



Mimico Lakeshore Community Network
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Marilyn Toft, Secretary
City Council
City of Toronto
clerk@toronto.ca

**Re: Item PG24.4, 39 Newcastle Street – Official Plan and Zoning By-law Amendment
Application – Refusal Report and Supplementary Report**

To the members of City Council:

We are writing on behalf of the Mimico Lakeshore Community Network, an umbrella group that brings together seven community groups that are concerned with planning in the Mimico-Lakeshore area.

Our organization wholeheartedly supports the Mimico-Judson Secondary Plan in the form recommended by the City's planning staff and finalized in the Supplementary Report #2 dated June 6, 2016.

We submit, furthermore, that the negotiations over the final form of the Secondary Plan will provide an unsurpassed opportunity for the City to insist that new residential developments address Toronto's housing crisis by requiring 25% or more of affordable units in each new structure.

The move to designate the neighbourhood as a *Regeneration* Area was *not* initiated by the City's planning staff, but by Etobicoke-York Community Council, on a motion by the local Councillor. Planning staff had actually recommended a revitalization plan that would keep the neighbourhood as an *Employment* Area. Protecting the 228 existing jobs in the area, and attracting more employment, is important for the community and for attaining the goals now enshrined in the Mimico-Judson Secondary Plan. (For the comments of planning staff, see pages 32-33 of the link below.)

<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-63573.pdf>

The applicant Dunpar (CIC Management), owner of three major sites in the vicinity, submitted its original application in July of 2016. The application had been prepared with the advice of planning consultants from the firm Bousfields Inc. This application, with some minor modifications, could have been made to conform to the policies of the Secondary Plan.

The “revised” application of July 2017, prepared with advice from a different firm of consultants, Hunter and Associates, calls for:

- *an increase of 33% in the total Gross Floor Area,
- *37% more residential GFA,
- *63% less non-residential GFA, and
- *40% fewer parking spaces.

The original development proposal for the site included provisions for

- *a grocery store – a significant asset for the residents of the immediate vicinity, as well as providing employment opportunities;
- *the preferred location for the Greenway for cyclists and pedestrians,
- *the required minimum of sunlight on the neighbourhood park, and
- *a 30-metre setback from the railway corridor.

All of these features are missing from the revised proposal. In addition, the towers now being proposed would cast shadows on the residential neighbourhood to the south of the railway corridor. In sum, the “revised” version departs so far from the original that it should be regarded as a new and very different application.

Instead of honouring and taking seriously the thorough and careful work of the City’s professional planners, the expressed concerns of the residents for the well-being of the community and the balanced set of guiding principles enshrined in the Secondary Plan, this application demands that all of those be swept aside. It is plain, too, that an attempt is being made to avoid any effective participation by the community at large in the process of planning and approving development schemes for the area.

Recommendation 2 in the staff report would authorize City staff to continue discussions with the applicant aimed at negotiating a development proposal that is in keeping with the Secondary Plan. But it must be noted that such negotiations must now take place in a setting that is inimical to transparent democratic governance of the city. By filing an appeal to the Ontario Municipal Board, the applicant has made sure that the result of these negotiations will never be placed before an open meeting of City Council, or any other legislative body that would permit members of the public to attend or to make comments before a decision is arrived at. If the appeal to the OMB results in a mediated settlement, the deal that has been negotiated will be voted on in confidence at a closed session of City Council. If there is no agreed settlement, the matter will be taken out of the City’s hands entirely, and adjudicated by the unelected members of the Municipal Board, who have the power not only to strike down a municipal by-law but to create an amended by-law to put in its place.

From the very beginning of the process of planning for change in the Mimico-Judson area, it was recognized that it would be difficult to redevelop the lands for residential use, and at the same time maintain traditional levels of employment. The requirement in the Secondary Plan that new tall buildings have a minimum of 0.5 Floor Space Index of non-residential gross floor area was agreed on as a means of reconciling the competing demands for new residences and for continued employment opportunities. The present application from the owners of 39 Newcastle Street ignores this carefully constructed compromise. So, likewise, do the new or revised development applications that are now being submitted by owners of other properties in the area, in particular 25 Audley Street and 23 Buckingham Street.

We would have welcomed an outright refusal of this application. In view of the new circumstances resulting from CIC Management's appeal filed on October 30, 2017, at the Ontario Municipal Board, we urge City Council to instruct the City's legal counsel to insist on a development proposal that is in line with the original application submitted by CIC Management.

For the Mimico Lakeshore Community Network,

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