



LAKESHORE PLANNING COUNCIL CORP.

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December 14, 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**

We note the Report from City Solicitor dated December 14, 2016, placed sometime during the same day on the agenda for the above item, and strongly object to this last minute attempt to remove this important item from the approval and oversight of City Council and delegate all decisions to Etobicoke York District Planning Department through its Director.

It constitutes an attempt to ensure City Council is essentially kept in the dark concerning important aspects of this matter and the OMB Decision, and to ensure residents are never heard by members of City Council.

We further object to this practice by City Planning and City Legal to put a 14-page document before City Council on the second day of a monthly meeting which routinely has an intensive 3-day-long Agenda, at 12+hours per day, or longer, with the expectation that Council members will not have the time (or energy) to learn the details, and will simply “trust” and “rubber stamp” Staff’s recommendations. It is noted that this 14-page document is presented to Council without notice to the public or Parties, who in any event, are not permitted to depute before Council. This practice is unfair and unethical towards both City Council and the public.

On review of the 14-page document, we disagree with its Summary that the OMB Decision of August 30, 2016, simply relates to the site specific appeal of 2313-2323 Lake Shore Blvd West and the lakeside street in Precinct B of the Secondary Plan. We believe this to be fundamentally misleading. We refer to paragraph [389] in the OMB Decision which notes:

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.

The Etobicoke York District Planning Department and its Director do not, and should not, have the authority to agree to any Land Acquisition for Public Purposes, budgetary commitments or coordinated capital investments. Nor should it have the authority to deny such commitments, or decide if such commitments are desirable or necessary in this matter. City Staff should only be required to "recommend" to City Council, whose responsibility it is to decide such matters, having considered all reasonable options.

If City Council finds the multitude of decisions it is required to make overly burdensome, and would like to "delegate" important planning decisions, then it should create a City Planning Commission. New York City has delegated all major planning decisions to a City Planning Commission, which conducts professional oversight over the work performed by the City Planning Department, and receives and considers input from residents through meetings of its legislated Residents' Community Boards. New York City Council has not reversed a decision of their Planning Commission since its inception many decades ago.

It constitutes negligence to delegate final decisions to City Staff to determine if their own work is complete, accurate, meets required planning standards, complies with the Official Plan and City by-laws, is in the public interest and shall constitute an Official Plan Amendment.

We reiterate our 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

We also ask whether Councillor Michael Ford may act as an 'honest broker' in this matter on behalf of City Council, the Lake Shore Planning Council and the community of Mimico, and City Planning, to ensure City Council is properly apprised as to its options, so it can fairly consider our own reasonable recommendations, and act in the best interests of our community and City as a whole.

We suggest Councillor Michael Ford because (a) he is a member of Etobicoke York Community Council, and (b) he is recently elected and can bring a fresh perspective to the matter. We trust Councillor Ford will agree to conduct oversight of this matter in light of his own busy schedule, as it is in the best interests of the community and the City that the Mimico by-the-lake Secondary Plan is the best Plan that can be achieved.

Concerning the views of Councillor Mark Grimes, City Council is reminded that the City Integrity Commissioner provided City Council in July 2016 with a report that found that Councillor Grimes contravened Articles VIII (Improper Use of Influence) and XV (Failure to Adhere to Council Policies and Procedures) of the Code of Conduct with respect to his relationships with developers and developments in Ward 6. Councillor Grimes has not supported the community's views in the matter of the Mimico by-the-lake Secondary Plan and formed his "Mimico 20/20 Working Group" in 2011, specifically excluding residents. His actions have exacerbated problems and differences, as opposed to working with everyone towards common goals and consensus.

We trust that members of Toronto City Council will take the time to recognize our concerns and agree to our reasonable requests in this matter.

Thank you for your consideration.

Yours truly,

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