November 30, 2016

TO: Executive Committee of Toronto City Council
   Meeting date: December 1, 2016

EX 20.26 - Capital Variance Report for the Nine-Month Period Ended September 30, 2016 APPENDIX C1: Reserves and Reserve Funds Variance Report – Parkland Acquisition / New Development (Section 42)

The above report, specifically concerning Reserve Funds for Section 42, Parkland Acquisition/New Development, shows a projected Budget Balance as at December 31, 2016, of $329,679.974 (Appendix A).

Background

1A. On August 20, 2014 - EX44.14 Mimico by-the-Lake Secondary Plan – City Actions to Support Revitalization - the Executive Committee directed City Divisions “to give consideration to identifying and including coordinated capital investments, within the 10 year Capital Plan, in the Mimico-by-the-Lake Secondary Plan area that will act as a catalyst to attract private investment into the Secondary Plan area.” (Appendix B)

2A. On August 30, 2016, the Ontario Municipal Board issued a 93-page Decision and Direction concerning the Mimico by-the-lake Secondary Plan, including:

[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 Citywide 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.
(Appendix C)

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

3A. 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

4A. The Lakeshore Planning Council Corp. is a Party to this OMB Hearing. Decision and Direction. The OMB provided the City and Parties with four months, to the end of December 2016, to respond to the OMB Decision.

5A. We have not heard from the City concerning this OMB Decision. Consequently, we are bringing this matter to the attention of the Executive Committee.

Proposal for Parkland Acquisition and New Waterfront Road

1B. We have reviewed the Mimico by-the-Lake Secondary Plan area in detail to identify the potential for acquiring public parkland, including surveys, etc. Attached is a Plan indicating potential land for acquisition for Parkland and the Waterfront Road. The majority of the land proposed for acquisition is Zoned as Open Space and, therefore, is NOT buildable land (APPENDIX E).

2B. We have also prepared a Chart showing the addresses of the lands in question along Lake Shore Blvd West, with the approximate land areas for acquisition and potential purchase prices ranging from $1.25 million to $2.0 million per acre. This would involve an exchange of some of Superior Park to accommodate the Secondary Plan, for an approximate maximum cost at $2.0 million per acre of $7.734 million to acquire the land for both Parkland and the Waterfront Road (APPENDIX F).

3B. An estimated cost for construction of the 6.6 metre wide Waterfront Public Road is around $1.6 million for approximately 531 metres length of public road.
4B. Official Plan Map 8B and an extraction of the Mimico by-the-lake Secondary Plan area is attached (APPENDICES G AND H), show that there is a deficiency of Parkland in the area west of Lake Shore Blvd West, and residents utilize the parkland located on Lake Ontario.

5B. In addition, the City Municipal Code Chapter 415 Development of Land has identified the Mimico by-the-Lake Secondary Plan area as a priority area for parkland acquisition and is subject to the application of the Alternative Parkland Dedication Rate, as provided for in the City’s Official Plan and identified in on Map 1-3 (APPENDIX H).

Request for Direction to the City Planning and City Legal Departments

1C. The Lakeshore Planning Council Corp. is a Party to this OMB Decision, 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 and voted on their priorities at a public meeting held on February 11, 2012.

2C. We kindly request that the Executive Committee direct both the City Planning and City Legal Departments to comply with the OMB Direction contained in paragraphs [390] and [391] above and properly consult with the Lakeshore Planning Council Corp. in this matter.

The above is provided respectfully for the information of the Executive Committee, to provide its members with an opportunity to conduct appropriate review and oversight, and to take appropriate action in this important matter of public interest.

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/f6i2y2fn4i81ydp/Decision%20PL130885-AUG-30-2016.pdf?dl=0
Tracking Status

- This item was considered by Executive Committee on August 20, 2014 and was adopted without amendment.

### Executive Committee consideration on August 20, 2014

<table>
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<th>EX44.14</th>
<th>ACTION</th>
<th>Adopted</th>
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**Mimico-by-the-Lake Secondary Plan - City Actions to Support Revitalization**

**Committee Decision**

The Executive Committee directed that:

1. The City Divisions responsible for Parks, Forestry and Recreation, Affordable Housing, Transportation, Transit, Water, Culture, Health, and Social Development give consideration to identifying and including coordinated capital investments, within the 10 year Capital Plan, in the Mimico-by-the-Lake Secondary Plan area that will act as a catalyst to attract private investment into the Secondary Plan area.

2. Staff from the Affordable Housing Office to conduct a pilot project in the context of the City's affordable housing funding incentives and to further the pilot initiative, City staff host a charrette with local housing stakeholders in 2015 to explore rental replacement housing development opportunities and new affordable housing within the Secondary Plan area.

3. City Planning staff, in conjunction with the Ward Councillor, as redevelopment occurs in the Mimico-by-the-Lake Secondary Plan area, secure the provision of community benefits in accordance with the community benefit priorities outlined in the Secondary Plan including: securing long term rental housing and affordable rental housing; tenant relocation provisions; expansions to public parks; new or expanded community services including library, day care facilities and community service space; and public art.

4. The Deputy City Manager and Chief Financial Officer to report back in 2015 on the feasibility of deferring development charges for any new purpose built rental units, as part of the development charges review currently underway.
Origin

(August 6, 2014) Report from the Deputy City Manager, Cluster A, the Deputy City Manager, Cluster B and the Deputy City Manager and Chief Financial Officer

Summary

This report identifies options and actions the City could undertake to support the implementation of the new planning framework for the Mimico 20/20 Revitalization Study. The new planning framework is the Council adopted Mimico-by-the-Lake Secondary Plan area.

The Council adopted Mimico-by-the-Lake Secondary Plan provides the policy framework for revitalization and change within this community over the next twenty years. Taking advantage of its unique lakeside setting, the Secondary Plan envisions an inclusive, mixed use community that is well integrated with the surrounding neighbourhood. The Secondary Plan provides for choice in terms of mobility, work, shopping and recreational opportunities as well as housing in terms of built form, tenure and affordability. A new public street structure is proposed to create new development blocks and to increase physical and visual access to Lake Ontario.

To implement the goal of revitalizing the Mimico-by-the-Lake Secondary Plan area, strategic investments must be made by the City. There are five broad categories of actions the City could undertake to support the implementation of the new planning framework including: Financial Incentives; Tower Renewal; Housing; Parks and Open Space; and Section 37 of the Planning Act.

Background Information

(August 6, 2014) Report and Attachment 1 from the Deputy City Manager, Cluster A, the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer (http://www.toronto.ca/legdocs/mmis/2014/exb/cd/backgroundinfo-72643.pdf)

Communications


Motions

1 - Motion to Adopt Item moved by Councillor Peter Leon (Carried)
The Board supports a waterfront street, to cross Precinct B.

The OPA does not need to require that the street’s travelled portion exceed 6.6 m, nor that it would require a parking lane.

The OPA does not need to require that the width of the street’s single-loaded combined sidewalk and planted strip would exceed DIPS.

The OPA does not need to require that the sidewalk and planting strip must be in public ownership (they may be in private ownership, subject to an easement, depending on the circumstances in various locations).

Subject to subparagraph 1(f) below and paragraph 6 below, the Board does not intervene in the City’s anticipated private front yard setback of 3.0 m facing the waterfront street.

The OPA does not need to prohibit all subsurface use of that front yard setback. It does not need to prohibit e.g. garage use, though on condition that the surface can accommodate landscaping satisfactory to the City.

2. The Proposed East-West Street on the Existing Driveway

a) The Board does not support Shoreline’s proposal for a “temporary” east-west “street” – ultimately to be treated as an actual conventional street – on Shoreline’s north driveway.

b) The Board takes no position, at this time, on whether that driveway and/or the south driveway could serve as an interim private driveway for an infill project on the east side of the property, pending construction of the waterfront street. The Board would expect that question to be determined in accordance with the Ontario Building Code and other currently-applicable governing documents.

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.

5. Height
a) The OPA should be more explicit on how the City proposes to use e.g. pre-consultation and other measures to prevent the application paperwork from spiralling, and to avoid duplication of studies.

b) In particular, the City should take all available measures to mitigate the risk that owners and developers will assume that multiple consequential OPA's – and accompanying appeals to this Board – are a matter of course.

11. Miscellaneous
   a) The OPA should elaborate on how the Study Area is intended to contribute to a complete community, with a reasonable balance of employment and residential uses.

[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.

[392] The Board adds a final word. The Board has no reproach concerning the City's desire for its Plan to be "serious". One might say the same for the entirety of the planning system. Periodically, like clockwork, there are reminders that there is a malaise in Ontario's planning system, which is of concern to observers in the public and private sectors alike; but seldom is the opportunity presented, to go beyond cosmetic aspects and address not only the fundamentals, but alternatives. The Board can only hope that the Mimico-by-the-Lake experience may be helpful in that regard.

13. DECISION

[393] For all of the reasons given, the appeals are allowed in part. OPA 197 shall be modified by the City in accordance with the direction contained herein and filed with the Board (after circulation to the parties) within four (4) months of the date of this decision. Thereafter, the Board's Order will issue.

[394] Board Rule 107 states:
PLAN FOR LAND ACQUISITION FOR PARKLAND AND BUILDING A NEW WATERFRONT ROAD FOR THE MIMICO SECONDARY PLAN AREA
# APPENDIX F

LAKE SHORE BLVD WEST - PROPOSED LAND ACQUISITION FOR PARKLAND AND WATERFRONT ROAD

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| 3 Superior Ave | 1,399.81| 1,399.81| 1,399.81 | 0.35          | $432,384    | $518,861    | $605,337    | $691,814    |
| 1 * Superior Ave | 668.98  | 668.98 | 668.98 | 0.17          | $206,640    | $247,967    | $289,295    | $330,623    |
| 2 Superior Ave | 1,858.06| 1,858.06| 1,858.06 | 0.46          | $573,932    | $688,718    | $803,504    | $918,290    |
| 4 Superior Ave | 3.52    | 1,648.52| 1,652.04 | 0.41          | $510,295    | $612,353    | $714,412    | $816,471    |
| 2407         | 22.50   | 871.96 | 894.46 | 0.22          | $276,288    | $331,545    | $386,803    | $442,060    |
| 2409/11      | 3.17    | 370.56 | 373.73 | 0.09          | $115,441    | $138,529    | $161,617    | $184,705    |

Sub-total  | 2,231.88| 14,279.67| 16,511.55| 4.08          | $5,100,211  | $6,120,254  | $7,140,296  | $8,160,338  |

* Candidate for land swap - Superior Parkland for Open Space

LESS SALE OF
Superior Parkland

|            |         |        |          |               |             |             |             |             |
|            | 863.36  | 863.36 | 863.36 | 0.21          | $266,681    | $320,017    | $373,354    | $426,690    |

Total  | 2,231.88| 13,416.31| 15,648.19| 3.87          | 4,833,530   | 5,800,236   | 6,766,942   | 7,733,648   |

As of September 30, 2015, the projected year-end balance of Section 42 Parkland Acquisition Reserve Fund was $280,818, 229.

18-Nov-16
LAKESHORE PLANNING COUNCIL CORP.

** Total Land Areas to be confirmed through Professional Land Surveys
Local Parkland Provision – Map B

- Levels of local parkland provision:
  - 0 to 0.42
  - 0.43 to 0.79
  - 0.80 to 1.56
  - 1.57 to 2.39
  - 3.00 and over
  - Parks with less than 300 people

Note: The map on Map B includes the white areas. Each of the colours covers an area that is equal to 20 percent of the geographic park planning areas of the City. The colours are used to represent the level of parkland provision in each local park planning area.

Map B shows local parkland provision across the City, indicating relative per capita provision levels. The map shows areas whose boundaries are based primarily on physical barriers relating to safe and convenient pedestrian access to parks.

Local parks are one of several park categories that comprise the public parkland within the City of Toronto. While all categories of municipal parkland make a contribution to meeting the needs of residents, access to local parkland is important in ensuring community park needs are met.

In its portrayal of local parkland provision across the City, Map B takes into consideration the contribution of all categories of municipal parkland, as shown on Map A. It was developed as part of the Parkland Acquisition Strategic Directions Report that was endorsed by City Council in January 2000.
Figure 2: Extract of Official Plan Map 8B: Local Parkland Provision

Map A - 3
Parkland Acquisition
Priority Areas
(Areas Where Alternative Parklands Dedication Rate Applies)

- Partland Acquisition Priority Area

The following areas, as shown on the map, are also subject to the Alternative Parkland Dedication Rate:

- All Areas Identified in the Official Plan.
- Any Employment Areas identified in the Official Plan that is not integrated into Residential Areas.
- The Residential parts of any joined Urban Areas identified in the Official Plan.

NOTES:

1. Where a Secondary Plan has a different Alternative Parkland Dedication Rate specified within a district, the Official Plan Alternative Parkland Dedication Rate will apply. Refer to the Official Plan for the specific boundaries of each Secondary Plan Area.

2. Where the Official Plan sets out different Parkland Dedication requirements for specific areas across the City, each regulation only will apply.

- Railway Line
- Major Streets
- Local Streets

Key Map

December 2015