts identified in a. shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
- c. Provide a letter of undertaking to the satisfaction of the Manager, Heritage Preservation Services indicating the applicant's support, as a condition of planning approvals, for the designation and entering into of an HEA for each of the properties at 19 and 21 Dundas Square, the reasons for designation and identification to be based on the Heritage Impact Statement and the Conservation Plan prepared by ERA Architects Inc. dated April 14, 2008 and March 24, 2008, respectively;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- d. Provide a Detailed Conservation Plan and estimate of costs for the implementation of the Detailed Conservation Plan to be prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services.
- e. Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture.
- f. Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.
- g. Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
- h. Prior to the issuance of any building permit for 252-258 Victoria Street including a permit for demolition of the existing buildings, excavation and/or shoring of the subject property the applicant shall:

Toronto and East York Community Council Committee Report - Meeting No. 29
For City Council Consideration on November 30, 2009

- a. provide a letter of credit in an form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the detailed Conservation Plan referenced in Recommendation 5.d. above; and
 - b. provide building permit drawings including construction specifications for the proposed conservation work prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services.
- i. Prior to the release of the Letter of Credit the applicant shall:
- a. complete the conservation work satisfactory to the Manager, Heritage Preservation Services; and
 - b. provide a notice of substantial completion prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services.
- j. Provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services.
- k. Provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.
- l. Improve the laneway from Shuter Street to Dundas Square for access into the site to the satisfaction of Executive Director of Technical Services and Chief Planner and Executive Director, City Planning Division.
- m. Incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director.
- n. Provide knock-out panels at the northwest corner of the site on the Dundas Square wall to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division.
- o. Prior to final site plan approval, the owner will:
1. Submit architectural plans, elevations and landscaping including 1:50 scale elevations to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application, submit 1:50 scale drawings in conformity with this requirement.

2. Undertake improvement of the street right-of-ways abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division.
 3. Provide continuous weather protection with a minimum clear depth of three metres on Victoria Street.
 4. Complete a Wind Assessment study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division.
- p. The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 4, 2009.
6. City Council approve the deletion of Clause (d) in Appendix 1, attached to the report (October 16, 2009) from the Director, Community Planning, Toronto and East York District, as recommended in the supplementary report (November 4, 2009) from the Director, Community Planning.
 7. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

(October 16, 2009) Report from the Director, Community Planning, Toronto and East York District

Summary

This application was made on or after January 1, 2007, and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to demolish 258 Victoria Street, a historical listed building, along with a commercial building at 252 Victoria Street. Two other buildings which form part of the site, 19 and 21 Dundas Square, which are listed in the City of Toronto Heritage Properties Inventory, will be retained. The applicant proposes to redevelop the site with a 39-storey mixed residential commercial building containing five storeys of office space and 230 square metres of retail, 238 residential units and six levels of underground parking.

The proposal meets the intent of the City's Official Plan for intensification in Mixed Use Areas and reflects the principles expressed in the City's Design Criteria for the Review of Tall Building Proposals.

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

Background Information

TE29.7 - Staff Report - 252-258 Victoria Street and 19-21 Dundas Square - Rezoning Application - Final Report
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24712.pdf>)

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

Origin

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

Summary

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

Background Information

TE29.7a - Supplementary Staff Report - 252-258 Victoria, 19-21 Dundas Square - Rezoning Application
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25131.pdf>)
TE29.7a - Revised Appendix 1 - 19-21DundasSquare
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25169.pdf>)

TE29.8	ACTION			Ward: 27
--------	--------	--	--	----------

Final Report - 606-618 Yonge Street, 5-9 St. Joseph Street, 11-19 and 25 St. Nicholas Street - Rezoning

Statutory - Planning Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated October 19, 2009 from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit an application under Toronto Municipal Code Chapter 813, Trees, Article III, "Tree Protection" for the four private trees that qualify for protection and are proposed to be removed as part of the proposal, and complete the application review process.
4. A demolition permit not be issued until a first below-grade building permit has been issued and a revised Heritage Easement Agreement has been signed and registered.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following public benefits:
 - a. Prior to the issuance of the first building permit, the Owner shall file with the City irrevocable standby letters of credit in the form and from a financial institution acceptable to the City Solicitor to guarantee the satisfactory performance and completion of all works and obligations required pursuant to such agreements as the owner may be required to enter into and the said letters of credit shall be kept in full force and effect until all works and obligations have been fulfilled and satisfied.

The letters of credit shall be as follows:

- \$1,165,000 for the reconstruction and/or restoration of the heritage components of the building;
 - \$200,000 for local streetscape improvements to Yonge Street, St. Joseph Street and/or St. Nicholas Street (which may include street lighting improvements identified pursuant to recommendation 5.c). Any excess funds are to be directed to improvements to Queen's Park;
 - \$135,000 for an art contribution for upgrades to the building exterior and/or streetscape and shall be designed by an artist retained by the owner.
- b. Require that the amounts identified in a. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the letters of credit by the owner to the City.

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- c. Undertake a Street Lighting Study and pay for replacement lighting around the street frontage of the subject property to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- d. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement.
- e. Provide and pay for any municipal service upgrades required to support the development as determined by the Executive Director of Technical Services as part of the required Site Servicing Review.
- f. Provide continuous weather protection with a minimum clear depth of three metres on St. Joseph Street in accordance with the Conservation Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- g. The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 13, 2009.
- h. Prior to final site plan approval, the owner will:
 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under provisions of the Ontario Heritage Act (R.S.O 1990 as amended), to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture.
 2. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
 3. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Heritage Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

4. Enter into a Heritage Easement Agreement for the properties at 606-618 Yonge Street.
 5. Submit a Conservation Plan to include drawings, to the satisfaction of the Manager of Heritage Preservation Services, that provide elevations and sections of all heritage building facades at 1:50 scale including, but not limited to, the following: (1) storefront design; (2) window specifications for all heritage façade elevations; (3) reconstruction plan for roof dormer/parapet/cornice details and (4) return side wall details.
 6. Additional information shall be submitted, based on the proposed Conservation Strategy, to include documentation substantially in accordance with that outlined within Section 8.0 of the submitted Heritage Impact Statement. Specifically, a detailed plan shall also be submitted to outline mitigations measures that address construction impacts relative to the on-site heritage structures.
 7. Amend the existing Heritage Easement Agreement registered on the site, Instrument No. E171218 dated June 1, 1998, at 5 St. Joseph Street and 9-15 St. Nicholas Streets, to address the proposed construction and permitted alterations.
 8. As an existing north/south public lane is required to form part of the lot, pursuant to Section 114 of the City of Toronto Act, 2006, the owner shall obtain City Council's approval of the closure and sale of the public lane and shall complete such sale of such lane.
 9. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.
 10. Submit an Engineering Report to the satisfaction of the Manager of Heritage Services that advises on the project's constructability without displacing identified heritage resources.
 11. Submit a stormwater management report, a site servicing plan and site grading, drainage and landscape plans.
6. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Planning Act.

Origin

(October 19, 2009) Report from the Director, Community Planning, Toronto and East York District

Summary

This application was made on October 15, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report reviews and recommends approval of an application to amend the Zoning By-law to permit the construction of a 45-storey mixed use building with 412 residential units including 5 live-work units and approximately 2,800 square metres of non-residential space on a 0.267 hectare (0.660 acre) site.

The proposal meets the intent of the City's Official Plan for intensification in Mixed Use Areas and reflects the principles expressed in the City's Design Criteria for the Review of Tall Building Proposals.

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

Background Information

TE29.8 - Staff Report - Final Report - 606-618 Yonge Street, 5-9 St. Joseph Street, 11-19 and 25 St. Nicholas Street - Rezoning
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24802.pdf>)

Communications

- (November 2, 2009) E-mail from Dr. Myra Nan Rosenfeld Little (TE.New.TE29.8.1)
- (October 30, 2009) E-mail from David Sym (TE.New.TE29.8.2)
- (November 2, 2009) E-mail from Hana Havlicek (TE.New.TE29.8.3)
- (November 9, 2009) E-mail from Philip Ottenbrite (TE.New.TE29.8.4)
- (November 7, 2009) E-mail from Kathryn A. Holden (TE.New.TE29.8.5)
- (November 6, 2009) E-mail from Theresa Paredes (TE.New.TE29.8.6)
- (May 27, 2009) Letter from James L. Robinson, Executive Director, Downtown Yonge BIA (TE.New.TE29.8.7)
- (November 10, 2009) Letter from David Walsh, Seeds of Hope Foundation (TE.New.TE29.8.8)

Speakers

George Dark, VSI Inc
Hana Havlicek
James Robinson, Executive Director, Downtown Yonge Business Improvement Area
Mark Citron, Historic Yonge Street Business Association
David Walsh, Seeds of Hope Foundation (Submission Filed)
John Anderson, Historic Yonge Street Business Association
Kathryn Holden, Bay Corridor Community Association
Norman Waite, President, Bay Corridor Community Association
Paul Farrelly
George Giaouris, Historic Yonge Street Business Association
Shawn Tracy, Bay Corridor Community Association

Andrea Belanger
Peter Rex
Steve Diamond, Diamond Corp.

TE29.9	ACTION			Ward: 27
--------	--------	--	--	----------

Alteration to a Heritage Property and Intention to Designate, Part IV, Section 29, Ontario Heritage Act - 606-618 Yonge Street, 5-9 St. Joseph Street, and 15-25 St. Nicholas Street

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council approve the alterations to the heritage properties at 606-618 Yonge Street, 5-9 St. Joseph Street and 15-25 St. Nicholas Street, substantially in accordance with the plans and drawings prepared by ERA Architects dated September 15, 2009, and on file with the Manager, Heritage Preservation Services subject to the following conditions:
 - a. Prior to Zoning By-Law Amendment approval, the owner shall:
 - submit a Conservation Plan to include drawings, to the satisfaction of the Manager of Heritage Preservation Services that provide “blow-up” elevations and sections of all heritage building façades at 1:50 scale including, but not limited to, the following: (1) storefront design; (2) window specifications for all heritage facade elevations; (3) reconstruction plan for roof dormer/parapet/cornice details; (4) return side wall details, etc.
 - b. Prior to Site Plan approval, the owner shall:
 - provide additional information to be submitted, based on the proposed Conservation Strategy, to include documentation substantially in accordance with that outlined within Section 8.0 (page 44) of the submitted Heritage Impact Statement. Specifically, a detailed plan shall also be submitted to outline mitigations measures that address construction impacts relative to the on-site heritage structures;
 - enter into a Heritage Easement Agreement for the properties at 606-618 Yonge Street with the City;
 - amend the existing Heritage Easement Agreement registered on the site, Instrument No. E171218 dated June 1, 1998, at 5 St. Joseph Street and 9-15 St Nicholas Streets, to address the proposed construction and permitted alterations.

Toronto and East York Community Council Committee Report - Meeting No. 29
For City Council Consideration on November 30, 2009

- c. Prior to the issuance of any building permit, including a permit for the demolition, excavation, and/or shoring on the subject property, the owner shall:
 - provide a Letter of Credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan; and
 - provide final plans satisfactory to the Manager of Heritage Preservation Services.
 - d. Prior to the release of the Letter of Credit the applicant shall:
 - provide evidence and documentation that the project scheme has been implemented, per approved Conservation Plan, satisfactory to the Manager of Heritage Preservation Services.
2. City Council include the following properties on the City of Toronto's Inventory of Heritage Properties:
 - a. 606 Yonge Street
 - b. 608 Yonge Street
 - c. 614 Yonge Street
 - d. 616 Yonge Street
 - e. 618 Yonge Street.
 3. City Council state its intention to designate the following properties under Part IV, Section 29 of the Ontario Heritage Act. (Please note 610 and 612 Yonge Street are listed on the City of Toronto's Inventory of Heritage Properties):
 - a. 606 Yonge Street
 - b. 608 Yonge Street
 - c. 610 Yonge Street
 - d. 612 Yonge Street
 - e. 614 Yonge Street
 - f. 616 Yonge Street
 - g. 618 Yonge Street.
 4. If there are no objections to the designations in accordance with Section 29(6) of the Ontario Heritage Act, City Council authorize the Solicitor to introduce the Bills in Council designating the properties under Part IV of the Ontario Heritage Act.
 5. If there are any objections in accordance with Section 29(7) of the Ontario Heritage Act, City Council direct the City Clerk to refer the proposed designations to the Conservation Review Board.
 6. City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owners of the following properties:

- a. 606 Yonge Street
 - b. 608 Yonge Street
 - c. 610 Yonge Street
 - d. 612 Yonge Street
 - e. 614 Yonge Street
 - f. 616 Yonge Street
 - g. 618 Yonge Street.
7. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into a Heritage Easement Agreement.
 8. City Council grant authority for the necessary amendments to the Existing Heritage Easement Agreement (Instrument No. E171218).

Origin

(October 1, 2009) Report from Director, Policy and Research, City Planning Division

Summary

This report addresses an application to permit a 45-storey mixed use development containing approximately 38,775 square metres of residential gross floor area and approximately 2,800 square metres of non-residential gross floor area on a 0.267 hectare site located on the south side of St. Joseph Street between Yonge Street and St. Nicholas Street. The site is municipally known as 606-618 Yonge Street, 5-9 St. Joseph Street, and 15-25 St. Nicholas Street.

This report recommends that City Council approve the proposed alterations to the heritage properties at 606-618 Yonge Street, 5-9 St. Joseph Street; and 15-25 St. Nicholas Street and designate seven properties at 606, 608, 610, 612, 614, 616 and 618 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value as contributing to a historic and contextual streetscape that has defined Toronto's primary commercial street since the late 19th century.

Background Information

TE29.9 - Heritage - 606-618 Yonge Street, 5-9 St Joseph Street and 15-25 St Nicholas Street
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24713.pdf>)

Communications

- (November 2, 2009) E-mail from Dr. Myra Nan Rosenfeld Little (TE.New.TE29.9.1)
- (October 30, 2009) E-mail from David Sym (TE.New.TE29.9.2)
- (November 2, 2009) E-mail from Hana Havlicek (TE.New.TE29.9.3)
- (November 9, 2009) E-mail from Philip Ottenbrite (TE.New.TE29.9.4)
- (November 7, 2009) E-mail from Kathryn A. Holden (TE.New.TE29.9.5)
- (November 7, 2009) E-mail from Theresa Paredes (TE.New.TE29.9.6)
- (May 27, 2009) E-mail from James L. Robinson, Executive Director, Downtown Yonge BIA (TE.New.TE29.9.7)
- (November 10, 2009) Letter from David Walsh, Seeds of Hope Foundation (TE.New.TE29.9.8)

Speakers

George Dark, VSI Inc

Hana Havlicek

James Robinson, Executive Director, Downtown Yonge Business Improvement Area

Mark Citron, Historic Yonge Street Business Association

David Walsh, Seeds of Hope Foundation (Submission Filed)

John Anderson, Historic Yonge Street Business Association

Kathryn Holden, Bay Corridor Community Association

Norman Waite, President, Bay Corridor Community Association

Paul Farrelly

George Giaouris, Historic Yonge Street Business Association

Shawn Tracy, Bay Corridor Community Association

Andrea Belanger

Peter Rex

Steve Diamond, Diamond Corp.

9a Alteration to a Heritage Property and Intention to Designate, Part IV, Section 29, Ontario Heritage Act 606–618 Yonge Street, 5–9 St. Joseph Street, and 15–25 St. Nicholas Street

Origin

(October 22, 2009) Letter from the Toronto Preservation Board

Summary

The Toronto Preservation Board on October 22, 2009, considered the report (October 1, 2009) from the Director, Policy and Research, City Planning Division, respecting 606-618 Yonge Street, 5-9 St. Joseph Street, and 15-25 St. Nicholas Street - Alteration to a Heritage Property and Intention to Designate Part IV, Section 29, Ontario Heritage Act.

Background Information

TE29.9a - Letter from the Toronto Preservation Board - 606-618 Yonge Street, 5-9 St. Joseph Street, 11-18 and 25 St. Nicholas Street

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24806.pdf>)

TE29.10	ACTION			Ward: 14
---------	--------	--	--	----------

Request for Direction Report- 1540 Bloor Street West - Rezoning and Site Plan Applications

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing of the owner's appeal to oppose the current applications.

2. City Council direct the City Solicitor to advise the Ontario Municipal Board that City Council's position is that any redevelopment of the site at 1540 Bloor Street West must:
 - a. comply with the zoning by-law implementing the Bloor-Dundas Avenue Study;
 - b. satisfy the requirements of Section 3.2.1.6 of the City's Official Plan as set out in this report;
 - c. secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner and Executive Director;
 - d. satisfy the Chief Planner and Executive Director with respect to site plan matters, including the approval of plans and drawings and site plan conditions.
3. City Council direct the City Solicitor to include the Technical Services' issues described in the supplementary report dated November 4, 2009, from the Director, Community Planning, Toronto and East York District, as part of the staff position at the Ontario Municipal Board (OMB) hearing of the owner's appeal.
4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement the foregoing.

Origin

(October 20, 2009) Report from the Director, Community Planning, Toronto and East York District

Summary

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant has appealed the Zoning By-law amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time allotted by the Planning Act. The applications propose to demolish the existing one and two-storey commercial and residential buildings including nine residential rental units located at 1540 Bloor Street West to be replaced with a 27-storey (82.5 metres plus 10.0 metres for mechanical), 254-unit, residential condominium with retail at grade. The applicant has not proposed to replace the rental housing units in the redevelopment.

The purpose of this report is to seek City Council's direction for the City Solicitor to oppose the proposal in its current form at the OMB and to advise the OMB of Council's position regarding the appropriate form of development on the site.

Background Information

TE29.10 - Staff Report - 1540 Bloor Street West - Rezoning and Site Plan
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24714.pdf>)

Speakers

Hilary Bell, West Bend Community Association
Harry Cornelius, Friends of Dundas and Bloor
Adam Brown, Sherman Brown Dryer Karol, Barristers and Solicitors

10a 1540 Bloor Street West - Rezoning and Site Plan Applications - Request for Direction Report - Supplementary Report

Origin

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

Summary

The October 20, 2009 report, "1540 Bloor Street West – Rezoning and Site Plan Applications – Request for Directions Report", recommended refusal of the proposed 27-storey residential condominium with retail at grade.

At the time of writing of the report, final comments from Technical Services staff for the revised 27-storey residential condominium submission received on August 14, 2009, were not provided to City Planning staff. On November 4, 2009, City Planning received a revised memo from Technical Services outlining their concerns related to parking requirements, traffic impact assessment, driveway access and site circulation, loading, and solid waste.

This report provides an overview of Technical Services' comments based on the revised August 14, 2009 resubmission and outlines the outstanding issues provided by staff.

Background Information

TE29.10a - Supplementary Staff Report - 1540 Bloor Street West
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25141.pdf>)

TE29.11	ACTION			Ward: 21
---------	--------	--	--	----------

Request for Directions Report - 310 and 320 Tweedsmuir Avenue - Official Plan Amendment and Rezoning Applications

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board in support of the revised proposal as illustrated in the plans submitted to the City Planning Division (dated stamped: August 14, 2009), generally on the basis of the following:

- a. The applicant withdraw their appeal to the former City of York Official Plan.
 - b. The City Solicitor in consultation with the Chief Planner, Executive Director, City Planning submit to the Ontario Municipal Board a Zoning By-law amendment, which provides for the development of the subject lands with up to 596 residential dwelling units, including 146 non-condominium registered affordable replacement rental units subject to the provision of the Section 37 matters in Recommendation 2 below and as discussed in more detail in the Planning report of October 30, 2009, in a matter satisfactory to such officials.
 - c. The owner entering into and registering a Section 37 Agreement on title, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division securing the matters referred to in Recommendations 1.b. and 2 below.
 - d. The Ontario Municipal Board order to be held pending the satisfactory execution and registration of the Section 37 Agreement.
2. City Council authorize the appropriate City staff and require the owner to enter into and register an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor to secure the following facilities, services and matters to be provided by the owner, at its expense to the City and as described in more detail in the Planning Report dated October 30, 2009:
- a. The owner shall pay to the City an indexed cash contribution of \$500,000 to be used for capital improvements and enhancements to the Ben Nobleman Park, Wychwood Barns Park, Cedarvale Ravine, Cedarvale Park and Artscape Wychwood Barns.

Such cash amount to be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement by the owner to the date of payment of the sum by the owner to the City.
 - b. The owner shall make the payment in Recommendation 2.a. above within 10 business days following the date the Zoning By-law Amendment comes into full force and effect and in any event prior to any building permit or any demolition permit issuing for any portion of the lands other than for the repair of any existing building on the lands.
 - c. The owner shall contribute \$700,000 for on-site public art (indexed annually) implemented under the City's public art provisions and practices.
 - d. The owner shall construct, provide and maintain 146 new replacement dwelling units on the site as rental dwelling units for a period of at least 20 years,

commencing from the date of initial occupancy of each unit, during which time no application for demolition without replacement or conversion to condominium or non-rental housing purposes can be made.

- e. The owner shall provide rents for the 146 replacement rental dwelling units in accordance with the terms of the Section 37 Agreement for a period of 10 years for all new tenants and for the life of each tenancy for returning tenants.
 - f. The owner shall provide a tenant relocation and assistance package, including the right to return to a replacement rental dwelling unit on the land, in accordance with the provisions of the Section 37 Agreement.
 - g. The owner shall complete the construction of the replacement rental dwelling units such that they are ready and available for occupancy prior to the date on which the earliest of the other dwelling units to be constructed on the land are ready and made available for occupancy, other than the buildings existing on the lands in 2008 or a temporary new home sales and marketing office.
3. City Council authorize the Chief Building Official to issue a permit to demolish the building(s) on the land under Section 33 of the Planning Act, following the last to occur of the Zoning By-law Amendment in Recommendation 1.b. coming into full force and effect, and the provision to the City of an indexed letter of credit satisfactory to the City Solicitor in the amount of Five Million Dollars (\$5,000,000) to secure the provision and completion of the 146 replacement rental units in a timely manner, subject to the following conditions:
- a. The owner erect a residential building on site no later than four and a half (4½) years from the date the first permit is issued for demolition of all or any portion of the building(s).
 - b. Should the owner fail to complete the new building containing the 146 replacement rental dwelling units within the time specified in condition 3.a., in addition to any other remedy, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
 - c. In addition to condition b., should the owner either:
 - i. fail to obtain the foundation permit for the construction of the below ground concrete structure required for the development of the north building containing the 146 replacement rental units within one (1) year of the date the first demolition permit issued for all or any portion of the site; or
 - ii. fail to obtain the full building permit, including for the above grade portion of the building, required for the development of the north

building containing the 146 replacement rental units within one and a half (1½) years of the date the first demolition permit issued for all or any portion of the site,

the letter of credit may be cashed and the funds may be retained by the City and used toward the provision of affordable rental housing, at the discretion of the Chief Planner, in addition to any other remedy the City may have and for the sake of clarity, in addition to amongst other matters the requirement for the replacement of the 146 replacement rental units. The amount of the letter of credit to be adjusted annually, indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA. The letter of credit may be released upon the issuance of the full building permit required for the development of the north building containing the required rental replacement dwelling units within the above specified one and a half (1½) year period. Such letter of credit, payment and timing to be additionally secured through the provisions of the Zoning By-law Amendment and the Section 37 Agreement.

4. City Council authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

Decision Advice and Other Information

The Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning to report directly to Council for its meeting on November 30, 2009, on the changes required to the proposed Zoning By-law Amendment referred to in Recommendation 1.b. of the report (October 30, 2009) of the Director, Community Planning, Toronto and East York District, to permit a commercial parking garage under the north building, including the number of commercial parking spaces.

Origin

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

Summary

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

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

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

Background Information

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

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

Speakers

Brian Athey, Morguard Investments Ltd.
Judy Newman

TE29.12	ACTION			Ward: 28
---------	--------	--	--	----------

Request for Direction Report - 251-255 King Street East, 37 Sherbourne Street and 2 Abbey Lane - Rezoning and Site Plan Approval

Committee Recommendations

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the Ontario Municipal Board appeal and referral made by the applicant on the applications for Zoning By-law Amendment Application No. 08 186000 STE 28 OZ and Site Plan Application No. 08 186022 STE 28 SA.
2. City Council endorse a Development Strategy for the lands known municipally as 251-255 King Street East, 37 Sherbourne Street and 2 Abbey Lane, substantially as set out in Attachment 9 – Development Strategy Table, attached to the report dated November 3, 2009, from the Director, Community Planning, Toronto and East York District, as a basis for a settlement at the Ontario Municipal Board, and including the following:
 - a. require the submission of a revised Heritage Impact Statement to address the potential for rehabilitation and retention in-situ of the heritage structure at 251 King Street East;
 - b. request the Manager, Preservation Services to have a peer review of the revised Heritage Impact Statement carried out;

- c. if, following the peer review of the revised Heritage Impact Statement, the Manager, Preservation Services agrees that rehabilitation and retention in-situ of the heritage structure within a proposed development is not possible then rehabilitation and retention in-situ of the north and west elevations will be required; and
 - d. reduce parking to the minimum number of spaces acceptable to the Manager of Development Engineering and/or provide parking off-site in order to facilitate the retention of the heritage structure at 251 King Street East.
3. City Council authorize entering into and execution of an agreement pursuant to Section 37 of the Planning Act to secure the provision of public benefits and related matters in the event that a settlement is achieved or, should there be no settlement, the Ontario Municipal Board enacts amendments to the Zoning By-law for the City of Toronto providing for such an agreement.

Origin

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

Summary

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

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

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

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

Background Information

TE29.12 - Staff Report - 251-255 King Street East - Rezoning and Site Plan

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25130.pdf>)

TE29.12 - Staff Report - 251-255 King Street East - Directions Report - Notice of Pending Report

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24716.pdf>)

Communications

- (November 8, 2009) E-mail from Paola Guarnieri (TE.New.TE29.12.1)
 (November 7, 2009) E-mail from Ted Mercer (TE.New.TE29.12.2)
 (November 10, 2009) Submission from Robert Cishecki, on behalf of Better Planning for All, and forwarding a petition signed by approximately 422 individuals (TE.New.TE29.12.3)
 (November 7, 2009) Letter from Brian Cishecki (TE.New.TE29.12.4)

Speakers

Robert Cishecki (Submission Filed)
 Robert Sherrin
 Suzanne Kavanagh, President, St. Lawrence Neighbourhood Association
 Michael McClelland, E.R.A. Architects
 Frank Lewinberg, Urban Strategies Inc.

TE29.13	ACTION			Ward: 28
---------	--------	--	--	----------

Demolition of a Designated Heritage Property – 251 King Street East (The National Hotel)

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council refuse the demolition of the designated property at 251 King Street East under s.34(1) of the Ontario Heritage Act as proposed in the rezoning application No. 08 186000 STE 28 OZ for the development of lands at 251-255 King Street East and 37 Sherbourne Street, in accordance with plans and drawings prepared by TACT Design Inc., dated July 21, 2008 with final revisions dated May 20, 2009.
2. City Council refuse the request to demolish the property at 251 King Street East in accordance with Section 30(2) and 34(1) of the Ontario Heritage Act, received on October 19, 2009.
3. If the refusal of the demolition permit under the Ontario Heritage Act is appealed to the Ontario Municipal Board, City Council authorize the City Solicitor and City staff to appear before the Ontario Municipal Board in support of City Council's refusal.
4. Should City Council approve the proposed rezoning application No. 08 186000 STE 28 OZ for the development of lands at 251-255 King Street East and 37 Sherbourne Street, including the demolition of the entire heritage structure at 251 King Street East and the reconstruction of the north and west facades, the following conditions be required prior to the submission of the Bill to City Council for enactment:
 - a. the applicant shall retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended), to carry out a Stage 1 archaeological assessment of the entire

development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture;

- b. should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - c. the consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk;
 - d. no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
5. City Council receive the recommendation of the Toronto Preservation Board contained in the letter dated October 22, 2009 from the Board.

Origin

(October 5, 2009) Report from Director, Policy and Research, City Planning Division

Summary

This report recommends that City Council refuse the proposed demolition of the designated heritage property at 251 King Street East.

The rezoning application for this property seeks permission for a 17-storey residential building to be constructed on the lands known municipally as 251-255 King Street East and 37 Sherbourne Street. The proposal includes the demolition through disassembly of the entire heritage building, and the reconstruction using salvaged materials of the north and west elevations of the heritage building, for incorporation as part of the new development. In accordance with the Parks Canada document "Standards and Guidelines for the Conservation of Historic Places in Canada" endorsed by City Council, staff do not consider this approach to be a legitimate conservation strategy given the extent of alteration proposed and the potential for rehabilitation of the resource. As such, staff cannot support the proposed demolition.

Located within the original 10 blocks of the Town of York, Toronto's birthplace, the further impact of a 17-storey tower on this site and on the broader heritage context of the Old Town neighbourhood, is a significant issue of concern that staff has raised throughout their review of this application. Staff advise that further development intensification that proposes height significantly above that which is historically characteristic of this neighbourhood, should reasonably be assessed in the context of a Heritage Conservation District Study for this area.

Background Information

TE29.13 - Staff Report - Heritage Demolition - 251 King Street East
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24718.pdf>)

Communications

- (November 7, 2009) E-mail from Paola Guarnieri (TE.New.TE29.13.1)
- (November 7, 2009) E-mail from Ted Mercer (TE.New.TE29.13.2)
- (November 10, 2009) Submission from Robert Cishecki, on behalf of Better Planning for All, and forwarding a petition signed by approximately 422 individuals (TE.New.TE29.13.3)
- (November 7, 2009) Letter from Brian Cishecki (TE.New.TE29.13.4)

Speakers

Robert Cishecki (Submission Filed)
Robert Sherrin
Suzanne Kavanagh, President, St. Lawrence Neighbourhood Association
Michael McClelland, E.R.A. Architects
Frank Lewinberg, Urban Strategies Inc.

13a 251 King Street East (The National Hotel) - Demolition of a Designated Heritage Property - Supplementary Report

Origin

(October 20, 2009) Report from the Director, Policy and Research, City Planning Division

Summary

This is a supplemental report in response to an application to demolish the heritage property at 251 King Street East, received by Heritage Preservation Services on October 19, 2009, in accordance with Section 30(2) and 34(1) of the Ontario Heritage Act. The supplemental report recommends that City Council refuse the proposed demolition of the heritage property at 251 King Street East. Notice of the Council decision must be given to the owner on or before January 17, 2010.

Background Information

TE29.13a - Supplementary Staff Report - 251 King Street East
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24717.pdf>)

13b 251 King Street East (The National Hotel) – Demolition of a Designated Heritage Property**Origin**

(October 22, 2009) Letter from the Toronto Preservation Board

Summary

The Toronto Preservation Board on October 22, 2009, considered the following reports:

- a. (October 5, 2009), from the Director, Policy and Research, City Planning Division, respecting 251 King Street East (The National Hotel) – Demolition of a Designated Heritage Property; and
- b. (October 20, 2009) from the Director, Policy and Research, City Planning Division, respecting 251 King Street East (The National Hotel) – Demolition of a Designated Heritage Property- Supplemental.

Background Information

TE29.13b - Letter from the Toronto Preservation Board - 251-255 King Street East - Demolition of Designated Heritage Property

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24801.pdf>)

TE29.14	ACTION			Ward: 29
---------	--------	--	--	----------

2 O'Connor Drive, 2, 6, and 12 Fernwood Gardens - Official Plan Amendment and Rezoning Applications and Demolition under Municipal Code Chapter 667**Committee Recommendations**

The Toronto and East York Community Council recommends that:

1. City Council direct the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to report to the January 12, 2010, Toronto and East York Community Council on the form of a By-law to amend the Toronto Official Plan to permit a 4-storey, 65-unit, private residential-care and assisted living facility at 2 O'Connor Drive and 2, 6, and 12 Fernwood Gardens.
2. City Council direct the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor to report to the January 12, 2010, Toronto and East York Community Council on the form of an amendment to Zoning By-law 6752, as amended, for the former Borough of East York, to implement the proposal substantially in accordance with the drawings on file with the Chief Planner and Executive Director, for a 4-storey, 65-unit, private residential-care and assisted living facility, the draft by-law to include, but not be restricted to, the following requirements:

- a. the minimum Lot Area shall be 9,400 square meters and shall exclude the areas of the Lot located below the top-of-bank as established by the TRCA on May 28, 2007;
 - b. the maximum Gross Floor Area of all buildings or structures erected on the Lot shall not exceed 7,620 square metres;
 - c. Grade shall be defined as +124.75 metres Canadian Geodetic Datum;
 - d. the maximum height of the building shall not exceed 16 metres to the top of the parapet, measured from Grade, excluding elements for the functional operation of the building which may include elevator over-runs, mechanical penthouse, ventilation equipment, renewable energy systems and roof canopy, which shall not exceed an additional 5 metres above the maximum height of the building;
 - e. a minimum of one Loading Space shall be provided on the Lot;
 - f. a minimum of 31 Parking Spaces shall be provided on the Lot;
 - g. the minimum setback to the top-of-bank as established by the Toronto and Region Conservation Authority (TRCA) on May 28, 2007 shall be 10 m; and
 - h. a minimum of 30% of the minimum Lot Area shall be Landscaped Open Space.
3. City Council request the City Clerk to schedule and give notice of the statutory public meeting for the January 12, 2010, Toronto and East York Community Council.
 4. City Council request that the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor and the owner, report to the January 12, 2010, Toronto and East York Community Council on any proposed changes to the Tenant Relocation and Assistance Package set in Recommendation 13.a. below.
 5. City Council require the owner to provide the following prior to receiving Site Plan Approval:
 - a. A response to the Toronto and Region Conservation Authority's comments contained within the September 30, 2009 memo, as they relate to natural heritage.
 - b. A cost estimate for review and acceptance for the proposed planting within the ravine and natural feature protected area, in addition to a cost estimate for the preparation and implementation of the ravine stewardship plan.
 - c. A financial security as a security for implementing the planting plan within the ravine and natural feature protected area.
 - d. Architectural plans at 1:100, elevations at 1:50 and landscaping plans at 1:100 to be secured to the satisfaction of the Chief Planner, and the owner will be

required to, in conjunction with the Site Plan Application, submit such scaled drawings in conformity with this requirement.

- e. Final development plans and a landscape plan that enhances the heritage character and views of the front façade of the heritage building and exterior lighting plan for the heritage building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - f. A revised Stormwater Management Report to the satisfaction of the Executive Director, Technical Services.
 - g. A detailed Conservation Plan which includes: as-found record of the existing house including photographs keyed to plans and elevations of all visible exteriors and interiors; detailed descriptions for the proposed heritage conservation work; description of the reversibility of alterations; schedule of long term conservation and maintenance requirements; and cost estimates for conservation work of the heritage property located at 2 O'Connor Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
6. City Council require the owner to convey the valley/hazard lands, including all lands up to the Toronto and Region Conservation Authority's staked top-of-bank line, to the Toronto and Region Conservation Authority for a nominal sum of two dollars (\$2) prior to the introduction of the necessary Bills to Council.
7. City Council direct the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to report to the January 12, 2010, Toronto and East York Community Council on the form of a recommendation to approve the application to demolish the 36 rental housing units located at 2, 6, and 12 Fernwood Gardens pursuant to Municipal Code Chapters 667 and 363, subject to the following conditions under Chapter 667:
- a. The owner provide assistance to the tenants in the existing rental units as required in Recommendation 13.a. below.
 - b. The Official Plan and Zoning By-law Amendments in Recommendations 1 and 2 have come into full force and effect.
 - c. The owner enter into, and register on title, an agreement or notice thereof, to the satisfaction of the City Solicitor, which secures the conditions outlined above in items a. and b. of this Recommendation.
8. City Council direct the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to report to the January 12, 2010, Toronto and East York Community Council on the form of a recommendation to authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Section 111 of the City of Toronto Act (Municipal Code Chapter 667) after the satisfaction of the following conditions:

Toronto and East York Community Council Committee Report - Meeting No. 29
For City Council Consideration on November 30, 2009

- a. That the Official Plan and Zoning By-law Amendments in Recommendations 1 and 2 have come into full force and effect.
 - b. Site Plan Approval for the proposed development is issued pursuant to Section 114 of the City of Toronto Act, 2006 and pursuant to the Zoning By-law Amendment.
9. City Council direct the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to report to the January 12, 2010, Toronto and East York Community Council on the form of a recommendation to authorize the Chief Building Official to issue a Section 111 of the City of Toronto Act permit (under Municipal Code Chapter 667), after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval contained in Recommendation 8.
 10. City Council direct the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor, to report to the January 12, 2010, Toronto and East York Community Council on the form of a recommendation to authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than the issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 8, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code.
 11. City Council direct the Chief Planner and Executive Director, City Planning Division, to report to the January 12, 2010, Toronto and East York Community Council on the appropriate measures to conserve the heritage resource on the site.
 12. Before introducing the necessary Bills for enactment, City Council authorize the appropriate City officials and require the owner to enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 2 O'Connor Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 13. Prior to the introduction of Bills to City Council for enactment, City Council authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning, and City Solicitor. The agreement(s) are to be registered on title to the lands in a manner satisfactory to the City Solicitor and to secure the following facilities, services and matters from the owner at its expense:
 - a. Require the owner provide the following Tenant Relocation and Assistance Package for each tenant of 2, 6 and 12 Fernwood Gardens:
 1. A cash payment (or rent relief) equivalent to three (3) months of rent.
 2. A \$500 moving cost expense allowance.

Toronto and East York Community Council Committee Report - Meeting No. 29
For City Council Consideration on November 30, 2009

3. The return of the tenant's last month's rent cheque, with interest (if applicable).
4. Additional compensation (in the form of a cash payment or rent relief) for long term tenants of the Fernwood Gardens apartment buildings, based on the following table:

-	6-10 Years	-	2 months' rent
-	11-15 Years	-	4 months' rent
-	16-20 Years	-	6 months' rent
-	21-25 Years	-	10 months' rent
-	25-30 Years	-	12 months' rent
-	31 Years or more	-	14 months' rent.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- b. The owner shall provide to the City the items identified in Recommendation 5 above.
 - c. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials as shown on the plans and elevations referenced in Recommendation 5.d. above, to the satisfaction of the Chief Planner and Executive Director.
 - d. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on December 30, 2008.
 - e. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development.
14. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Origin

(October 23, 2009) Report from the Director, Community Planning, Toronto and East York District

Summary

These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

These applications propose to develop the site at 2 O'Connor Drive, 2, 6, and 12 Fernwood Gardens with a 4-storey, 65-unit, private residential-care and assisted living facility. The Taylor House, also known as "Fernwood", located at 2 O'Connor Drive, will be preserved and incorporated into the development proposal. All other buildings on the site will be demolished, including three buildings containing 36 residential rental units that are not proposed to be replaced.

A Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has been made and is reviewed concurrently with the Official Plan and Zoning By-law Amendment applications.

This report reviews and recommends refusal of the applications to amend the Official Plan, Zoning By-law and Site Plan Control, as well as the application for demolition of residential rental units under Municipal Code 667 for the reasons outlined in the Staff Report.

Background Information

TE29.14 - Staff Report - 2 O'Connor Drive, 2, 6, and 12 Fernwood Gardens
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24720.pdf>)

Communications

(November 10, 2009) Member Motion from Councillor Case Ootes, Ward 29, Toronto-Danforth (TE.New.TE29.14.1)

Speakers

Dan McIntyre, Federation of Metro Tenants Association
Brigitte Shim, Shim-Sutcliffe Architects Inc.
Michael McClelland, E.R.A. Architects
Calvin Lantz, Stikeman Elliott LLP

TE29.15	ACTION			Ward: 20
---------	--------	--	--	----------

Designation of the Harbord Village Heritage Conservation District Phase 2 under Part V of the Ontario Heritage Act

Statutory - Ontario Heritage Act, RSO 1990

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council designate by by-law the area shown on Attachment No. 1 of the report dated October 6, 2009 from the Director, Policy and Research, City Planning Division, as the Harbord Village Heritage Conservation District Phase 2, in accordance with Section 41 of the Ontario Heritage Act.

2. City Council adopt by by-law the Harbord Village Heritage Conservation District Phase 2 Plan, dated August 2009, as the district plan for the Harbord Village Heritage Conservation District Phase 2.
3. If there are any objections to the by-law under Section 41 of the Ontario Heritage Act, City Council authorize the City Solicitor to appear before the Ontario Municipal Board to defend the by-law.
4. Until such time as the by-law designating the area as the Harbord Village Heritage Conservation District Phase 2 comes into force or is repealed, City Council direct that all properties within the area, unless designated under Part IV of the Ontario Heritage Act, be listed in the City's Inventory of Heritage Properties.

Decision Advice and Other Information

The Toronto and East York Community Council requested the Director, Policy and Research, City Planning Division, to prepare a letter, to be signed by the Chair, on behalf of the Community Council, expressing thanks and congratulations to the many volunteers that participated in the Harbord Village Heritage Conservation District Phase 2 Plan.

The Toronto and East York Community Council held a statutory public meeting on November 10, 2009, and notice was given in accordance with the Ontario Heritage Act.

Origin

(October 6, 2009) Report from the Director, Policy and Research, City Planning Division

Summary

The purpose of this report is to recommend the designation of the Harbord Village Heritage Conservation District (HCD) Phase 2, and to adopt the associated HCD Plan by by-law under Part V of the Ontario Heritage Act (OHA). The district analysis and plan were led by the Harbord Village Residents Association and completed by Catherine Nasmith Architect.

Heritage Preservation Services Staff have reviewed the proposed designation and the district plan and believe they merit designation and adoption under the OHA.

Background Information

TE29.15 - Staff Report - Designation of the Harbord Village Heritage Conservation District Phase 2

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24721.pdf>)

TE29.15 - Harbord Village Heritage Conservation District Attachment 2

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24722.pdf>)

Communications

(October 30, 2009) Letter from Carmen Gauthier (TE.New.TE29.15.1)

Speakers

Carmen Gauthier
Ken Arenson
Rory Sinclair

15a Designation of the Harbord Village Heritage Conservation District Phase 2 under Part V of the Ontario Heritage Act

Origin

(October 22, 2009) Letter from the Toronto Preservation Board

Summary

The Toronto Preservation Board on October 22, 2009, considered the report (October 6, 2009) from the Director, Policy and Research, City Planning Division, respecting the designation of the Harbord Village Heritage Conservation District Phase 2 under Part V of the Ontario Heritage Act.

Background Information

TE29.15a - Letter from the Toronto Preservation Board - Harbord Village Heritage Conservation District
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24811.pdf>)

TE29.16	ACTION			Ward: 27
---------	--------	--	--	----------

Alteration of a Structure in the South Rosedale Heritage Conservation District - 84 Crescent Road

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council approve the application to alter 84 Crescent Road received September 15, 2009 from the applicant, Kelly Buffey of AKB Atelier Kastelic Buffey.

Origin

(September 29, 2009) Report from the Director, Policy and Research, City Planning Division

Summary

This report recommends that City Council refuse the application to alter an “A” rated house in the South Rosedale Heritage Conservation District (SRHCD) in accordance with Section 42(1) of the Ontario Heritage Act.

This application requests the removal and replacement of the existing sun room. Staff recommends the refusal of this application as it would result in the removal of a heritage attribute of a significant heritage house in South Rosedale. This attribute is visible from the street, in good condition and contributes to the heritage character of the neighbourhood.

The consent under the Ontario Heritage Act is in addition to a demolition permit required under the Building Code Act and the approval of any variances to the existing zoning by-law.

Background Information

TE29.16 - Staff Report - 84 Crescent Road - Alteration of a Structure in the South Rosedale Heritage Conservation District
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24723.pdf>)

16a 84 Crescent Road - Alteration of a Structure in the South Rosedale Heritage Conservation District

Origin

(October 22, 2009) Letter from the Toronto Preservation Board

Summary

The Toronto Preservation Board on October 22, 2009, considered the report (September 29, 2009) from the Director, Policy and Research, City Planning Division, respecting 84 Crescent Road, Alteration of a Structure in the South Rosedale Heritage Conservation District.

Background Information

TE29.16a - Letter from the Toronto Preservation Board - 84 Crescent Road - Alteration of a Structure in the South Rosedale Heritage Conservation District
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24816.pdf>)

TE29.17	ACTION			Ward: 20
---------	--------	--	--	----------

16 York Street - York Centre - ICE Condominiums Public Art Plan

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council approve the 16 York Street - York Centre - ICE Public Art Plan attached to the report dated October 22, 2009, from the Director, Urban Design.

Origin

(October 22, 2009) Report from the Director, Urban Design

Summary

The purpose of this staff report is to seek City Council approval of the 16 York Street - York Centre - ICE Public Art Plan. The plan has been prepared by the Owner and the Public Art Consultant in compliance with the development approval provisions. The plan, which is included as Attachment 1 of this report, outlines the method by which the Owner will commission public art in the publicly accessible area of the development.

The 16 York Street - York Centre - ICE Public Art Plan provides a framework for the commissioning of art in three phases, the first location being in the Urban Courtyard. The attached plan meets the objectives of the City Planning Percent for the Public Art Program and is supported by the Toronto Public Art Commission.

Background Information

TE29.17 - Staff Report - 16 York Street - York Centre - ICE Condominiums
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24724.pdf>)

TE29.17 - Attachment - 16 York Street - Public Art Plan
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24886.pdf>)

TE29.18	ACTION			Ward: 27
---------	--------	--	--	----------

661 University Avenue Public Art Plan - MaRS Discovery Centre Phase II**Committee Recommendations**

The Toronto and East York Community Council recommends that:

1. City Council approve the 661 University Avenue Public Art Plan MaRS Discovery Centre Phase II, attached to the report dated October 22, 2009, from the Director, Urban Design.

Origin

(October 22, 2009) Report from the Director, Urban Design

Summary

The purpose of this staff report is to seek City Council approval of the 661 University Avenue Public Art Plan MaRS Discovery Centre Phase II. The plan has been prepared by the Owner and the Public Art Consultant in compliance with the development approval provisions. The plan, which is included as Attachment 1 of this report, outlines the method by which the Owner will commission public art in the publicly accessible area of the development.

The 661 University Avenue Public Art Plan MaRS Discovery Centre Phase II provides a framework for the commissioning of art at the south east corner of University Avenue and College Street. The attached plan meets the objectives of the City Planning Percent for the Public Art Program and is supported by the Toronto Public Art Commission.

Background Information

TE29.18 - Staff Report - 661 University Avenue Public Art Plan MaRS
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24725.pdf>)

TE29.53	ACTION			Ward: 30
---------	--------	--	--	----------

Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 225 Commissioners Street

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council designate part or those parts of the private road or roads shown on the site plan filed with the Fire Chief in respect of the municipal address set out below as a fire route pursuant to Municipal Code Chapter 880 - Fire Routes:
 - 225 Commissioners Street.
2. City Council authorize the Fire Chief and City Solicitor to take the appropriate action to make a designated Fire Route.

Origin

(October 19, 2009) Report from the Fire Chief

Summary

To obtain Council approval for the amendment of the Fire Route By-law to designate certain locations as fire routes within the meaning of City of Toronto Municipal Code Chapter 880, as amended.

Fire Services uses designated fire routes as a key mechanism in regulating fire prevention, including the prevention of spreading of fires and the delivery of fire protection services.

Background Information

TE29.53 - Staff Report - 225 Commissioners Street - Designation of Fire Routes
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24814.pdf>)

TE29.53 - Staff Report - 225 Commissioners Street - Draft By-law
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24815.pdf>)

TE29.54	ACTION			Ward: 31
---------	--------	--	--	----------

Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 390 Dawes Road and 500 Dawes Road

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council designate part or those parts of the private road or roads shown on the site plan filed with the Fire Chief in respect of the municipal address set out below as a fire route pursuant to Municipal Code Chapter 880 - Fire Routes:
 - 390 Dawes Road, 500 Dawes Road.
2. City Council authorize the Fire Chief and City Solicitor to take the appropriate action to make a designated Fire Route.

Origin

(October 22, 2009) Report from the Fire Chief

Summary

To obtain Council approval for the amendment of the Fire Route By-law to designate certain locations as fire routes within the meaning of City of Toronto Municipal Code Chapter 880, as amended.

Fire Services uses designated fire routes as a key mechanism in regulating fire prevention, including the prevention of spreading of fires and the delivery of fire protection services.

Background Information

TE29.54 - Staff Report - 390 and 500 Dawes Road - Designation of Fire Routes
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24817.pdf>)

TE29.54 - Staff Report - 390 and 500 Dawes Road - Draft By-law
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24818.pdf>)

TE29.60	ACTION			Ward: 28
---------	--------	--	--	----------

Proposed Permanent Closure of the Portion of the Bonnycastle Street Road Allowance and the Portion of Lake Shore Boulevard East Abutting 12 and 26 Bonnycastle Street

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council permanently close the public highway shown as Parts 1 and 2 on the attached Sketch No. PS-2009-083 (the "Highway"), subject to compliance with the

requirements of City of Toronto Municipal Code, Chapter 162, and subject to City Council authorizing the sale of the Highway to Great Gulf (Downtown Properties) Ltd., or any of its affiliates (“Great Gulf”) or to Toronto Waterfront Revitalization Corporation (“Waterfront Toronto”).

2. City Council authorize Transportation Services staff to give notice to the public of a proposed by-law to close the Highway, in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed draft by-law.
3. City Council authorize Transportation Services staff to advise the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule “A⁺” activities, by posting notice of the proposed closure on the notice page of the City’s Web site for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Highway will be considered.

Origin

(October 21, 2009) Report from the Director, Transportation Services, Toronto and East York District

Summary

Transportation Services recommends that a portion of the Bonnycastle Street road allowance and a portion of Lake Shore Boulevard East be permanently closed.

Background Information

TE29.60 - Staff Report - Bonnycastle Street Road Allowance
<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24833.pdf>

TE29.60 - Staff Report - Bonnycastle Street Road Allowance - Sketch No. PS-2009-083
<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24834.pdf>

TE29.61	ACTION			Ward: 22
---------	--------	--	--	----------

Appropriateness of the Eastbound "Stop" Sign - Oxtan Avenue at Oriole Parkway

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council retain the compulsory stop regulation for eastbound traffic on Oxtan Avenue at Oriole Parkway.

Origin

(October 22, 2009) Report from the Director, Transportation Services, Toronto and East York District

Summary

Transportation Services has reviewed the impact that the installation of an eastbound “Stop” sign on Oxtan Avenue at Oriole Parkway, in conjunction with several other traffic regulations implemented in this area, has had on traffic flow in the Avenue Road/Oxtan Avenue/Oriole Parkway arterial corridor. The presence of the “Stop” sign disrupts the eastbound-to-southbound arterial traffic flow and somewhat negates the improvements in traffic flow that resulted following reconstruction of this intersection in 2002. However, this “Stop” sign provides a measure of safety for pedestrians crossing at the west side of the Oxtan Avenue/Oriole Parkway intersection that would not exist in a free-flow environment.

Removal of the eastbound “Stop” sign on Oxtan Avenue at Oriole Parkway would enhance vehicular traffic operation but providing a safe crossing environment for pedestrians is the more advisable alternative. Staff recommends retaining the eastbound “Stop” sign on Oxtan Avenue at Oriole Parkway.

Background Information

TE29.61 - Staff Report - Oxtan Avenue at Oriole Parkway

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24846.pdf>)

TE29.61 - Staff Report - Oxtan Avenue at Oriole Parkway - Drawing No. 421F-9833

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24855.pdf>)

Communications

(October 28, 2009) E-mail from Anderson Lookkin (TE.New.TE29.61.1)

TE29.67	ACTION			Ward: 32
---------	--------	--	--	----------

Removal of On-Street Parking Space for Persons With Disabilities - Wineva Avenue**Committee Recommendations**

The Toronto and East York Community Council recommends that:

1. City Council approve the removal of the on-street parking space for persons with disabilities on the east side of Wineva Avenue, between a point 58 metres north of Isleworth Avenue and a point 5.5 metres further north.

Origin

(October 19, 2009) Report from the Director, Transportation Services, Toronto and East York District

Summary

The purpose of this report is to obtain approval for the removal of an on-street parking space for persons with disabilities on the east side of Wineva Avenue, north of Isleworth Avenue.

As the Toronto Transit Commission (TTC) operates a transit service on Wineva Avenue, City Council approval of this report is required.

Background Information

TE29.67 - Staff Report - Wineva Avenue - Removal of On-Street Parking Space
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24856.pdf>)

TE29.73	ACTION			Ward: 22
---------	--------	--	--	----------

Amendments to Parking Regulations - 720 Mount Pleasant Road

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council rescind the 'No Standing Anytime' regulation on the west side of Mount Pleasant Road, from a point 53.5 metres north of Soudan Avenue to a point 11 metres further north.
2. City Council implement a "10-minute maximum parking, 9:00 a.m. of one day to 7:00 a.m. of the next following day, Monday to Friday and Anytime, Saturday, Sunday and Public Holidays" regulation on the west side of Mount Pleasant Road, from a point 53.5 metres north of Soudan Avenue to a point 11 metres further north.

Origin

(October 13, 2009) Report from the Director, Transportation Services, Toronto and East York District

Summary

Transportation Services is seeking authority from City Council to rescind a "No Standing Anytime" regulation on the west side of Mount Pleasant Road, in front of the entrance to Premises No. 720, Briton House Retirement Residence. In place thereof, parking would be allowed for a maximum period of 10 minutes except when stopping is prohibited from 7:00 a.m. to 9:00 a.m., Monday to Friday. The intent is to provide short-term parking opportunity for persons escorting senior citizens to and from their apartments within the Briton House Retirement Residence.

Background Information

TE29.73 - Staff Report - 720 Mount Pleasant Road
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24875.pdf>)

TE29.73 - Staff Report - 720 Mount Pleasant Road - Drawing No. 421F-9816
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24876.pdf>)

TE29.77	ACTION			Ward: 32
---------	--------	--	--	----------

Traffic Calming - Bingham Avenue, Between Kingston Road and Gerrard Street East

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council authorize Transportation Services to consult with Councillor Bussin to develop a speed hump plan.
2. City Council authorize Transportation Services to poll eligible householders on Bingham Avenue, between Kingston Road and Gerrard Street East, to determine whether residents support the installation, in accordance with the City of Toronto Traffic Calming Policy.
3. Subject to favourable results of the poll, City Council authorize:
 - a. the City Solicitor to prepare a by-law to alter sections of the roadway on Bingham Avenue, between Kingston Road and Gerrard Street East, for traffic calming purposes, generally as the speed hump plan that Transportation Services circulated to residents during the polling process shows; and
 - b. Transportation Services to take the necessary actions to reduce the speed limit from forty kilometres per hour to thirty kilometres per hour on Bingham Avenue, between Kingston Road and Gerrard Street East, when the speed humps are installed.

Origin

(October 21, 2009) Report from the Director, Transportation Services, Toronto and East York District

Summary

Transportation Services staff have reviewed whether traffic calming is warranted on Bingham Avenue, between Kingston Road and Gerrard Street East. Our assessment indicates the criteria as set out in the traffic calming policy has not been satisfied. Therefore, speed humps should not be installed on Bingham Avenue at this time.

Background Information

TE29.77 - Staff Report - Bingham Avenue Between Kingston Road and Gerrard Street East - Traffic Calming

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24910.pdf>)

TE29.77 - Staff Report - Bingham Avenue - Appendix A

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24911.pdf>)

TE29.77 - Staff Report - Bingham Avenue - Drawing No. 421F-9828

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24912.pdf>)

TE29.81	ACTION			Ward: 27
---------	--------	--	--	----------

Use of Nathan Phillips Square for Vancouver 2010 Olympic Torch Relay Toronto Community Celebration

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council grant permission to the Vancouver 2010 Olympic Torch Relay Toronto Community Celebration to use open flame at Nathan Phillips Square on December 17, 2009.
2. City Council grant permission to the Vancouver 2010 Olympic Torch Relay Toronto Community Celebration to use special effects pyrotechnics at Nathan Phillips Square on December 17, 2009.

Origin

(October 21, 2009) Report from the General Manager, Economic Development, Culture and Tourism

Summary

It is recommended that City Council give exemption to the Vancouver 2010 Olympic Torch Relay Toronto Community Celebration to use open flame and special effects pyrotechnics on Nathan Phillips Square.

Background Information

TE29.81 - Staff Report - Use of Nathan Phillips Square for Olympic Torch Relay
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24861.pdf>)

TE29.82	ACTION			Ward: All
---------	--------	--	--	-----------

Use of Nathan Phillips Square for CTV Olympic Celebration February 20, 2010

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council grant an exemption to the CTV Olympic Celebration to serve beer, wine and hard liquor garden at Nathan Phillips Square on February 20, 2010 contingent upon the following conditions:

- a. approval of the A.G.C.O.;
 - b. approval of the Medical Officer of Health;
 - c. compliance with the City of Toronto's Municipal Alcohol Policy; and
 - d. receipt of all the necessary permits associated with the production of the event, i.e., building permit, noise by-law extension permit.
2. City Council grant permission to the CTV Olympic Celebration to use open flame.
 3. City Council require that the various events compensate the City of Toronto through the Facilities and Real Estate Division for all the City of Toronto costs associated with the event.

Origin

(October 8, 2009) Report from the Chief Corporate Officer

Summary

It is recommended that City Council give exemption to CTV Olympic Celebration's request to use open flame and to operate a tented beer/wine/spirits garden in an event on Nathan Phillips Square.

Background Information

TE29.82 - Use of Nathan Phillips Square - CTV Olympic Celebration - February 20, 2010
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24868.pdf>)

TE29.83	ACTION			
---------	--------	--	--	--

Events of Municipal Significance for Liquor Licensing Purposes

Committee Recommendations

The Toronto and East York Community Council recommends that City Council, for liquor licensing purposes, advise the Alcohol and Gaming Commission of Ontario that it has no objection to the following requests for:

1. a liquor licence extension until 4:00 a.m. for the establishments and dates listed in the letter (November 9, 2009) from Verle A. Mobbs, General Manager, during Canadian Music Week 2010 to be held in March 2010, and for The Boat at 158 August Avenue and Supermarket at 268 Augusta Avenue until 3:00 a.m. on Friday, March 12 and Saturday, March 13, 2010; and
2. a beer garden on Bremner Boulevard from 300 p.m. to 8:00 p.m. during the Buffalo Bills in Toronto Series Tailgate, to be held on December 3, 2009.

Decision Advice and Other Information

The Toronto and East York Community Council, for liquor licensing purposes, declared the following to be events of municipal significance:

1. Canadian Music Week 2010 to be held from March 10-14, 2010, at various establishments.
2. The CTV Olympic Celebration to be held on February 20, 2010 at Nathan Phillips Square, Toronto City Hall from 1:00 p.m. to 6:00 p.m.
3. The Buffalo Bills in Toronto Series Tailgate, to be held on December 3, 2009, from 3:00 p.m. to 8:00 p.m. on Bremner Boulevard.

Summary

Seeking endorsement of events of municipal significance for Liquor Licensing Purposes.

Communications

(September 15, 2009) Letter from Verle A. Mobbs, Canadian Music Week 2010, requesting that Canadian Music Week from March 10-14, 2010, be declared an event of municipal significance; and requesting a liquor licence extension until 4:00 a.m. for the establishments and dates listed in the letter. (TE.Main.TE29.80.1)

<http://www.toronto.ca/legdocs/mmis/2009/te/comm/communicationfile-12399.pdf>

(October 21, 2009) Letter from Jodi Spitzer, Vice-President, Wendy Kane & Associates, requesting that the CTV Olympic Celebration to be held on February 20, 2010, at Nathan Phillips Square, Toronto City Hall, 100 Queen Street West, Toronto, from 1:00 p.m. to 6:00 p.m., be declared an event of municipal significance. (TE.Main.TE29.83.2)

(November 9, 2009) Letter from Verle A. Mobbs, General Manager, Canadian Music Week 2010, submitting a revised list of establishments requiring a liquor licence extension on March 10, 11, 12 and 13, 2010 until 4:00 a.m. during Canadian Music Week, and for The Boat and Supermarket until 3:00 a.m. on March 12 and 13, 2010 (TE.New.TE29.83.3)

<http://www.toronto.ca/legdocs/mmis/2009/te/comm/communicationfile-12618.pdf>

(November 9, 2009) Letter from Andrew Gayle - Field Manager, Mosaic Sales Solutions, advising of the Buffalo Bills in Toronto Series Tailgate, to be held on December 3, 2009, and requesting that this be an event of municipal significance, and requesting permission for a beer garden on Bremner Boulevard from 3:00 p.m. to 8:00 p.m. for this event. (TE.New.TE29.83.4)

TE29.84	ACTION			Ward: 19
---------	--------	--	--	----------

Ontario Municipal Board - 363 Grace Street - Committee of Adjustment Application A0503/09TEY

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council authorize the City Solicitor, other relevant staff and, if necessary, a professional planning consultant to attend the Ontario Municipal Board (OMB) hearing

to defend the Committee of Adjustment's decision regarding 363 Grace Street (A0503/09TEY).

Origin

(October 26, 2009) Letter from Deputy Mayor Joe Pantalone, Ward 19, Trinity-Spadina

Summary

As Councillor for the area, I am writing with regard to the Ontario Municipal Board (OMB) appeal by the owner of 363 Grace Street (A0503/09TEY).

The purpose of the Committee of Adjustment application heard on September 23, 2009 was to "legalize and to maintain a rear two-storey addition, and two, third floor dormer additions on the south side of the existing 2½-storey dwelling" which were constructed without building permit. The application was refused by the Committee members (please see attached).

The owner of this property has acted in disregard of City standards and their neighbours, who will be negatively affected by this illegal construction. I am particularly concerned about the deck on the third floor addition to the home. I am convinced that this deck will seriously compromise the privacy of neighbouring residents in this densely populated neighbourhood.

I, therefore, strongly recommend that the City Solicitor, other relevant staff and, if necessary, a professional planning consultant attend the OMB hearing to defend the Committee of Adjustment's decision.

Background Information

TE29.84 - Letter from Deputy Mayor Pantalone - 363 Grace Street - Committee of Adjustment Application

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24930.pdf>)

TE29.84 - Letter from Deputy Mayor Pantalone - 363 Grace Street - Committee of Adjustment Notice of Decision

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-24931.pdf>)

TE29.85	ACTION			Ward: 19
---------	--------	--	--	----------

Ontario Municipal Board - 12 R Dewson Street - Committee of Adjustment Decision (A0639/09TEY)

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council authorize the City Solicitor and Chief Planner and Executive Director of City Planning, to appeal the Committee of Adjustment decision of November 4, 2009 regarding 12 R Dewson Street (A0639/09TEY) to the Ontario Municipal Board (OMB).

Origin

(November 5, 2009) Letter from Deputy Mayor Joe Pantalone, Ward 19, Trinity-Spadina

Summary

As Councillor for the area, I am writing with regard to the Committee of Adjustment decision to refuse application #A0639/09TEY (12 R Dewson Street) on November 4, 2009.

The variance requested was to construct a one-storey accessory structure (detached garage) on the existing vacant site. It is my belief that Committee of Adjustment decision to refuse this variance is not in the best interests of the community and neighbouring residents. This is an unusual situation as this stranded piece of land is disconnected from any other uses such as a residence or a commercial property. For many years it has been used as a storage area by its owners, a practice but that has created an untenable situation for the neighbours directly affected by this usage.

Previous plans to develop this site were created without consultation with the community, my office, or the City and were, consequently, inappropriate developments and, thus, refused by City Planning and the Committee of Adjustment. However, this time around, after repeated complaints from residents and contact from the owner, I hosted three community meetings where a site plan acceptable to the owner and affected residents was established. As a result, City Planning wrote to the Committee in support of the variance.

It is unclear upon which planning principles the Committee dismissed a City of Toronto Community Planning opinion that was so carefully arrived at and with such effort and collaboration from the affected neighbours. In order to mitigate the negative effects of this surprising decision by the Committee, I strongly recommend that the City Solicitor and Planning appeal this Committee of Adjustment decision to the OMB.

Background Information

TE29.85 - Letter from Deputy Mayor Pantalone - 12R Dewson Street
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25142.pdf>)
TE29.85 - 12R Dewson Street - Committee of Adjustment Decision
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25200.pdf>)

TE29.86	ACTION			Ward: 32
---------	--------	--	--	----------

Ontario Municipal Board - 2170 Gerrard Street East - Committee of Adjustment Decision

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council authorize the City Solicitor, other relevant staff and, if necessary, a professional planning consultant to attend the Ontario Municipal Board (OMB) hearing to defend the Committee of Adjustment's decision regarding 2170 Gerrard Street East (B0064/09TEY, A0455/09TEY, A0456/09TEY and A0457/09TEY).

Origin

(November 5, 2009) Letter from Councillor Sandra Bussin, Ward 32, Beaches-East York

Summary

As Councillor for the area, I am writing with regard to the Ontario Municipal Board (OMB) appeal by the owner of 2170 Gerrard Street East (B0064/09TEY, A0455/09TEY, A0456/09TEY and A0457/09TEY).

The purpose of the Committee of Adjustment applications heard on September 23, 2009 was to sever the lot into three residential lots; maintain the existing 2½ storey 8-unit residential building on the retained lot fronting on Gerrard Street East; and construct a pair of 2½ storey semi-detached dwellings with integral garages on the conveyed lots fronting on Norwood Road.

The consent and minor variance applications were refused by the Committee members (please see attached).

The City Planning Division wrote to the Committee of Adjustment recommending refusal of the applications as they would result in the overdevelopment of the site in a way that does not comply with either the Zoning By-law or the Official Plan.

I, therefore, request that the City Solicitor, other relevant staff and, if necessary, a professional planning consultant to attend the OMB hearing to defend the Committee of Adjustment's decision.

Background Information

TE29.86 - Letter from Councillor Bussin - 2170 Gerrard Street East
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25143.pdf>)

TE29.86 - 2170 Gerrard Street East - Attachment 1
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25195.pdf>)

TE29.86 - 2170 Gerrard Street East - Attachment 2
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25196.pdf>)

TE29.86 - 2170 Gerrard Street East - Attachment 3
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25197.pdf>)

TE29.86 - 2170 Gerrard Street East - Attachment 4
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25198.pdf>)

TE29.86 - 2170 Gerrard Street East - Attachment 5
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25199.pdf>)

TE29.88	ACTION			Ward: 19
---------	--------	--	--	----------

Ontario Municipal Board - 70 Ossington Avenue - Committee of Adjustment Decision (A0421/09TEY)

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board hearing to uphold the decision of the Committee of Adjustment respecting 70 Ossington Avenue (except for the fifth condition: "the approval of the requested variances shall extend for a term of one year expiring on or before September 30, 2010").

Origin

(November 9, 2009) Letter from Deputy Mayor Joe Pantalone, Ward 19, Trinity-Spadina

Summary

On May 25, 2009, an Interim Control By-Law, being City of Toronto By-law 547-2009, was adopted applicable to Ossington Avenue between Dundas Street West and Queen Street West prohibiting restaurants and related uses, including patios, for a period of one year, to allow City Planning staff the opportunity to undertake a planning study for the area.

Staff reported to this Toronto and East York Community Council meeting with the results of that planning study. The Planning Staff Report, being Item TE29.3, recommends zoning by-law amendments for the area including a prohibition on rear yard patios.

On June 25, 2008, the Committee of Adjustment granted a minor variance to construct an outdoor patio to the rear of an existing restaurant at the subject property, on certain conditions including that: (1) "No music, artificial, or amplified sound shall be played on , or projected into the patio area"; (2) "The patio's opening hours be restricted to 11:00 a.m. to 11:00 p.m."; and (3) "The approval of Minor Variance Application A0612/08TEY shall extend for a term of one year, expiring on July 31, 2009." The variance permission was temporary and expired on July 31, 2009.

As such, on August 26, 2009, the Committee of Adjustment considered the applicant's new application for a minor variance to permit the patio whereas the patio is located on a lot too close to an "R" district and whereas patios are prohibited by Interim Control By-law 547-2009. The Committee approved the variances on the following conditions: (1) the opening hours for the patio shall be restricted to 11:00 a.m. to 11:00 p.m.; (2) no music, artificial or amplified sound shall be played on , or be projected into, the patio area; (3) the patio shall maintain a maximum area of 58.5 square metres and a minimum setback from the residential zone of 9.26 metres; (4) the existing privacy fence shall be maintained along the perimeter of the patio at a minimum height of 1.8 metres; and (5) the approval of the requested variances shall extend for a term of one year expiring on or before September 30, 2010.

On September 15, 2009, the applicant appealed the Committee of Adjustment decision, specifically conditions. The applicant first applied in 2008. Given recommendations before Toronto and East York Community Council in the Ossington Planning Study – especially in regards to the restriction on rear yard patios, I recommend that the City Solicitor and appropriate staff attend the Ontario Municipal Board hearing to uphold the decision of the Committee of Adjustment except for the approval of the requested variances shall extend for a term of one year expiring on or before September 30, 2010.

Background Information

TE29.88 - Letter from Deputy Mayor Pantalone - 70 Ossington Avenue
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25173.pdf>)

TE29.88 - 70 Ossington Avenue - Attachment 1
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25192.pdf>)

TE29.89	ACTION			Ward: 19
---------	--------	--	--	----------

72 Ossington Avenue - Application for Liquor Licence Clearance for a Rear Yard Patio

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council advise the Alcohol and Gaming Commission of Ontario (AGCO) that the application for additional capacity at 72 Ossington Avenue is for a proposed rear yard patio which is prohibited under Interim Control By-Law, being City of Toronto By-law 547-2009, and that a Toronto Planning Report before City Council on November 30, 2009 recommends zoning by-law amendments including a prohibition on rear yard patios.

Origin

(November 9, 2009) Letter from Deputy Mayor Joe Pantalone, Ward 19, Trinity-Spadina

Summary

On May 25, 2009, an Interim Control By-Law, being City of Toronto By-law 547-2009, was adopted applicable to Ossington Avenue between Dundas Street West and Queen Street West prohibiting restaurants and related uses, including patios, for a period of one year, to allow City Planning staff the opportunity to undertake a planning study for the area.

Staff reported to this Toronto and East York Community Council meeting with the results of that planning study. The Planning Staff Report, being Item TE29.3, recommends zoning by-law amendments for the area including a prohibition on rear yard patios.

City Clerk's Office advised that the owners of 72 Ossington Avenue have filed an application to the AGCO for consideration with an expanded outdoor patio area with a capacity of 40 (the existing premise currently has a capacity of 34). There are no municipal clearances for a rear patio at this location. The Ossington Avenue Restaurant Study will be before City Council on

November 30, 2009. Furthermore, City Council Decision (LS23.3) on Wednesday September 30, 2009 requested the AGCO amend their procedures to request proof of municipal clearances including Zoning, Fire, Building, Health, Police, and Business Licensing. I recommend that City Council advise the Alcohol and Gaming Commission of Ontario (AGCO) that the application for additional capacity at 72 Ossington Avenue is for a proposed rear yard patio that is prohibited under Interim Control By-Law, being City of Toronto By-law 547-2009, and that a Toronto Planning Report recommends zoning by-law amendments for the area including a prohibition on rear yard patios.

Background Information

TE29.89 - Letter from Deputy Mayor Pantalone - 72 Ossington Avenue
(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25172.pdf>)

TE29.90	ACTION			Ward: 20
---------	--------	--	--	----------

Ontario Municipal Board - 9 Prince Arthur Avenue - Committee of Adjustment Decision

Committee Recommendations

The Toronto and East York Community Council recommends that:

1. City Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board to support the decision of the Committee of Adjustment in application No. A1004/08TEY respecting 9 Prince Arthur Avenue, to refuse the variance requested.

Origin

(November 10, 2009) Letter from Councillor Adam Vaughan, Ward 20, Trinity-Spadina

Summary

An application for minor variance for 9 Prince Arthur Avenue was heard by the Committee of Adjustment on October 7, 2009. The proposal is to legalize and to maintain a front yard parking pad constructed without proper authorization.

The application for 9 Prince Arthur is opposed by the Annex Residents' Association as well as City of Toronto Planning and Heritage Staff.

The property at 9 Prince Arthur Avenue falls within the East Annex Heritage District, designated under part V of the Ontario Heritage Act. The guidelines outlined in the East Annex Heritage District Study, which aims to protect the valued characteristics of this neighbourhood, state that front yard parking should be avoided unless there are no other options for parking. In the case of 9 Prince Arthur Avenue, other means of parking do exist both on the street and at a nearby Green P parking lot. In addition, 9 Prince Arthur is within walking distance to the St. George Subway station.

Background Information

TE29.90 - Letter from Councillor Vaughan - 9 Prince Arthur

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25209.pdf>)

TE29.90 - Letter from Councillor Vaughan 9 Prince Arthur - Attachments

(<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-25210.pdf>)

Declared Interests

The following member(s) declared an interest:

Deputy Mayor Joe Pantalone - in that he has an interest in property in the vicinity of 9 Prince Arthur Avenue.

Submitted Tuesday, November 10, 2009

Councillor Pam McConnell, Chair, Toronto and East York Community Council