



Mimico Lakeshore Network  
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April 8, 2014

To the Planning and Growth Management Committee  
City of Toronto  
City Hall  
Toronto, ON

We are writing on behalf of the Mimico Lakeshore Network, an umbrella organization that brings together eleven different community groups that share concerns about development in Mimico and its environs.

The Mimico Lakeshore Network was created to fill the need for broadly based input from the community to the Mimico 20/20 revitalization initiative. From its inception MLN has advocated a type of planning in which citizens work out a vision for their community, the vision is incorporated in a set of planning policies, and the policies are then made to stick – rather than becoming the starting point for negotiations with developers in which the elements of the vision are undone, watered down and traded away. We have also maintained that the process of developing and implementing planning policies should be as transparent as possible, and as inclusive as possible, at every stage.

In this spirit we prepared and submitted comments on the proposed Development Permit System, after members of our organization attended the Open House events and the community consultation meetings organized by the City. One theme of our comments was that the present system of public consultation, which is to be incorporated into the DPS, has too much of a “top-down” character. (We have appended the text of our letter to the DPS Consultation Team.)

The timing was tight, but we managed to meet the deadline of March 31, 2014, for the submission of comments. Then what do we find? That the staff report on the “outcome of consultation” was finished and dated March 26 – five days before the deadline for sending in comments.

While we understand that the Planning Department and the Planning and Growth Management Committee have a sense of urgency about completing their work before summer, and before the municipal election season, we nevertheless cannot escape the conclusion that when it comes to public consultation, the Planning Department still doesn't "get it". They have given us a fresh example of "top-down" thinking and behaviour. If the planners were truly open to the possibility of gleaning new, helpful ideas from the public, would they have even dreamed of producing a report on the outcome of a consultation before the deadline they themselves had set for the receipt of comments from the public?

We have no wish to engage in recriminations against the very capable and imaginative officials in the City's planning department, or in any criticism of them that is other than constructive. But we do wish to express a plea to the Planning and Growth Management Committee to take up another item from its agenda for 2014 – the consideration of Community Planning Boards – so that the process of city planning in Toronto can become truly collaborative – something that will be particularly necessary if the Development Permit System is adopted.

For the Mimico Lakeshore Network,

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March 31, 2014

To the DPS Consultation Team  
City Planning  
Metro Hall

We are writing on behalf of the Mimico Lakeshore Network, an umbrella organization that brings together eleven different community groups that share concerns about development in Mimico and its environs.

Those of us who have been active in MLN and its member organizations over the past few years have participated in the process that led up to the adoption of the Secondary Plan for Mimico-by-the-Lake, and in meetings and public consultations held in connection with other development issues affecting our neighbourhood. We have noticed how the City's methods for conducting public consultations have evolved and improved. The Open House format, with information posted on boards and staff members on hand to answer questions, is a good method for disseminating information to the public. The use of "breakout groups" at some public meetings is an effective tool for stimulating discussion of the issues before us, and for gathering information on the state of public opinion and sentiment. These have, in our opinion, proved to be valuable supplements to public meetings in the traditional style.

They have not, however, succeeded in eliminating the "top-down" character of the consultation process. Granted, the dissemination of information and planning department decisions is inevitably a "top-down" procedure. The sampling and recording of opinions and suggestions, through public meetings and the letters and messages that members of the public send to planning staff, provide the "bottom-up" process through which the community is able to present feedback.

It is here that we begin to see the weakness of the present system. After conducting a public meeting – with or without breakout groups –, reading their letters and e-mails and taking phone calls, planning staff have every justification for saying they have "taken the temperature" of the community. The trouble is, only they themselves get to read the thermometer. The next thing the public will see, in the typical case, is the final version of the

planning staff's report that is to be considered by Community Council or some other committee of City Council. Because of the lack of transparency at this stage of policy development, the community consultation process as a whole still has a "top-down" flavour.

Moreover, it is well understood – and not at all objectionable – that planning staff will consult privately with developers, business leaders, politicians from all levels of government, and many others, as policy decisions are being made. **But this means that the lack of transparency just referred to has the further consequence that those who are dependent on publicly available information are excluded from the formative stage of policy development.** In these circumstances, the process of public consultation cannot possibly evolve into the *collaborative* process that, in our opinion, should be the ideal in city planning.

Similar concerns about transparency and inclusiveness can arise at a later stage in the consideration of a development application: between the release of the planning department's recommendation and the meeting of the Community Council or other committee that is to make recommendations to City Council. **Individuals or groups relying upon publicly available information may come to the meeting prepared to respond to the planning staff's recommendations, only to find that an agreement has been reached behind the scenes that has changed the terms of the discussion.** (As an illustration of this, we append the letters we submitted to Etobicoke-York Community Council and to City Council in the fall of 2013 in connection with the development application for 2183 Lake Shore Boulevard West.) In this context, as before, lack of transparency results in the exclusion and disempowerment of those who were not privy to the private consultations of some of the key players.

In both contexts, the problem could be addressed by the formation of Community Planning Boards – a proposal that was considered by the Planning and Growth Management Committee at its meeting of May 16, 2013, and referred to the Chief Planner for inclusion in the 2014 Work Plan.

Planning recommendations and policies under consideration, but not yet finalized, including reports received from consultants, could be referred to a CPB for the relevant neighbourhood for comment and input, possibly at a meeting attended by developers and other interested parties. Planning staff recommendations that had been made public, and were ready to go before a Community Council or other committee, could likewise be considered by a CPB, which would be thought of as having the right to examine planning staff recommendations, and to present comments and further recommendations. If the CPBs were structured so as to be able to react and produce recommendations with dispatch, their functioning would not unduly delay the making of a final decision by the City.

Our organization supported the adoption of a Secondary Plan for Mimico-by-the-Lake, despite the fact that some important modifications that we had recommended (such as those involving limits on heights and densities) were not incorporated into the final version of the Plan passed by City Council. It was, and is, our hope that when the Secondary Plan comes into effect, the limits on height and density, and the other requirements of the Secondary Plan and the

associated Urban Design Guidelines, will be *enforced* by the City; they should *not* be simply the starting point for negotiations with developers about how drastically the limits should be breached and how much the other requirements should be watered down. We watch with dismay the building out of Humber Bay Shores, where the final shape of the neighbourhood differs dramatically from the vision incorporated in the Motel Strip Secondary Plan, both in the matter of heights and densities and in the massing of the buildings.

When we first heard of the plan for a Development Permit System, it occurred to us at once that Mimico-by-the-Lake, as defined by the area covered by the Secondary Plan, might benefit from being one of the neighbourhoods in which the DPS is implemented at an early stage. We hoped that the DPS would be an alternative and more effective way of ensuring that the vision and the values embodied in a neighbourhood development plan are realized, instead of being weakened, compromised and traded away (for example, in return for Section 37 benefits) in the to-and-fro between developers and the City. But now that we have seen more details of the proposal, we see reason to doubt that the improvements we are hoping for will be achieved.

In the first place, **there will still be private negotiations between developers and the City, in the context of a neighbourhood vision but in the absence of zoning regulations, in which the possibility of reaching the approved maxima of height and density, in exchange for benefits to be provided to the community, will be on the table.** Secondly, developers, but not third parties, will have the right to appeal the City's decisions to the OMB. Thirdly, the public consultation that will precede the institution of the DPS for a particular neighbourhood will suffer from the limitations noted earlier, which will render the process insufficiently transparent and insufficiently inclusive.

It is possible that these difficulties might be surmounted by a well conceived and well implemented system of Community Planning Boards. Besides being entitled to collaborate with City planning staff (not just "consult" in the present understanding of that term) and to place recommendations before a Community Council or some other City Council committee, on the basis of full information, **CPBs might be given the right to consult with the Planning Department when an agreement on heights, densities, etc., is being negotiated with a developer, or when a development decision has been appealed to the OMB by the property owner.**

Because of the promising possibilities offered by the idea of CPBs, we strongly recommend that the Planning Department and the Planning and Growth Management Committee take up the matter of CPBs, and consider the development of this theme *together* with the theme of DPS. We are inclined to think that CPBs added to the *status quo* would be an improvement on the *status quo*; but CPBs plus DPS might be even better.

For the Mimico Lakeshore Network,

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November 18, 2013

To the members of Etobicoke-York Community Council:

We are writing on behalf of the Mimico Lakeshore Network, an umbrella group that brings together nine different community associations that have concerns about new development in Mimico and its environs.

We wish to express the strong support of our organization for the four recommendations of the City Planning Division, and urge their adoption by Etobicoke-York Community Council and by City Council.

MLN has always been ready to welcome new development in Mimico, and has always recognized the necessity of increased densities in the apartment neighbourhoods on the waterfront. At the same time, we take it to be a matter of vital importance that development proceed according to a plan that has been enacted through a democratic process. Once a plan is in place, it should be followed; exceptions should be truly exceptional. This means that when there is a Secondary Plan for a neighbourhood such as Humber Bay Shores, it must be *enforced*; it should not become the starting point for negotiations in which concessions are routinely offered to developers. Likewise with urban design guidelines that have been approved by City Council.

We acknowledge that the community receives benefits when funds are obtained through Section 37 of the Planning Act in return for concessions to developers; hence we support Recommendation 3. We submit, however, that this is a poor way to raise money for public uses, precisely because the money is obtained by compromising the values enshrined in the Secondary Plan and the urban design guidelines. A much better

method would be to set development charges sufficiently high to bring in the needed revenue.

Lastly, we urge our councillors to take very seriously the concerns raised by the planning staff about shadowing and wind effects caused by buildings of excessive height. How will it benefit the neighbourhood to be graced with a prestigious "iconic" building, if the result is that it is no pleasure to sit in the park anywhere nearby?

For the Mimico Lakeshore Network,

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December 12, 2013

To the members of City Council:

We are writing on behalf of the Mimico Lakeshore Network, an umbrella group that brings together nine different community associations that share concerns about development in Mimico and its environs.

At the meeting of Etobicoke-York Community Council on November 18, 2013, when the Official Plan Amendment for 2183 Lake Shore Boulevard West was being considered, we learned from the deputation of the Humber Bay Shores Condominium Association that an agreement had been reached between that association and the developer, Empire Communities Ltd., whereby the association would support the OPA application provided it was amended so as to address some of the association's concerns. The Official Plan Amendment being applied for would nevertheless fail to comply with the Secondary Plan and the Urban Design Guidelines.

We ourselves had presented oral and written submissions in which we supported the recommendation of the City Planning Division to refuse the application. We stressed the importance of enforcing the provisions of a Secondary Plan and Urban Design Guidelines such as those that City Council had approved for the Humber Bay Shores neighbourhood. The planning staff reiterated the concerns that had prompted them to recommend rejection of the application, which included:

- (1) non-compliance with the Official Plan, the Secondary Plan, and the Etobicoke Zoning Code;
- (2) deviation from the pattern established in the precinct plan for the area;
- (3) height and massing of the towers; and
- (4) shadow and wind effects that would impact the nearby public park, making it substantially more uncomfortable for pedestrians.

But Community Council, with only Councillor Milczyn dissenting, proceeded to adopt the substantially amended recommendation that is to be considered by City Council on December 16.

This recommendation, and the process that led up to its adoption, are both deeply objectionable, for the following reasons.

1. The amended recommendation undermines the role of the City's planning staff in applying and enforcing the pertinent Secondary Plan and Urban Design Guidelines. The City staff, having attempted to implement the Plan and the Guidelines without modifying or diluting them, find themselves instructed to "settle outstanding matters" when they should be able to simply say *NO*, and expect to be supported by the Council that voted in the Secondary Plan in to begin with. They are being told, in effect: the Secondary Plan does not really mean what it says; it is merely the starting point for negotiations with developers in which the aesthetic and social values enshrined in the Plan are traded away.

2. The process that produced this recommendation was notably lacking in transparency and inclusiveness. Due public notice was given of the recommendation coming from the City Planning Division, but there was no advance notice at all of the very different recommendation presented at the Community Council meeting of November 18, which reflected the outcome of the **private discussions between the developer and the condominium association**. There would have been no opportunity for persons and groups who were not privy to those discussions to prepare any input or response before the amended recommendation came before Community Council. Timing is everything: **timing is the mechanism for including some favoured parties in the consultations** that lead up to significant decisions in the planning of the city, and excluding others.

The process that generated this recommendation makes a mockery of the City's supposed commitment to community participation in planning, and of the work of its professional planners. **The process** itself, and **the precedent that it sets** for the development of other neighbourhoods and the emasculation of other Secondary Plans, are utterly deplorable.

For the Mimico Lakeshore Network,

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