



April 10, 2012

Toronto and East York Community Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair McConnell and Members of Council

Re. Item TE15.2 – Request for Direction Report – 48 Abell Street
Item TE15.3 – Request for Direction Report – 2 – 6 Lisgar Street

Thank you for the opportunity to comment on the proposed Zoning Amendments for 48 Abell Street and 2 – 6 Lisgar Street located in the Queen West Triangle. Active 18 supports the proposed amendments to the Section 37 Agreements for these two properties so that the TMAC proposal that is before Council can go forward. As we understand it height limitations suggested by the Planning Report need to loosen slightly to allow the financing necessary. On one remote but important issue we disagree with the Planning Report, that is – what happens in the unlikely event TMAC folds its doors – what happens to the space? This matter is dealt with below.

History of Active 18 Involvement - Who Are We?

Active 18 Community Association is a group of residents and business owners in the West Queen West Area which has participated in all phases of the planning process while the area has experienced the intense condo development over the last few years. Of particular relevance to the applications before Community Council is the fact we were a party at the 2006/7 OMB hearing which made the key decisions on development in the ‘Queen West Triangle’ including 48 Abell. Active 18 supported the City’s position at the OMB Hearing that there were too many buildings in the Triangle. We differed somewhat with Planning in the view that taller buildings on smaller footprints were acceptable. We all agreed at the time the OMB decision was ‘bad’ in its net result, but we have had to move on and make the best of the situation. We were at odds with the City on the need for a park in the midst of these new condos. On this point we prevailed.

We have been active members of the Park Working Group which has met regularly on the design of the new public park adjacent to the proposed development. When UrbanCorp acquired the sites (with development zoning in place) on the south and west side of the new park and applied for further rezoning to redesign the 2 - 6 Lisgar site (The Edge) we insisted on maximum non-residential requirements in the proposed revised zoning in keeping with the position the City advocated at the OMB for the area. We did this to maximize the employment space in the neighbourhood. Subsequently we were instrumental in initiating a discussion of the creative use of the non-residential space in a way that enhances the new park and the neighbourhood, which became a Working Group of the interested parties and the City.

And we have been active members of this Working Group which has met dozens of times to develop the TMAC proposal - which is the essence of the zoning amendments before Council. Active 18 has a long term membership of approximately two hundred, a web site, a Steering Committee of twelve elected at an annual meeting and has hosted several of its own design charettes on planning issues.

The TMAC Proposal

We note the description of the TMAC proposal put forward by TMAC itself and see no need to repeat that here. We have been active participants in the many discussions that developed this proposal. We are

particularly pleased that the design includes a small theatre as a focus for their activities but also an asset to the community in general.

The WQW neighbourhood has a high concentration of artists and arts organizations and the cumulative effect of various Section 37 benefits negotiated from various developments is bringing us to an impressive fresh concentration of arts activity. These include the conversion of the Carnegie Library to a new home for the Theatre Centre, substantial artist accommodation and studio workspace in an Artscape condo and rental project at 150 Sudbury, and now the TMAC facility in the building under construction on the south side of the new park.

The design of the new park is near conclusion. Hopefully this design will ‘work’ as public space for the many new residents in the neighbourhood combined with an innovative arts orientation. Aside from the cultural benefit to the City and the neighbourhood of this emerging arts hub these various initiatives will preserve and attract jobs to the neighbourhood.

The UrbanCorp proposal now before you is for a certain amount of additional density (height) so that UrbanCorp can build out space suitable to the TMAC group, and sell it to them at a price they can afford. These discussions were extensive, careful and involved City officials at every step.

The Working Group discussions on the TMAC proposal have included shadow studies presented last July and August for the proposed taller buildings on how the higher buildings would affect the park beyond what was already going to happen by virtue of the height already approved by the OMB. The heights considered then are the same as the ones now proposed by UrbanCorp as necessary to finance the TMAC proposal.

The Active 18 Steering Committee considered these factors very carefully, and concluded at the time that while the additional height and condo units would be a disadvantage to the new neighbourhood, the extra burden represented was not so great so as to outweigh the considerable advantage to be gained by an excellent arts facility with a theatre space. Put another way, we feel that an active, attractive and ‘special’ park will go a long way to knitting the community together and the TMAC proposal is a great boost to this direction. Its benefit far exceeds the disadvantages.

Our position was not based on a financial analysis of the TMAC proposal, but was of course contingent on the proposition that TMAC was economically viable in its new space.

We note that the Planning Department Report is generally supportive of the TMAC proposal, as the Planning staff has been throughout all the discussions, but they do not support the height the developer says is necessary. We respect the theory of their position. It is based on the arguments at the OMB that the buildings in the Triangle should get shorter we move east. But we disagree that this is a substantial objection or grounds to reject the proposal before you. We have architects, landscape architects, planners, artists, set designers and informed citizens on our Steering Committee and we have considered the problem in the context of park design and the ‘health’ of the surrounding community that will ‘live’ in this space. In our view the tradeoff of the proposed extra height for the TMAC facility strongly favours agreeing to the extra height as required to secure the TMAC facility.

What If TMAC Collapses?

There is a subsidiary issue where we strongly disagree with the Planning Report. What happens if TMAC collapses? Obviously this is not the expected or desired result but it would be foolish to go forward without contingent plans in place. Active 18 supports the trade-off of height for an attractive arts facility that animates the park, but would not do so if this extra density were to produce, say, a second storey supermarket on the south side of the new park or standard and generic offices, both of which would ignore and detract from the park.

The position on this topic set out in Planning Report has not been discussed with the community in any meaningful way in the Working Group sessions. This is perhaps understandable because it a fairly minor matter in the grand scheme, and not really a 'planning' issue. But there needs to be terms in the Section 37 Agreement and/or other terms and conditions registered on title that deal with this.

Our suggestion is that Community Council direct the appropriate City department to review the City's position and to discuss it with the community and other interested parties and report back to Community Council to receive direction on the appropriate terms. It should be noted that the developer and TMAC, while they may be parties to the eventual agreement, are not really interested in the terms. Both will be out of the picture if this unfortunately does happen. It is really the community and the City who care the most.

It makes perfect sense that if TMAC collapses the City should step in some form as the guarantor of the public good. Probably that should be as 'owner'. If commercial uses were allowed for the space being created it would be quite valuable. We respect the concerns that it may be difficult if the City accidentally slides into additional maintenance and real estate expenses in the event TMAC fails. But this theoretical budget concern should not be the wedge to put the new space in undesirable hands.

Further, it would be unacceptable in the unfortunate eventuality of a collapse of TMAC and a sale by the City that 'profit' made by the City in that circumstance would accrue anywhere but in the immediate neighbourhood which suffers the burden of the increased density, now without the benefit we bargained for. The use of the space in the eventuality of a TMAC collapse should be determined by City Council after consultation with the immediate community. Non-profit arts uses for the space should be preferred.

If it evolves that non-profit or arts uses are not possible then, at a last resort, profit from the sale or rental should be directed to the community. As with OMB rulings and City guidelines regarding Section 37, the benefit from such sale or rental must flow to the immediate community. The suggestion that the money could be spent anywhere in Ward 18 is not consistent with OMB rulings. If the City or other body which is only theoretically 'non-profit' takes the space then they should pay market rent.

We are pleased that City staff has incorporated the majority of the comments heard at the community consultation meetings into the recommendations in the reports. We also appreciate the developers' and City staff's efforts in this matter and we hope that Community Council will adopt Active 18's recommendations.

Sincerely,

Karina Waluk
Steering Committee member on behalf of

ACTIVE 18 Association

cc. Linda Macdonald, Manager, City Planning