



LAKESHORE PLANNING COUNCIL CORP.

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December 12, 2016

TO: Members of Toronto City Council - Meeting date: December 13, 2016  
 Executive Committee of Toronto City Council

### **CC23.4 - Mimico by-the-Lake Secondary Plan – Ontario Municipal Board Hearing (Phase II) – Request for Direction**

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We refer to the Staff Report dated December 5, 2016, from City Solicitor which suggests that the OMB Decision of August 30, 2016, relates simply to the site specific appeal on 2313 and 2323 Lake Shore Blvd West (Shoreline Towers Inc.) and the issue of a shoreline road, and which further advises that the recommendations in the report will have no financial impact beyond the current year's budget.

We note that the OMB Decision of August 30, 2016, is 93 pages long, and does NOT simply address the site specific appeal. In fact, on the second day of the Hearing, the OMB Adjudicator announced to the effect that he had the authority to consider the entire Mimico Secondary Plan and whether its terms are in the best interests of the community, and the content of the Decision reflects the review.

The Lakeshore Planning Council Corp. (LPCC) is a Party to this appeal and represents the interests of more than 1,000 residents who signed a Petition objecting to various terms of the Mimico by-the-Lake Secondary Plan and nearly 100 residents who attended a public meeting on February 11, 2012, and voted on their priorities for the Secondary Plan area, which were largely ignored by City Planning and City Legal Staff.

Please refer to the following paragraphs from the OMB Decision:

[389] In addition to the modifications “on consent”, the Board finds that OPA 197 should be further modified (or remain unchanged, as the case may be) to reflect the items set out below:

#### **3. Land Acquisition for Public Purposes**

- a) The City should verify that there is congruence between:
- The scale of development that it anticipates,
  - The likely receivables for the City,

- The objective of improving Mimico's ratio of parkland to population (which is about to expand), in light of City-wide target ratios, and
  - Its budgetary commitments to land acquisition and infrastructure.
- b) If further budgetary commitments or "coordinated capital investments" are necessary for same, the City should prepare itself accordingly.

#### **4. Open Space Designation**

- a) The Board was not persuaded to change any OS designations at this time.

[390] In accordance with traditional principles of professionalism, the Board expects the parties – and their experts – to use their best efforts to proceed by consensus wherever possible.

[391] It is in the interest of the City to assure that the parties and participants have been properly consulted.

With respect to the OMB Decision:

1. It is our view that there is "no congruence" whatsoever between the scale of development set out in the Mimico by-the-Lake Secondary Plan and
  - *the objective of improving Mimico's ratio of parkland to population (which is about to expand), in light of Citywide target ratios,*
  - planning that promotes healthy and sustainable communities in the public interest
  - the City of Toronto Official Plan

The City needs to address this in the context of the Toronto Official Plan, City of Toronto By-Laws and the OMB direction.

2. While City Staff have consulted with Shoreline Towers, they have NOT consulted with LPCC in accordance with the OMB direction contained in paragraphs [390] and [391] cited above, and therefore any advice from Staff/City Solicitor to City Council to "instruct" City Staff, other than to proceed with consultations in accordance with the OMB direction, is pre-mature.
3. We request that City Council *instruct* City Staff to properly *consult* with the Parties, including the Lakeshore Planning Council according to the OMB direction to do so. It is our reasonable expectation that City Staff will meet with LPCC to *discuss, seek opinions and input, exchange views and information, have regard for our interest, convenience, etc. in making plans, and properly consult with all Parties before* City Staff advise City Council to arrive at any further decisions in this matter.
4. The OMB Decision was issued on August 30, 2016. City Staff have had more than three months to advise City Council in September 2016 (or October, or November);
  - i. the OMB Decision had been received;
  - ii. that City Staff will consult with the Parties accordingly;
  - iii. that City Staff will report back to City Council as soon as possible regarding any "consensus" or otherwise after have properly consulted with the Parties;

- iv. and ask City Council for approval to ask the OMB for an extension of time to respond, if necessary.
5. In view of the delay, we request that City Council instruct City Staff to proceed according to the following schedule:
  - December 13, 2016 to January 11, 2017: To properly consult with the Parties and use best efforts to proceed by consensus wherever possible, OMB [390] and [391]
  - January 19, 2017: Preliminary Staff Report to the Executive Committee for review and recommendations, and to permit LPCC to respond to the Staff Report
  - February 15, 2017: Final report to City Council for consideration
  - February 28, 2017: Final submission to the OMB no later than this date
6. It is our view that the formulation of the Mimico by-the-Lake Secondary Plan is not based on any sound planning rationale, is purely arbitrary, and has been lacking in transparency, accountability and community input since Councillor Mark Grimes formed his “Working Group” in 2011, specifically excluding residents.
7. We therefore request that City Council ensure that the terms of the Mimico by-the-Lake Secondary Plan comply with the City of Toronto Official Plan and all City by-laws, and that Staff Reports presenting any Secondary or other Plans to City Council for approval must contain a statement from City Staff that the terms of the Plan fully comply with the policies and intent of the Official Plan and City by-laws.
8. We further request that City Council resolve that all planning decisions of City Council will comply with the City Official Plan and City by-laws, and acknowledge that actions to the contrary constitute “a City without a Plan”. That City Council further acknowledge there is a process for changing Official Plan policies and intent (which is not through Secondary Plans), and resolve to follow that process and protect the integrity of planning for our communities and the City, as set out in the Official Plan.

Thank you for your consideration.

Yours truly,

Timothy Dobson, OALA, ISA, Landscape Architect & Arborist  
Chairman  
LAKESHORE PLANNING COUNCIL CORP.

Link to the full OMB Decision of August 30, 2016

<https://www.dropbox.com/s/f6i2y2fn4i51ydp/Decision%20PL130885-AUG-30-2016.pdf?dl=0>