
Mayor

DAVID MILLER

February 16, 2007

The Honourable John Gerretsen
Minister of Municipal Affairs and Housing
777 Bay St., 17th Floor
Toronto, ON
M5G 2E5

Dear Minister:

I know you understand cities. Your government and mine co-authored a report which stated *"The one responsibility a city has is the encouragement of the possibility of excellence. The extent to which it addresses this duty is how, in comparison to the great cities of the world, it will be judged. Excellence of education, excellence of health care, excellence of baseball, of public transportation, of commerce, of charity, of waterfront, excellence of art galleries, excellence of justice, excellence of opera - to name but a few of the impossible ambitions of a city that might aspire to greatness.*

It is not necessarily the city's responsibility to achieve these goals, or to pay for them, but it is its job to make room for their possibility, and to celebrate when, against so many odds, that possibility becomes reality. That's what cities are for." *Imagine a Toronto...Strategies for a Creative City* p 30

More than ever, the growth of Ontario's economy is based on innovation, creativity and quality of life. The OMB decisions I write about today do the exact opposite. It is essential that we act to maintain and create employment as outlined in our joint 2006 report *'Imagine a Toronto...Strategies for a Creative City'*. Our duty is to encourage excellence.

City Council has directed me to take action with respect to the impact of three recent OMB decisions which undermine the City of Toronto's and Ontario's policy regimes to encourage wisely managed, balanced growth. Specifically, the City requests that you exercise your authority pursuant to section 47 of the *Planning Act* to enact a Minister's Zoning Order.

The West Queen West Triangle is a pre-eminent cluster of arts-related employment in Ontario. Council recognized the importance of these activities and has designated the lands as a Regeneration Area in our Official Plan. As such, this area is targeted for mixed-use redevelopment with significant residential and non-residential growth. The OMB decisions permit over 95% residential development on these sites without any regard to the economic and employment policies in: the *Planning Act*, the Provincial Policy Statements 1997 & 2005, our joint *Strategies for a Creative City Report*, the City's previous and newly adopted Official Plans, the City's Economic Development Strategy and the applicable zoning by-law. In addition, the built form prescribed by the decisions is wrong.



City Hall • 100 Queen Street West • 2nd Floor • Toronto, Ontario M5H 2N2
Telephone: 416-397-CITY • Fax: 416-696-3687 • E-mail: mayor_miller@toronto.ca

I respectfully request your intervention in the OMB actions by enacting a Minister's Zoning Order which would include the following principles.

The West Queen West Triangle will be developed as a truly mixed use neighbourhood including significant new space for residential uses and employment uses, particularly those related to the existing creative industry cluster in the Triangle. New public infrastructure including a street network and public parkland are required. The Triangle will develop as a series of low-rise base buildings with taller buildings appropriately located and spaced on certain sites.

Map 1: West Queen West Triangle Area, in context and with inset identifying the 3 sites which have been the subject of OMB hearings

Built Form

The fundamental elements of the appropriate built form for the West Queen West Triangle are shown on the Overall Structure Map (Map 2).

This map indicates, among other things:

- heights
- building setbacks
- building footprints, including low-rise base buildings and appropriate tower spacing
- existing roads
- the Sudbury Street extension
- the Abell Street extension
- the arts mews
- the Northcote archway, view corridor and open space
- the interior courtyard between 48 Abell Street and 150 Sudbury Street
- angular plane requirements along Queen Street West

Holding By-law

No residential development is permitted on those portions of the West Queen West Triangle currently zoned for industrial uses until the land and the funds necessary to construct the extension of Sudbury Street from its current terminus at Lisgar Street to the intersection of Queen Street West and Gladstone Avenue have been secured.

No residential development is permitted on those portions of the West Queen West Triangle currently zoned for industrial uses until a minimum of 0.4 hectares of land is secured for the purposes of a public park within the West Queen West Triangle.

Mix of Uses/Employment

Once the holding by-law described above is lifted, residential development will be permitted in the portions of the West Queen West Triangle which are currently zoned for industrial uses, as per the Overall Structure Map (Map 2). All new development must fit within the built form envelopes as generally as shown on Map 2.

On all sites in the West Queen West Triangle, a minimum non-residential density of 0.7 times the area of the lot must be provided. Any additional density which fits within the built form envelopes on Map 2 may be used for residential purposes.

Please note that on sites where no built form envelopes have been indicated, such envelopes will need to be developed within the height limits shown, including such things as landscaped open space and other design elements as needed.

Certain sites have had applications under the former City of Toronto Official Plan and have been subject to OMB hearings. Because of this, the non-residential requirements for these sites are modified as follows:

1171 Queen Street West:

The maximum residential density is 2.0 times the area of the lot which must be located within the built form envelopes generally as shown on Map 2. Should the owner wish to develop with a residential density greater than 2.0 times the area of the lot, the development must include a minimum non-residential density of 0.7 times the area of the lot.

48 Abell Street:

The maximum residential density is 2.0 times the area of the lot which must be located within the built form envelopes generally shown on Map 2. Should the owner wish to develop with a residential density greater than 2.0 times the area of the lot, the development must include a minimum non-residential density of 0.7 times the area of the lot.

150 Sudbury Street:

The maximum residential density is 1.82 times the area of the lot which must be located within the built form envelopes generally as shown on Map 2.

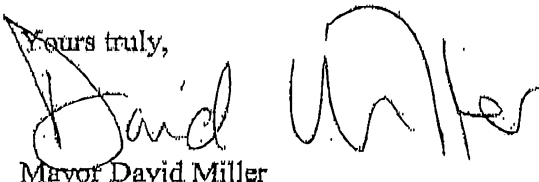
Section 37

All development in the West Queen West Triangle will be required to provide Section 37 contributions to help achieve the City's economic development, arts and culture objectives for the area.

In order for the City of Toronto to remain a strong economic engine for Ontario, it is imperative that the industry-specific employment cluster in the West Queen West Triangle be retained and protected as the area is redeveloped. Allowing the OMB decisions to stand undermines Toronto's ability to steer growth in a way that helps us achieve our shared economic development, planning, and sustainable city-building goals. They also fly in the face of the remarkable progress that the provincial government appeared to intend with the recent reforms to the legislative framework through Bills 51, 53 and 130.

I am available to meet or discuss this issue at your convenience.

Yours truly,

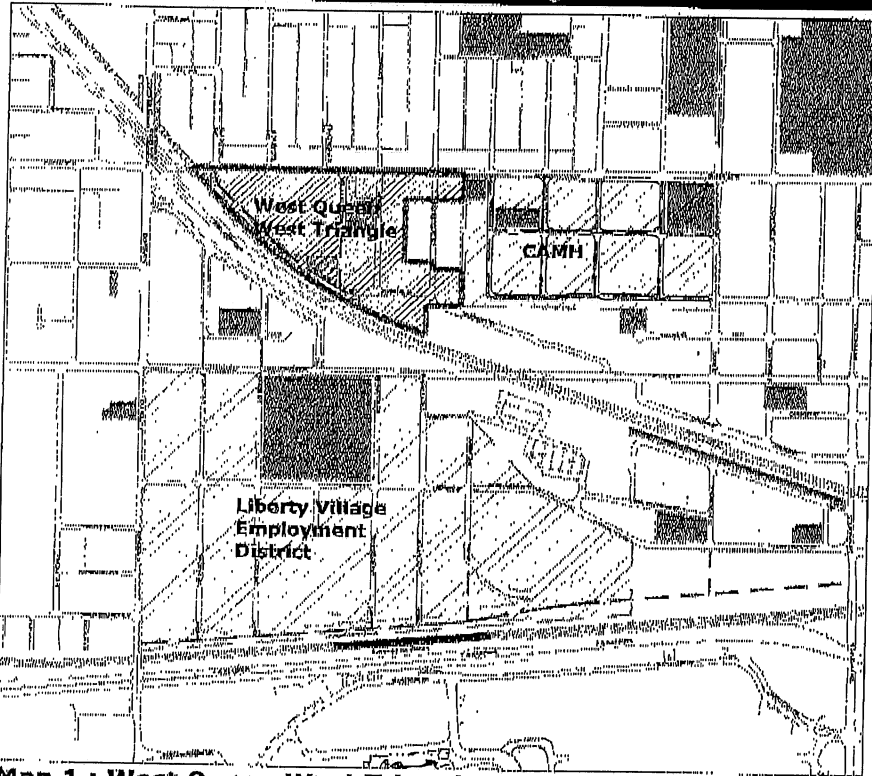


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





Attachments: Map 1 Area Map
Map 2 Structure Map
Clerk's Extract

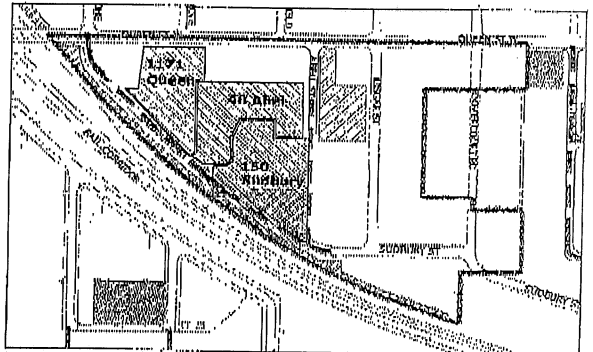


West Queen West Triangle



Legend

-  West Queen West Triangle Boundary
-  1171 Queen Street
-  48 Abell Street
-  150 Sudbury Avenue
-  Proposed Streets
-  Public Parks and Open Space
-  Proposed Public Parks and Open Space

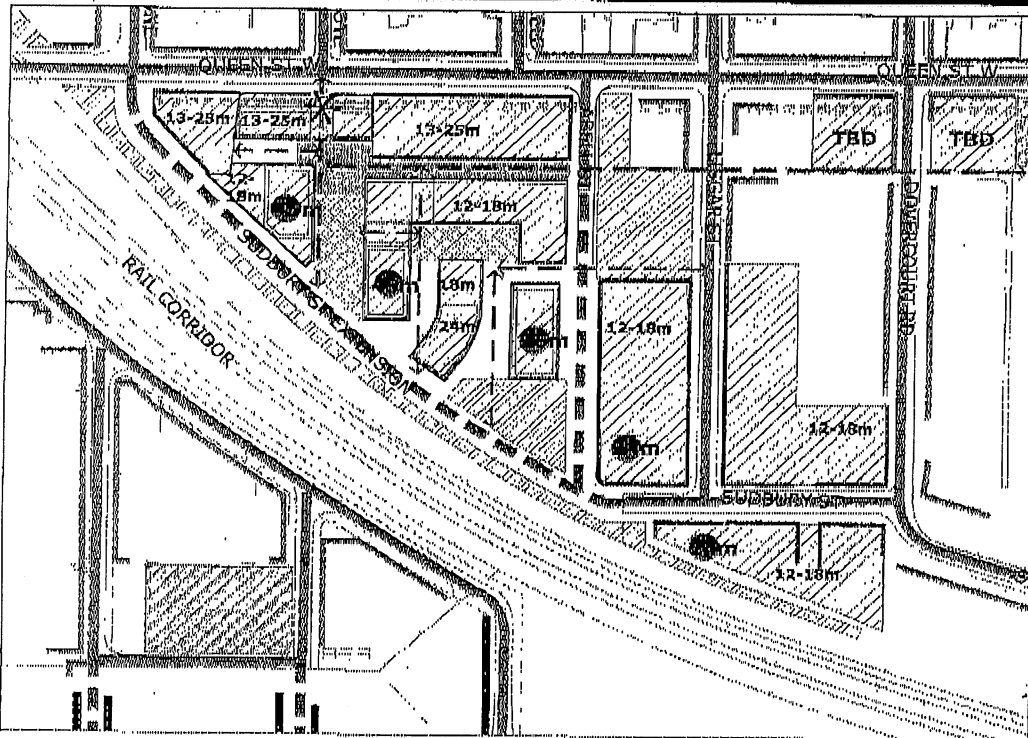


For reference purposes,
 These 3 sites were
 the subject of OMB Hearings

Map 1 : West Queen West Triangle Area



West Queen West Triangle



- Legend**
- Existing Building Edges
 - Proposed Building Envelopes - (Setbacks above the 4th Storey)
 - Existing streets
 - Proposed streets
 - Public Parks and Open Space
 - Proposed Public Parks and Open Space
 - Publicly Accessible Landscaped open space
 - Publicly accessible Artist Mews
 - Midblock Connections
 - Heights (Including mechanical)
 - General Location of taller elements (Height from Queen Street grade)
 - Northcote archway (7.5m clear height) (centered on Northcote)
 - Anquith plane on Queen St. 80 per existing MCR Zoning Bylaw

Map 2: Overall Structure Map

EXTRACT FROM COUNCIL DECISION DOCUMENT

M14	AMENDED			
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Review of OMB Decisions Nos. 0052, 0053, 0054

Re: 3 Development Sites in West Queen West Triangle

Moved by Mayor Miller, seconded by Councillor Giambrone

City Council Decision

City Council on February 5, 6, 7 and 8, 2007, adopted the following motions:

1. City Council adopt the confidential recommendations in Attachment 1 to the report (January 29, 2007) from the City Solicitor.
2. That Council's instructions to staff in respect of the Ontario Municipal Board hearing related to this matter be authorized for public release **after this Item has been completed.**
3. **Authorize the Mayor, in consultation with appropriate staff, to request the Minister of Municipal Affairs and Housing to enact a Ministerial Zoning Order for the entire West Queen West Triangle, including the sites subject to the OMB decision issued January 10, 2007, which would reflect the findings of the Area Official Plan and Zoning Study adopted by Council at its meeting of September 25, 26, 27 and 28, 2006 (Administration Committee Report 6, Clause 43) and other related previously adopted Council recommendations.**

The confidential recommendations in Attachment 1 to the report (January 29, 2007) from the City Solicitor are now public and the balance of the Attachment remains confidential, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information that is subject to solicitor-client privilege:

- (1) the motion for leave to appeal to the Divisional Court from the Ontario Municipal Board (OMB) Decisions of January 10th, 2007 respecting 1171 Queen Street West, 150 Sudbury Street and 48 Abell Street, Toronto be confirmed and the City Solicitor be instructed to proceed with the appeal if leave is granted by the court;
- (2) the appropriate City officials be authorized to pay any costs of the motion for leave and any subsequent appeal, in the event the Divisional Court so orders;
- (3) the OMB be requested to review its decisions of January 10th, 2007 pursuant to Section 43 of the *Ontario Municipal Board Act*; and

- (4) staff be directed to continue to have discussions with the owners of these development sites to seek possible settlement of any or all the issues pertaining to redevelopment as outlined in this and previous reports to Council.

Links to Background Information

Council considered the following:

- Motion M14
- Report (January 29, 2007) from the City Solicitor

Communications

- (February 2, 2007) from Ronald M. Kanter, Macdonald Sager Manis LLP, Barristers and Solicitors [Communication M14.1]
- (February 1, 2007) from David Bronskill, Goodmans LLP, Barristers and Solicitors [Communication M14.2]