

Toronto STAFF REPORT

May 3, 2006

To: North York Community Council

From: Director, Community Planning, South District

Subject: Request for Direction Report
Site Plan Control Application 05 204361 NNY 25 SA
939 Lawrence Avenue East
The Cadillac Fairview Corporation
Don Mills Shopping Centre
Ward 25 – Don Valley West

Purpose:

To advise North York Community Council of a referral to the Ontario Municipal Board of the Site Plan Control application and to seek Council direction on whether the City Solicitor should be directed to attend the Ontario Municipal Board to support the position outlined in this report. The application had also been referred by Councillor Jenkins to City Council for a decision through North York Community Council in accordance with By-law 483-2000.

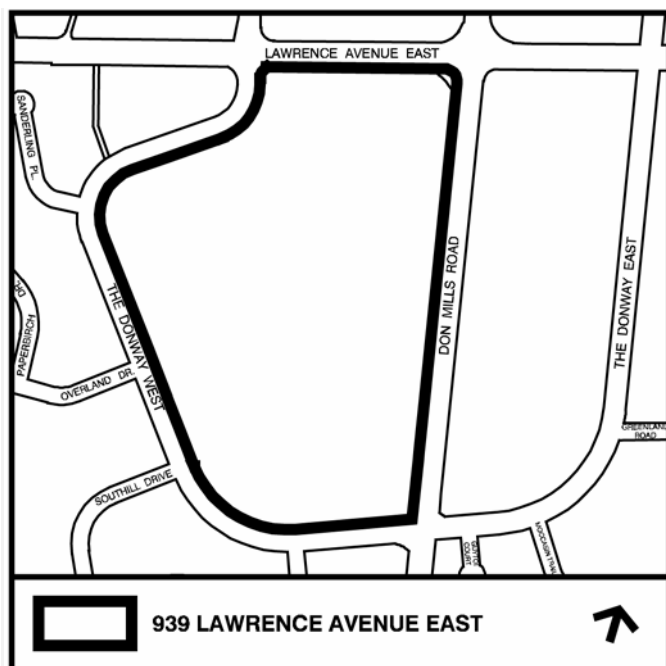
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) That the proposal is not acceptable in its current form and the City Solicitor and other appropriate staff be instructed to appear before the Ontario Municipal Board in support of the following:



- (i) The following built form revisions shall be made to the site plan:
 - (a) the layout of the site should be reorganized by redeploying floor space to bring buildings with entrances up to the minimum 6m zoning setback along the Don Mills Road frontage with a priority given to the Lawrence Avenue corner and the north side of Street 'A' (east-west driveway);
 - (b) the setback of the buildings along the Lawrence Avenue East frontage be increased from 1.5 to 3.0 metres to maximize opportunities for landscaping, seating and weather protection.
 - (ii) Improvements to the landscape plans which include:
 - (a) a well defined landscaped edge along all parking areas that includes low shrub and perennial planting, high branching deciduous trees, evergreen trees, and a low wall or other repetitive landscape feature;
 - (b) sufficient space along the storefronts to accommodate a high quality streetscape and public amenity including, but not limited to, weather protection, lighting, seating areas and street furniture, landscaping, trees, and decorative paving materials;
 - (c) increased landscape areas within the parking lots;
 - (d) the open space at the southwest corner of Lawrence Avenue and Don Mills Road maintained, extended and enhanced;
 - (e) loading and servicing areas integrated into the building mass, screened with landscaping, doors or other means from the existing public streets and new private circulation system; and,
 - (f) a landscape terminus at the south end of the private driveway that runs south from the proposed town square (Street E').
 - (iii) A comprehensive pedestrian and cycling route plan that provides for:
 - (a) attractive, convenient and clearly defined pedestrian and cycling route connecting all buildings and landscaped open space on the site with the surrounding community and public sidewalk system. The pedestrian system should be accessible and barrier-free, safe, well-lit, landscaped, tree-lined, generously scaled and separated from vehicular traffic; and,
 - (b) continuous weather protection such as canopies, awnings or colonnades along the store fronts and the Lawrence Avenue frontage.
 - (iv) Improvements to the elevations of the buildings that face The Donway West.
- (2) Request the Ontario Municipal Board to withhold its Order on the revised proposal as set out in recommendation (1) above until the Owner submits the following, as set out in (i) to (xiii), to the satisfaction of the Director, Community Planning, North District:
- (i) An executed Site Plan agreement that shall be registered on title for the approved drawings and conditions of approval, to the satisfaction of the City Solicitor and the Director, Community Planning, North District;

- (ii) The detailed design of all site and streetscaping features including, but not limited to: planting materials; light standards; irrigation facilities, fencing; walls, decorative paving; signage; seating arrangements; exterior lights; bicycle and pedestrian routes including barrier-free access facilities; site furnishings; weather protection; grading and drainage information;
- (iii) Detailed building elevation drawings that improve the architectural quality of the backs of buildings that face The Donway West;
- (iv) An “urban design code” that sets minimum design standards for the retail units that face the private driveways. The design code should include, but not be limited to: the provision of glazing; building entrances; pedestrian weather protection including canopies, awnings and colonnades; street trees; benches; lights and other street furniture; and other elements of design;
- (v) A “green design” or environmental design strategy for the site that deals with matters including but not limited to, storm water and drainage, green roofs, and biotechnologies;
- (vi) A proposal for the preservation and relocation of the existing ceramic tile montage with a plan that illustrates the locations for the other existing art installations;
- (vii) A Construction Management Plan to the satisfaction of Technical Services in consultation with the Director of Community Planning. The plan should include information about the demolition and construction timetable and protocols to deal with construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces, and contact numbers for complaints;
- (viii) A cost estimate and letter of credit for 120% of the value of the landscaping in a form satisfactory to the City Treasurer. The letter of credit shall be in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of the term, to complete all outstanding work required by these conditions;
- (ix) Confirmation that the requirements contained in the attached memorandum dated May 3, 2006 from Technical Services have been addressed to the satisfaction of the Director, Technical Services Division;
- (x) Confirmation that the requirements contained in the attached memorandum dated April 27, 2006 from Parks, Forestry and Recreation, Policy and Development have been addressed to the satisfaction of the General Manager, Parks, Forestry and Recreation Division;

- (xi) Confirmation that the requirements contained in the attached memorandum dated December 30, 2005 from Parks, Forestry and Recreation, Urban Forestry Services, have been addressed to the satisfaction of the General Manager, Parks, Forestry and Recreation Division;
 - (xii) Confirmation that approval has been obtained from the Toronto Transit Commission; and,
 - (xiii) Confirmation that approval has been obtained from Parks, Forestry and Recreation, Urban Forestry Services, regarding the Private Trees By-law.
- (3) The City Solicitor advise the Ontario Municipal Board of any other conditions of approval which may arise as a result of outstanding comments to be received from the circulated agencies and City Departments;
 - (4) The District Director, Community Planning, North District be authorized to execute the Site Plan Agreement; and,
 - (5) That appropriate City staff be authorized to attend the Ontario Municipal Board hearing in support of the recommendations above and authorize the City Solicitor and any other appropriate staff to take such actions as necessary to give effect to the recommendations of this report.

Background:

Application History

In November 2001, Cadillac Fairview Corporation Limited, the owner of the mall, filed applications to amend the Official Plan and Zoning By-law to the City to redevelop the Don Mills Centre to facilitate a phased buildout of the site in order to create a new mixed-use centre. The proposal contemplated internal and external renovations to the enclosed mall; the expansion of retail, service and entertainment space; the relocation and reconstruction of a new Don Mills Civitan Arena; 100-room hotel; additional office space; and 623 dwelling units in five condominium apartment buildings. The retail concept combined a traditional enclosed mall with open-air urban street style environment. The application required an amendment to the Official Plan and Zoning By-law to permit the proposed building heights and to allow the proposed mix of uses.

A Preliminary Report was prepared by planning staff and adopted by City Council at its meeting held on February 13, 14 and 15, 2002 Report (Clause No. 23, Report No. 1). The report identified a number of issues including the proposed relocation of the arena, traffic impacts and building heights in excess of the zoning and official plan permissions. Following a City-hosted Community Consultation Meeting held on June 6, 2002, Cadillac Fairview asked the City to put the application on hold.

In November 2004, Cadillac Fairview teamed up with FRAM Building Group, a residential builder, in a joint venture, and filed revised amendment applications to redevelop the Centre. The

revised proposal included: a series of new private streets; renovations to the enclosed mall; new outdoor retail space surrounding an open square; and 1,500 dwelling units in a series of buildings that ranged in height from 8 storeys along The Donway West to 20 storeys towards the centre of the site. As with the original submission, the retail concept combined a traditional enclosed shopping mall with open-air urban street style environment.

Again, a Preliminary Report was prepared by planning staff and adopted by City Council at its meeting held on February 1, 2 and 3, 2005 (Clause No. 53(n), Report No. 1). The report identified a number of issues including built form, height and density, traffic impacts, the planned role and function of the proposal as the commercial and community centre of Don Mills, and the integration of the Don Mills Civitan arena into the new scheme. Following a City-hosted Community Consultation Meeting held on April 7, 2005, Cadillac Fairview asked the City to put the revised rezoning and official plan amendment applications on hold.

On November 22, 2005, Cadillac Fairview filed the subject Site Plan Control application. The applicant has advised that the existing mall has been in a state of decline for many years. It is therefore their intention to proceed immediately with the redevelopment of the commercial component in full compliance with the existing zoning and place the residential component and respective applications to amend the zoning and official plan on hold pending completion of the site plan process. It is staff's understanding the revised amendment applications are being prepared and will be filed in the coming months.

Ontario Municipal Board

On March 1, 2006, Cadillac Fairview appealed the Site Plan application to the Ontario Municipal Board based on the City's failure to approve the plans and drawings within the 30 days after they were submitted.

City Council's consideration and decision on the recommendations set out in this report will provide a City position on the application and enable the City Solicitor to present the City's position on the application for the May 29, 2006 hearing.

Site Description

The Don Mills Centre comprises lands bounded by Lawrence Avenue, Don Mills Road, and The Donway West. Within this boundary, the Cadillac Fairview ownership comprises 152,223m² (15.2ha or 37.7 acres) of site area. The Don Mills Centre has developed as a commercial area comprising: a 2-storey enclosed shopping mall containing approximately 120 tenants; a Dominion Food store; a TD Canada Trust building; a 5-storey office building (Royal Bank) at 1090 Don Mills Road; a 4-storey office and retail building at 49 The Donway West; and until recently a Shell Canada automobile service site at 966 Don Mills Road (at the Donway). Extensive surface parking exists throughout the Centre. Recently Cadillac Fairview acquired the existing 14-storey office building at 75 The Donway West. Lands within the Centre also include the Postal Station building at 169 The Donway West and Don Mills Civitan arena, both of which fall under separate ownership.

Land uses outside and surrounding the Don Mills Centre are predominantly residential. The following is a summary of the area context:

East: Nine apartment buildings ranging from 3 ½ to 6-storeys in height;
South/West: 2-storey townhouses; 4 to 6-storey apartment buildings; a 4-storey office building at 170 The Donway West;
North: Two apartment buildings 3½ to 6-storeys; a public library.

Proposal

Redevelopment of the Don Mills Centre is planned in two phases. The subject Site Plan Approval represents the first phase.

Cadillac Fairview is proposing to demolish the existing enclosed shopping mall and replace it with a new outdoor retail shopping centre. As shown on Attachment 1, most of the redevelopment will occur on the northern half of the site, north of the existing Dominion store. The existing 6-storey Royal Bank office building at the northeast corner of the centre and the existing Dominion food store will be maintained and integrated into the design of the new commercial centre. The existing commercial building on the southern portion of the site, at 49 The Donway West, will be maintained at this stage of the redevelopment to accommodate some of the tenants displaced by the demolition of the mall.

The proposed development will result in a slight increase in total gross floor area over the current gross floor area. The new development will have a gross floor area of approximately 47,550m² (511,828 sq.ft.) which represents an increase of approximately 4,265m² (45,908 sq.ft.) of the enclosed mall floor area that currently exists. The new shopping centre has been designed as a series of 1-2 storey retail buildings planned along a network of private driveways. Three of these driveways, Street 'A' (east/west), Street 'B' (north/south from Lawrence Avenue), and Street 'C' (north/south from The Donway West) function as primary entry points to the centre of the site where a publicly accessible "town square" or open space is proposed. Retail and other commercial uses will surround the open space and line the new major entry points to the town square.

Parking for 2,350 vehicles will be provided as required by the zoning by-law. The proposed parking supply will consist primarily of surface parking. Underground parking currently serving the Royal Bank building (132 spaces) and 75 The Donway West (163 spaces) will remain. Street 'A', the east-west driveway that bisects the site and connects Don Mills Road to The Donway West incorporates parallel parking. Streets 'B' and 'C', the north-south driveways from Lawrence Avenue or The Donway West have been designed to include angled parking spaces. The number of vehicular access points to the Centre remains the same however the proposal involves the reconfiguration and/or relocation of some of the existing driveways including the relocation of an existing driveway on The Donway West to align with Overland Drive. Internal intersections on site will have all-way stop controls to improve the pedestrian environment and discourage cut-through traffic.

A statistical summary of the proposal is found in Attachment 4.

North York Official Plan

The Don Mills Centre is within the Residential Community of Don Mills as shown on Map C.1.2 in the North York Official Plan. The Plan designates the Don Mills Centre site as *Commercial* with a small portion (the arena) designated as *Local Open Space* (Map C.1).

The Part C.5 policies of the Plan contain specific policies for commercial development. The intent of the policies is to preserve the commercial function of commercial areas while permitting complementary uses that enhance the commercial area and make efficient use of lands. Permitted uses in *Commercial* districts that are within a Residential Community include retail and service commercial; offices; residential on upper floors; and some institutional uses.

The North York Official Plan includes policies on the design and layout of retail and service commercial development (Part C.5 Section 2.8.0). The Plan states where feasible, pedestrian access will be provided directly to the public sidewalk from the proposed building and parking will not be provided in front of the building and where appropriate, parking areas should be screened from pedestrian routes and abutting residential uses.

Central Don Mills Secondary Plan

The Don Mills Centre site is governed by the Central Don Mills Secondary Plan, found in Part D.7 of the Official Plan. The Secondary Plan contains policies that are area-specific and more detailed than those in the general Official Plan. The site is designated Commercial (COM) which permits office, residential uses and retail and service commercial uses to a maximum density of 1.0 FSI.

The Secondary Plan contains specific policies addressing the Don Mills Centre (Section 4.4.0). Policy states that the area is intended to function as the commercial and community centre of the Don Mills community. Policies in this section provide design and development application guidelines. Design guidelines include matters relating to pedestrian access, exterior building facades, parking structures, landscaping, and the provision of publicly accessible areas for indoor and/or outdoor activities.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. Although portions of the new Official Plan are not in force and effect, its policies reflect the latest work of City Planning staff and represent City Council's current position on development in commercial areas.

Once the Plan comes into full force and effect, it will designate the property as *Mixed Use*. Most existing and proposed major retail areas, shopping malls and commercial districts are within this

designation. *Mixed Use Areas* are to consist of a broad range of commercial, residential and institutional uses, as well as parks and open spaces. The current policies of the Central Don Mills Secondary Plan have been carried forward and incorporated into the new Official Plan.

Development criteria for commercial development in *Mixed Use Areas* are set out in Section 4.5.2. The Plans *Built Form* and *Public Realm* policies are set out in Section 3.1.

The *Built Form* policy requires new development to be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk and providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner.

New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by limiting surface parking between the front face of a building and the public street or sidewalk.

The policies go on to state that new development provide: amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing improvements to adjacent boulevards and sidewalks including street trees, lighting and street furniture; co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms; landscaped open space within the development site; landscaped edges of surface parking lots along streets; and safe pedestrian routes and tree plantings within surface parking lots.

The Plan also includes policies on the *Natural Environment*, as set out in Section 3.4. Innovative energy producing options, green industry and green building designs and construction practices will be supported and encouraged in building renovation and redevelopment through: innovative methods of reducing stormwater flows; advanced water conservation and efficiency measures; designs that facilitate waste reduction and recycling and other innovative waste management technologies and practices; wind and solar power installations and other renewable energy systems; the use of advanced energy-efficient technologies; and the development of innovative green spaces such as green roofs and designs that will reduce the urban heat island effect.

Zoning

The site is zoned C3(8) (Regional Shopping Centre) with a site specific zoning exception. The purpose of the exception is to establish a special parking ratio and establish maximum building heights.

The minimum parking requirement is 1,878 spaces for a gross floor area of 63,513m² (683,675 sq.ft.). Beyond that, parking is to be provided on the basis of 1 space per 20m² of gross leasable

floor area for retail and service commercial uses and 1 space per 48m² of gross floor area for business and professional offices.

The by-law limits the height of buildings on the east half of the site to 8 storeys or 167.64 metres above sea level, whichever is greater. Maximum height on the west half of the site is limited to 161.54 and 163.55 metres above sea level.

Site Plan Control

The Site Plan Control application was received on November 22, 2005 however the application was not complete until December 8, 2005. In response to comments made by the circulated departments and agencies, a revised submission was circulated for finalized comments on April 13, 2006. At the time of finalizing this report, comments were still outstanding from Urban Forestry Services (Private Trees) and the Toronto Transit Commission.

The Building Code Statute Law Amendment Act, 2002 (Bill 124) and the Ontario Regulation 305/03, set out the “applicable law” which must be satisfied prior to the issuance of a building permit. Prior to the coming into force of the Act, conditions of approval could be issued that would have to be satisfied prior to building permit issuance. The Act does not state that conditions of approval are applicable law. Therefore, should Council wish to ask for conditions of approval, they should either be satisfied prior to any site plan approval or inserted into the site plan agreement for post-approval conditions.

Community Consultation

The applicant’s proposal was presented to local residents at a Community Consultation meeting held on April 11, 2006. The meeting was attended by the Councillor Jenkins, Councillor Minnan-Wong and Councillor Pitfield and their Executive Assistants, the proponent – Cadillac Fairview, the proponent’s planner, project architect and City Planning staff. Approximately 1,100 members of the public were in attendance.

In general, the following comments were made at the meeting and through subsequent letters to the Ward Councillors and Planning staff:

- (a) concerns regarding the loss of covered indoor space where the local community can continue to exercise, socialise or shop in a controlled environment;
- (b) the availability of goods and services during the two years of construction;
- (c) the lack of communication on the application for both area residents and tenants in the Don Mills Centre;
- (d) the closure of the existing mall will force the independent shopkeepers to relocate elsewhere or force them out of business;

- (e) the lack of community services and facilities in the community and the desire to provide community space within the current proposal;
- (f) bicycle, pedestrian access and walkways be developed that would provide safe and recognisable access from all adjoining communities and Don Mills Road particularly the provision of a barrier free access system to all buildings;
- (g) the existing traffic congestion in the area and potential infiltration of traffic through the local street network;
- (h) the development will create a nuisance during the demolition and construction phase (i.e., noise, dust, fumes, mud, debris, and traffic);
- (i) phasing, i.e., the redevelopment of the Don Mills Centre should be planned on a comprehensive basis with the residential component;
- (j) the lack of green space;
- (k) the buildings should be developed with an architectural style consistent with the contemporary style that is prevalent in Don Mills.

Comments:

Location and Organization of Buildings

The proposed building footprints focus on the definition and support of the private internal street system rather than the public streets. As a municipal priority, building entrances should face public streets including Don Mills Road and Lawrence Avenue. The Lawrence Avenue frontage, currently developed with surface parking, proposes a strong built form presence with store fronts and entrances directly accessible to the public sidewalk. A similar built form approach should be taken on Don Mills Road, particularly at street corner locations. The following changes are recommended for the Don Mills Centre Site Plan to better meet existing policies:

1. the layout of the site should be reorganized by redeploying floor space to bring buildings with entrances up to the minimum 6m zoning setback along the Don Mills Road frontage with a priority given to the Lawrence Avenue corner and the north side of Street 'A' (east-west driveway); and,
2. the setback of the buildings along the Lawrence Avenue East frontage be increased from 1.5 to 3.0 metres to maximize opportunities for landscaping, seating and weather protection.

Town Square

It is a policy of the Don Mills Secondary Plan that Council encourage development in the Don Mills Centre that provides for outdoor and/or indoor activities where public access is available.

The policy goes on to say that Council recognizes that these activities will be provided by private commercial entities and Council may consider establishment of some form of publicly operated activity within the Square.

In response to this policy, Cadillac Fairview is proposing a town square or open space in the centre of the site. The open space has an area of approximately 3,200m² (34,444 sq.ft.) and will include two water features including a large pond, similar to the Devonian Square on the campus of Ryerson University, that would be converted to an ice skating surface during winter months. The applicant has indicated the programming possibilities for the town square and the space encircling the square could include a farmers market, a flea market, concerts, fashion, automotive or boat shows, as well as street vendors with moveable sales carts. As well, the layout and design treatment of a private driveway along/through the north edge of the town square would enable Cadillac Fairview to periodically close the driveway for these purposes or other larger public functions.

It is intended that the Don Mills Centre function as the commercial and community centre of the Don Mills community. The use of the Centre should function as a general community meeting place. It is staff's view that the proposed town square in this site plan application begins to serve this planned function of the Centre.

Indoor Space

The majority of the residents who attended the community consultation meeting on April 11, 2006 expressed serious concerns regarding the development, most notably the loss of the indoor space currently provided by an enclosed mall. Many residents are concerned that the proposed open-air shopping centre does not provide any indoor walkways or common areas where they can exercise, socialize, or shop in a controlled environment. It is the residents view that the current mall provides indoor common areas and in effect serves as a "community centre" for people in the area and has urged staff to require Cadillac Fairview to provide indoor space as part of this application.

Section 41 of the *Planning Act* permits Council to consider matters such the location, design and massing of buildings, the relationship to adjacent streets and buildings, the layout of the parking and service areas, site landscaping, and if proposed, public access areas and interior walkways. In this instance, Cadillac Fairview has indicated they are committed to the open air concept and the provision of indoor common space is not planned. The City has no authority pursuant to the *Planning Act* to compel the developer to enclose certain areas of the development by way of Site Plan Control for the purpose of indoor common areas. The opportunity for the developer to provide indoor common areas or a community centre as suggested by many residents may, depending on the circumstances, be secured through a rezoning process, however it is not feasible to require such as facility through the Site Plan Approval process.

Landscaping

It is a goal of the Don Mills Secondary Plan to manage change in the community in a manner that retains and enhances the existing character of the area. In order to achieve this goal it is a

specific objective of the Plan to preserve and enhance streetscapes and landscaped areas in keeping with the garden city concept that formed part of the original concept for Don Mills. The Plan goes on to state that where proposals are made for internally-oriented shopping centres, every effort will be made to create attractive and convenient conditions for pedestrians who have to cross parking areas from the public sidewalk.

The essential concept of Don Mills as a modern “garden city” needs to be reinforced through all aspects of this site’s redevelopment. The garden city concept is the central theme of the modern Don Mills community. Accordingly, landscape should be a predominant theme and element of this redevelopment proposal. A high quality landscaping throughout the Don Mills Centre is recommended with particular emphasis on perimeter streetscapes and interior driveways, walkways and pedestrian routes, parking lot edges and parking lot interiors, the new town square, and the landscaped open space at located at the south west corner of Don Mills Road and Lawrence.

To meet these objectives, improvements to the site landscaping is required. The applicant should be required to provide the detailed design of all site and streetscaping features to the satisfaction of the Director, Community Planning, North District. Improvements to the plan should focus on providing the following:

- a well defined landscaped edge along all parking areas that includes low shrub and perennial planting, high branching deciduous trees, evergreen trees, and a low wall or other repetitive landscape feature;
- sufficient space along the storefronts to accommodate a high quality streetscape and public amenity including, but not limited to, weather protection, lighting, seating areas and street furniture, landscaping, trees, and decorative paving materials;
- increased landscape areas within the parking lots;
- the open space at the southwest corner of Lawrence Avenue and Don Mills Road maintained, extended and enhanced;
- loading and servicing areas integrated into the building mass, screened with landscaping, doors or other means from the existing public streets and new private circulation system; and,
- a landscape terminus at the south end of the private driveway that runs south from the proposed town square (Street E’).

Green Design

The New Plan includes policies that support and encourage innovative energy producing options, green industry and green building designs and construction practices.

Environmentally positive design strategies to deal with storm water and drainage should be incorporated into this plan. Green roofs, bioengineering, bioswales etc. should also be considered. Opportunities to harvest rainwater as a source for irrigation for on-site landscaping could be considered. These engineered facilities could be integrated with the site landscaping and become part of the project at a preliminary stage.

From a design perspective, the green roofs and designs that that reduce the urban heat island effect are important where views from surrounding higher residential buildings overlook the site and retail complex. The storm water management facilities, if integrated into the landscape, may become a feature for the new community. The long term benefits to the environment should be recognized and are in keeping with the Don Mills character and the “garden city” concept essential to the Don Mills community.

Pedestrian Circulation

It is a policy of the Don Mills Secondary Plan to provide attractive, convenient pedestrian and cycling routes along the street edges of the Don Mills Centre and to the uses on the Centre. Landscaping should enhance the attractiveness of the pedestrian accesses and links, particularly to the Square. Trees and other landscape features should be provided to buffer pedestrian and cyclists.

To improve pedestrian routes through the site a clearly defined connective pedestrian network that is landscaped, well-lit, universally accessible and safe needs to be provided. The north portion of the proposed development site is not well connected with the south part of the site (which is not proposed to be redeveloped in any significant way at this time). At present, the well-defined pedestrian oriented north-south street stops abruptly, thereby ending the view corridor and pedestrian system at the rear service area of the southernmost retail strip. A more comprehensive approach to providing a high quality pedestrian network throughout the entire site is required.

In accordance with Official Plan policy weather protection such as canopies and awnings should be provided. A network of continuous weather protection should be provided along the street/storefronts to enhance pedestrian comfort and year round use. As a priority, the weather protection should be continuous along the primary north-south and east-west streets, the buildings facing the proposed town square as well as, along the Lawrence Avenue and Don Mills Road frontages.

Exterior Building Facades

The Don Mills Secondary Plan states that exterior building façades will present an attractive and involving environment from the perspective of abutting roadways and pedestrian and cycling links within the Don Mills Centre. Windows, commercial entrances from walkways, landscaping, outdoor pedestrian-related commercial activity, outdoor seating and similar features are encouraged.

Don Mills community has a distinctive character and image based on its well established network of parks, green places and open spaces, as well as its modern architecture. Staff is encouraging that the project concept be developed to respect the modern architectural tradition of this area.

To ensure the streetscape along the private driveways achieves a high quality design while providing for some flexibility through the process as stores become leased, an urban design code that sets out standards including but limited to, the provision of glazing, building entrances, pedestrian weather protection including canopies, awnings and colonnades, street trees and plantings, decorative paving, lighting, street furniture and other elements of design is recommended. This would allow for flexibility on the interior driveways to refine streetscape design with tenants but retain standards for pedestrian amenity, comfort and convenience. This applies only to the interior driveway frontages. Street frontages, parking areas, and driveways not associated with the new stores will be secured separately through Site Plan Approval. The design code and means of its implementation will be prepared to the satisfaction of the Director, Community Planning, North District.

To enhance the existing streetscapes along Don Mills Road and the Donway West additional design work is required to improve the building elevations. As well, the streetscapes could be improved through additional landscape screening at the street edges, within the parking lots, and along the service driveways. Loading facilities and garbage areas should all be integrated into the building mass, screened with landscape, doors, gates and other means from the existing public streets and new private pedestrian circulation system.

Site Grading

The grading on this site is complex. A significant grade change exists across the site from both north to south and east to west. There is not enough detail provided in terms of grading to understand this phase of development as well as the long term grading approaches to the site. It is not clear how this is to be dealt with.

Sections and spot elevation grading information should be provided to describe the proposed changes to grading. Grade transitions between the new development and the public street and boundaries should be subtle. Use of retaining walls will be discouraged especially where they create barriers at streets, or along sidewalks and reduce universal accessibility opportunities.

Universal accessibility should be provided throughout the site.

Preservation of Public Art

Public Art reflects cultural diversity and history in the City. The New Official Plan encourages the inclusion of public art in all significant private sector developments across the City. The provision of new public art would be reviewed as part of the next phase of development however opportunity exists through this application to consider the preservation of an existing art piece. There are three areas on the Don Mills Centre that currently support artwork that have been included in the former municipality of North York's inventory of public art and moveable art.

These include: the “Don Mills Montage” by Charles Staffer on the existing shopping mall; “Counterpoint” by Maryon Kantaroff located at 75 The Donway West; and “Messenger” by Augustin Filipovic located on the post office site.

The Don Mills community has identified the “Don Mills Montage”, a ceramic mosaic mural as being important to the community. The disposition of this art piece needs to be clarified at this stage. The mural is located above the north entrance of the former Eaton’s wing of the enclosed mall. The applicant has indicated initial support for finding a way to re-integrate the art piece into their plans for redevelopment.

It is recommended that a proposal be submitted prior to the issuance of the demolition permit for this portion of the shopping mall and that the locations for the other art installations be shown on the final plans.

Construction Management Plan

One of the concerns expressed by the local community related to demolition and construction activity and their impact on the uses that will remain during the demolition and construction program as well as their off-site impacts. In order to mitigate impacts during demolition and construction, as a condition of approval it is recommended that the applicant submit a Construction Management Plan to the satisfaction of Technical Services in consultation with the Director of Community Planning. The plan should include information about the demolition and construction timetable and protocols to deal with construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces, and contact numbers for complaints.

Circulation Comments

The application was circulated to all appropriate agencies and City Departments. Responses received to date have been used to assist in evaluating the proposal and formulate recommendations. The comments are attached to this report and are summarized below.

1. Technical Services

Technical Services is recommending the applicant submit a Construction Management Plan, functional design drawings illustrating all proposed roadway modifications along the adjacent public roadways, and a final storm water management report for approval. Staff recommends the stormwater management report include:

- (a) the installation of stormwater pollution control devices such as oil grit separators (stormceptors or equivalent devices). Grass swales, perforated pipes, infiltration/exfiltration and detention systems are recommended for storm water quality management;

- (b) the applicant should consider the feasibility of using “green roof” alternatives for stormwater detention for flat roof areas. If there are quality controls to be constructed on site the City will consider a reduction in the cash-in-lieu payment; and
- (c) the owner will be required to drain 50% of large impervious areas such a parking lots within the development site to pervious areas such as landscaped gardens, vegetative swales and/or perforated systems.

The applicant submitted a Transportation Impact Study which has been reviewed by Transportation Services in consultation with staff in Transportation Planning in the City Planning Division. The study analyzes the potential traffic impact on existing/proposed access driveways and on-site circulation.

Transportation Services staff has identified a number of issues ranging from the lack of information provided on the submission to specific concerns with respect to the location and/or design of the 10 existing/proposed access points to the site, as well as, site circulation concerns. Staff is recommending the applicant submit revised plans and drawings and a revised Traffic Impact Study.

Generally, key transportation comments can be summarized as follows:

- So as not preclude the proposed east-west driveway (Street “A”) from becoming public, Transportation Services requires it be designed to maintain an 18.5m cross-section, whereby the minimum pavement width is maintained at 8.5m, integrating the street design with the context of the surrounding neighbourhood, to protect for a future public roadway. The proposed private roadway must be constructed to municipal standards;
- The proposed north-south road (Street B) shall be designed with a minimum pavement width of 8.5m, for consistency with the east-west road (Street A);
- The northerly driveway on Don Mills Road, proposed to be relocated further north of its current location, must be restricted to right-in/right-out movements only, to preclude future conflicts with the operations of the Don Mills Road and Lawrence Avenue East intersection and the proposed gap in the median along Don Mills Road must be closed;
- The driveway along Lawrence Avenue, proposed to be relocated further west of its current location must be restricted to right-in/right-out movements only. All left-turn movements from this access point will be prohibited. Revised plans should illustrate appropriate physical measures restricting the left-turn movements at the driveway;
- Angled parking, particularly along ‘Street B’ (primary north-south driveway) will increase vehicle conflicts among opposing parking stalls and with the through movements along the roadway. Because this driveway will experience a high volume of traffic activity and operate as a ‘Main Street’, staff is requiring the 8 most northerly angled parking spaces along the east side of the driveway be removed and relocated;

- The row of angled parking spaces proposed along the west side 'Street C' are a concern and must be re-evaluated. Revised plans are required to demonstrate how these spaces will operate in conjunction with the flow of traffic. The revised submission will also need to incorporate traffic control measures to increase vehicle and pedestrian safety;
- The proposed loading areas must be re-evaluated. The location for the loading areas for buildings A, B, F, M/N, R, 49 and 75 The Donway West will result in loading vehicle manoeuvres conflicting with main driving aisles, parking spaces, internal intersections; and areas of high pedestrian activity. This situation will compromise safety of both vehicles and pedestrians, as well as the efficiency of loading operations;

Transportation Services have advised that the results of the Traffic Impact Study considered the intersection of Overland Drive/The Donway West with the access as signalized. The study results detailed that the levels of service for the signalised intersections north and south of this location currently operate at acceptable levels of service, and would continue to operate satisfactorily under future total traffic conditions. Staff would consider the installation of traffic control signals at the intersection once the appropriate traffic signal control warrants are met. Staff advise that no upgrades to a pedestrian actuated traffic signal are required at this time since the existing pedestrian crossover facilitates effective crossings at this location. However, given that the proposed realignment of the new driveway with Overland Drive will introduce additional traffic movements in the vicinity of the crossing, staff advise that the crossing will need to be relocated at the applicant's expense.

2. Parks and Recreation Planning

Parks and Recreation Planning staff advises this development will be subject to a 2% on-site parkland dedication. Based on the site area of the lands that are subject to this application the parkland conveyance to the City would be 2,386.6m². Staff has indicated it is the City's intent to expand the City owned lands at the Don Mills Civitan Arena in order to provide the City with the opportunity in the future to construct a community centre on the site. As such, the required parkland should be located either west of the arena site or, another location on the Don Mills Shopping Centre site to the satisfaction of the General Manager of Parks, Forestry and Recreation in consultation with the local councillor.

Staff is recommending the required parkland dedication for the subject Site Plan application (Phase I) be required to be conveyed to the City prior to the issuance of the first building permit for Phase II or 5 years from the date of final approval of the subject Site Plan Application whichever comes first. In the interim, the applicant will be required to provide the City with a Letter of Credit in the amount equal to the market value of the required parkland dedication which will be determined through an appraisal conducted by staff in Facilities and Real Estate in Corporate Service. The Letter of Credit would be released once the required amount of parkland has been conveyed to the City.

3. Urban Forestry Services

Staff in Urban Forestry Planning and Protection advise there are no City owned trees involved with this project. The existing trees around the perimeter of the site along the Don Mills Road and The Donway West frontages of the site are privately owned. The applicant is proposing a row of trees within the Lawrence Avenue East City Road Allowance. Urban Forestry staff is recommending the applicant provide a tree planting financial security for the proposed tree planting to guarantee the healthy growth of trees for a period of two years.

The Arborist Report filed by the applicant identifies 167 trees that are located on private property, most of which are located just inside the property lines. The analysis concludes that 56 of these trees would require removal as a result of the development of which, 15 trees would meet the size criteria for protection under the Private Tree By-law. The developer will be required to submit an application requesting permission to remove private trees. A suitable tree replacement proposal will need to be reviewed as part of the final site plan.

At the time of writing this report, comments from Urban Forestry regarding private trees had not been received.

Conclusions:

The proposal in its current form is not acceptable at this time. Staff is recommending the application be revised to bring buildings with entrances facing the street and closer to Don Mills Road.

Improvements to the site landscaping are also recommended. The applicant should be required to provide a landscape plan that includes details for: the town square; an enlarged landscaped open space at Lawrence Avenue and Don Mills Road; parking lot edges and parking lot interiors; the north terminus of the north-south private driveway; the corner of The Don Way West and Don Mills Road; streetscape improvements along the municipal roads and the streetscape of the internal private driveways; pedestrian routes, fencing and screening of the loading and service areas; and detailed grading and drainage.

With respect to building design, additional design work to improve the quality of the buildings that face Don Mills Road and The Donway West is also recommended. For storefronts that face the internal driveways, the applicant should develop an urban design code that establishes minimum design standards. This would ensure the streetscape along the private driveways achieves a high quality design while providing for some flexibility through the process as stores become leased. The design code and means of its implementation would be prepared to the satisfaction of the Director, Community Planning, North District.

It is recommended that a proposal to incorporate “The Don Mills Montage” ceramic art piece be submitted prior to the issuance of the demolition permit for this portion of the shopping mall.

The applicant is encouraged to develop environmentally positive design strategies for the site that could deal with matters such as storm water and drainage, green roofs, and biotechnologies.

The application has been appealed to the Ontario Municipal Board on the basis that the City has failed to make a decision on the application within 30 days of receiving the application. A five day hearing is set to commence May 29, 2006. This report evaluates the proposal and recommends that the application be revised in accordance with the comments outlined in the report. The report recommends that the City Solicitor and appropriate City staff represent this position at the Ontario Municipal Board.

Contact:

Steve Forrester, Senior Planner

Ph: (416) 395-7126

Fax:

Email: sforrest@toronto.ca

Thomas C. Keefe

Director, Community Planning, North York District

List of Attachments:

Attachment 1: Site Plan

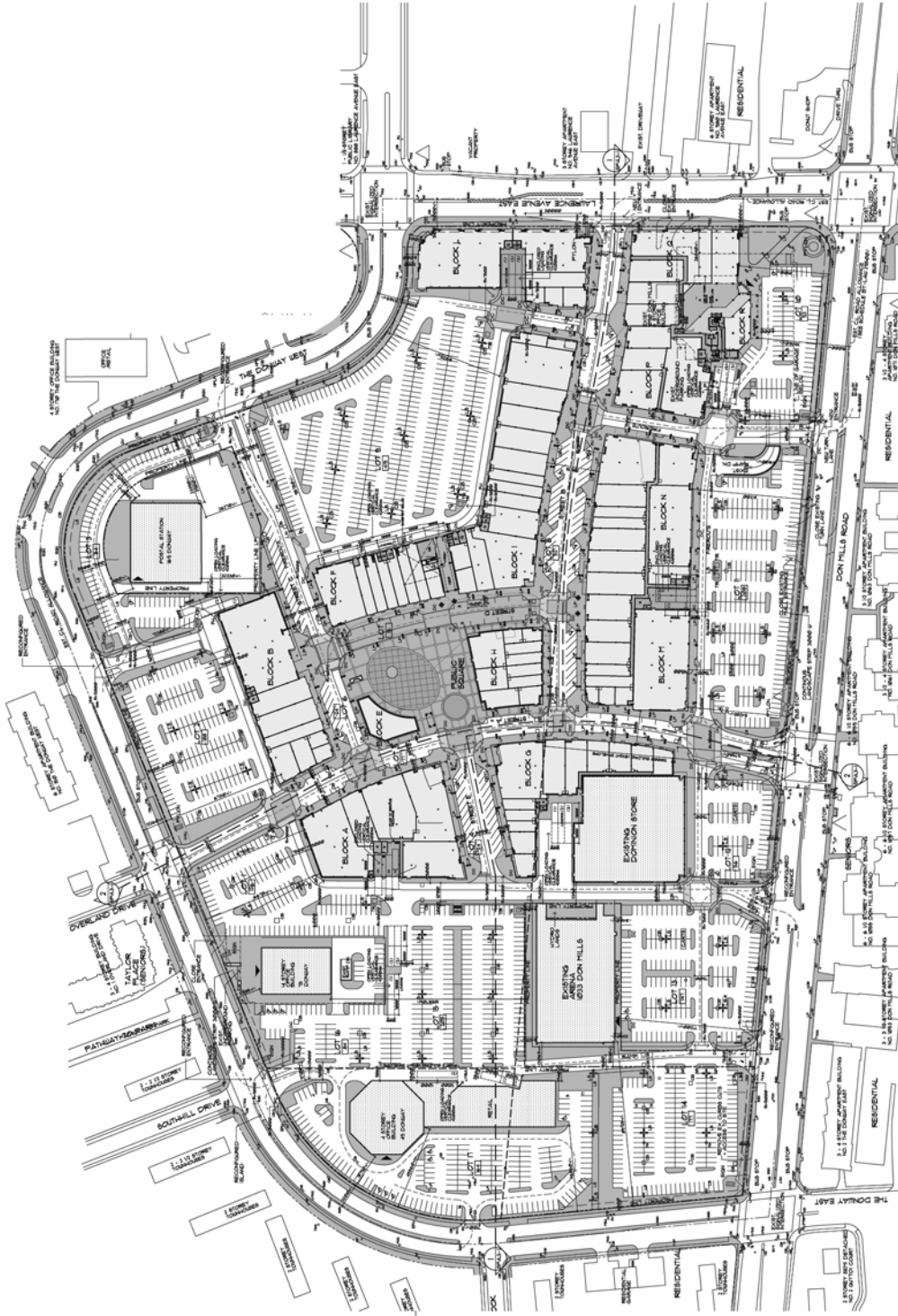
Attachment 2: Landscape Plan

Attachment 3: Elevations

Attachment 4: Application Data Sheet

Attachment 5: Agency Comments

ATTACHMENT 1



Site Layout

Applicant's Submitted Drawing

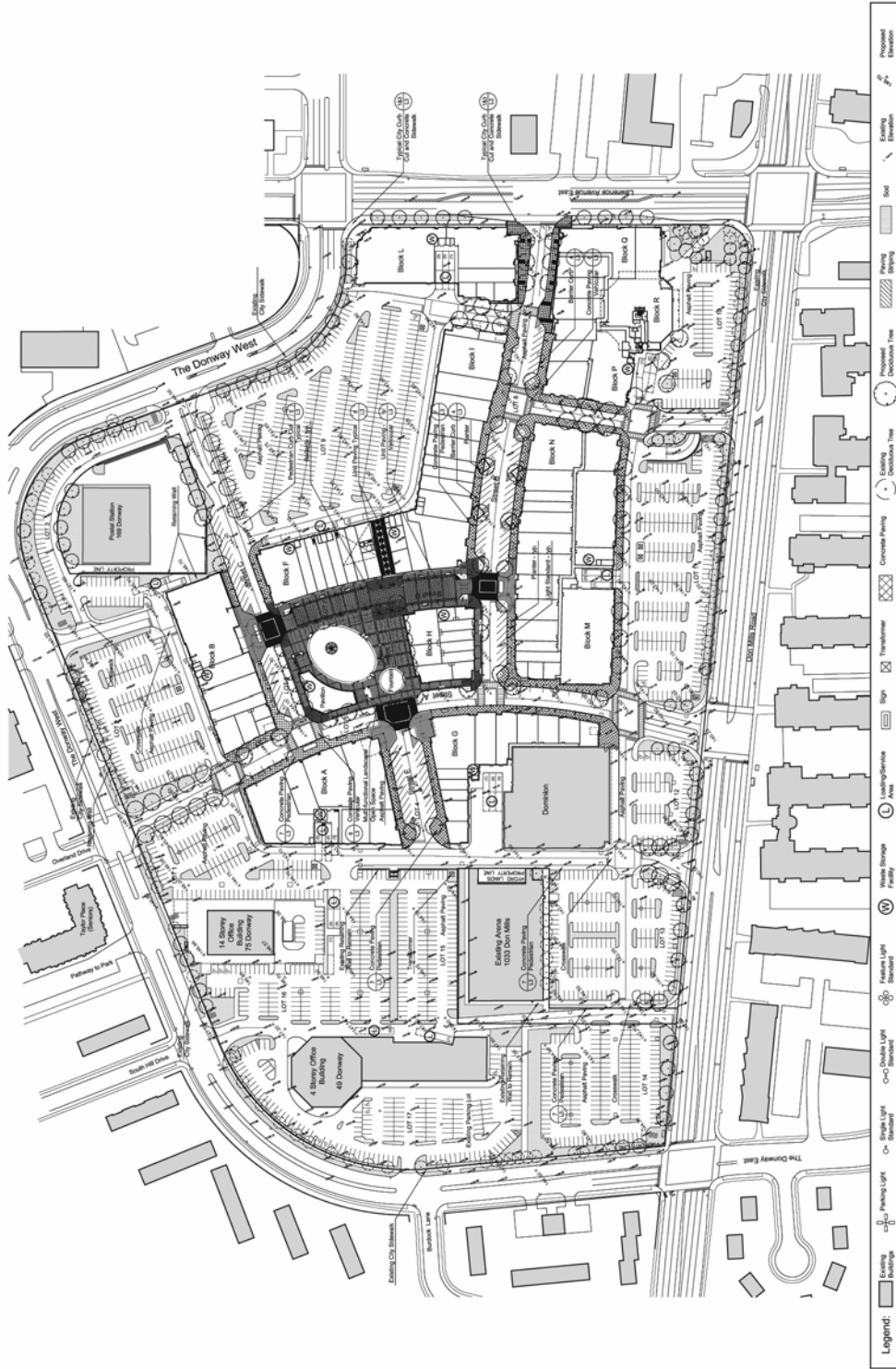
Not to Scale
04/28/06



939 Lawrence Avenue East

File # 05_204361

ATTACHMENT 2



Landscape Layout

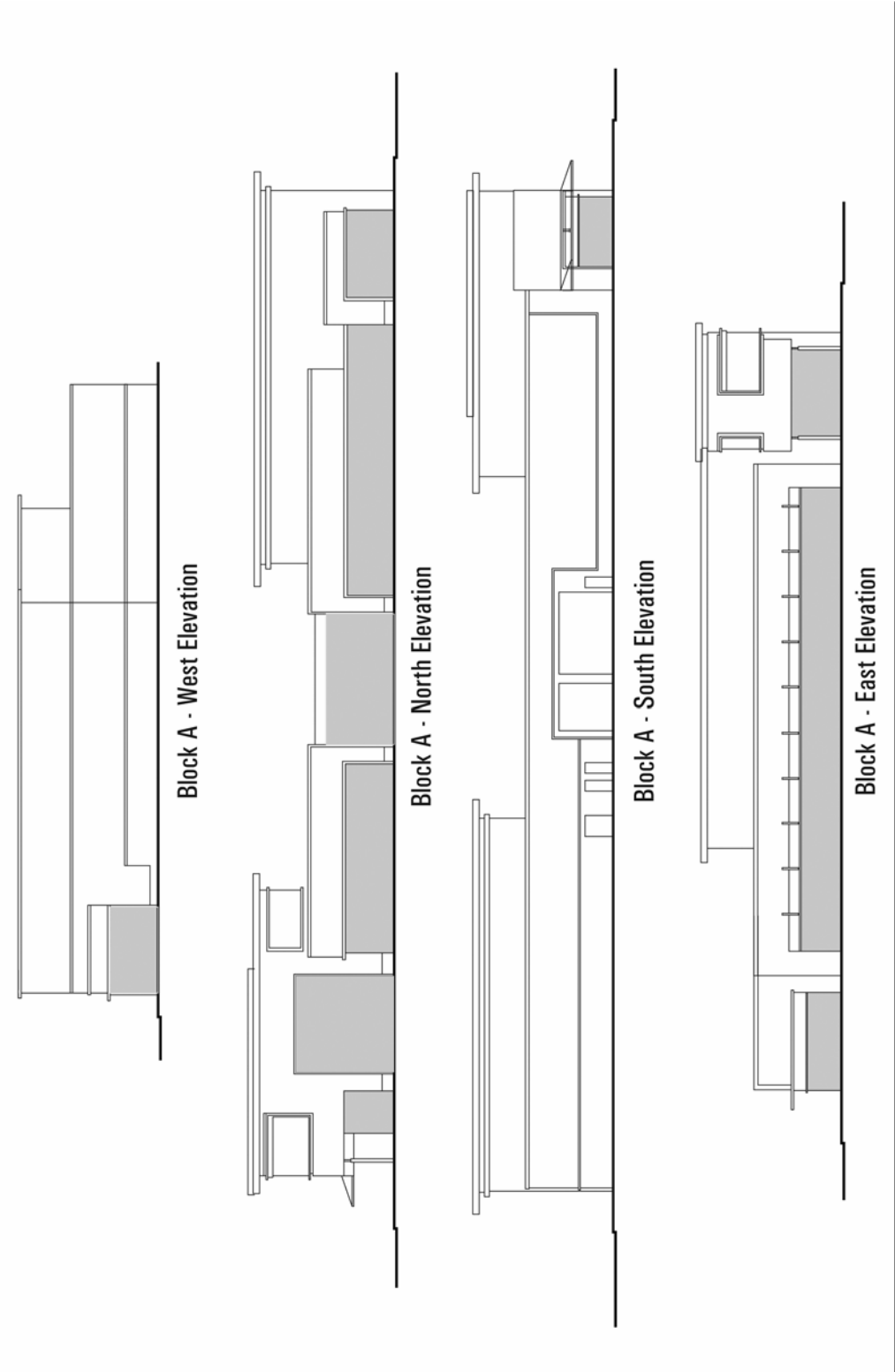
Applicant's Submitted Drawing

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04/28/06

File # 05_204361



ATTACHMENT 3A



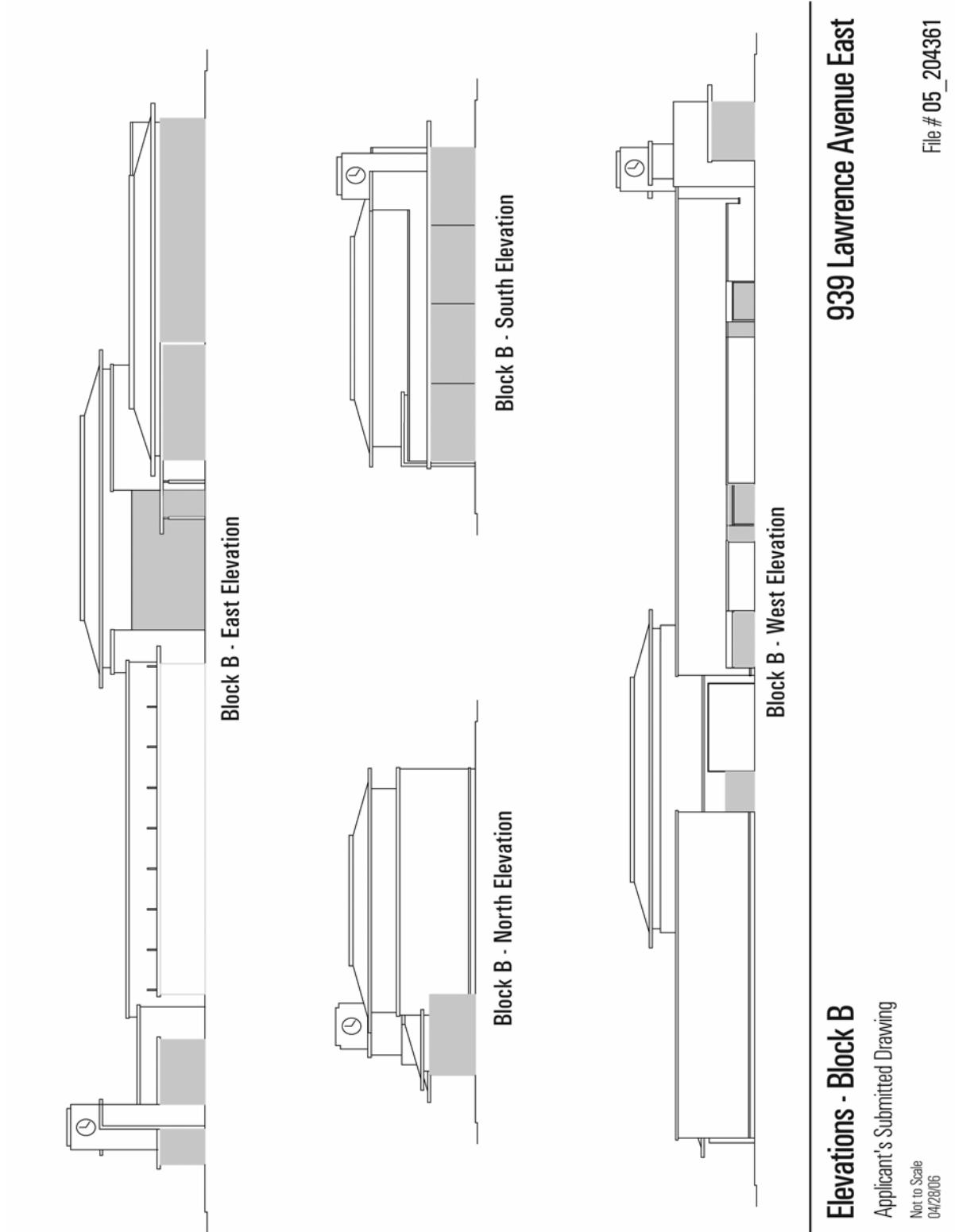
Elevations - Block A
Applicant's Submitted Drawing

Not to Scale
04/28/06

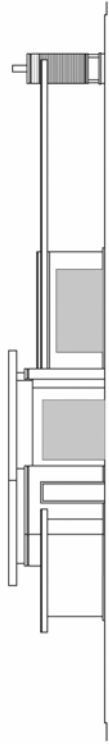
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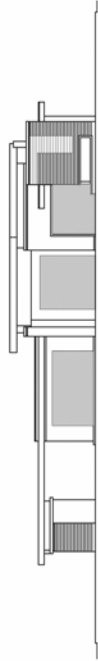
ATTACHMENT 3B



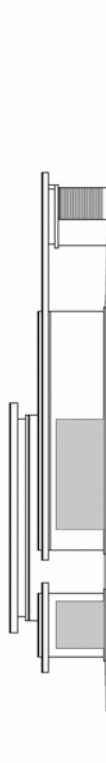
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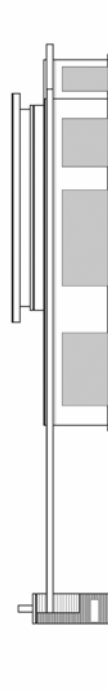
Block E - East Elevation



Block E - South Elevation



Block E - North Elevation



Block E - West Elevation

Elevations - Block E (Block H similar)

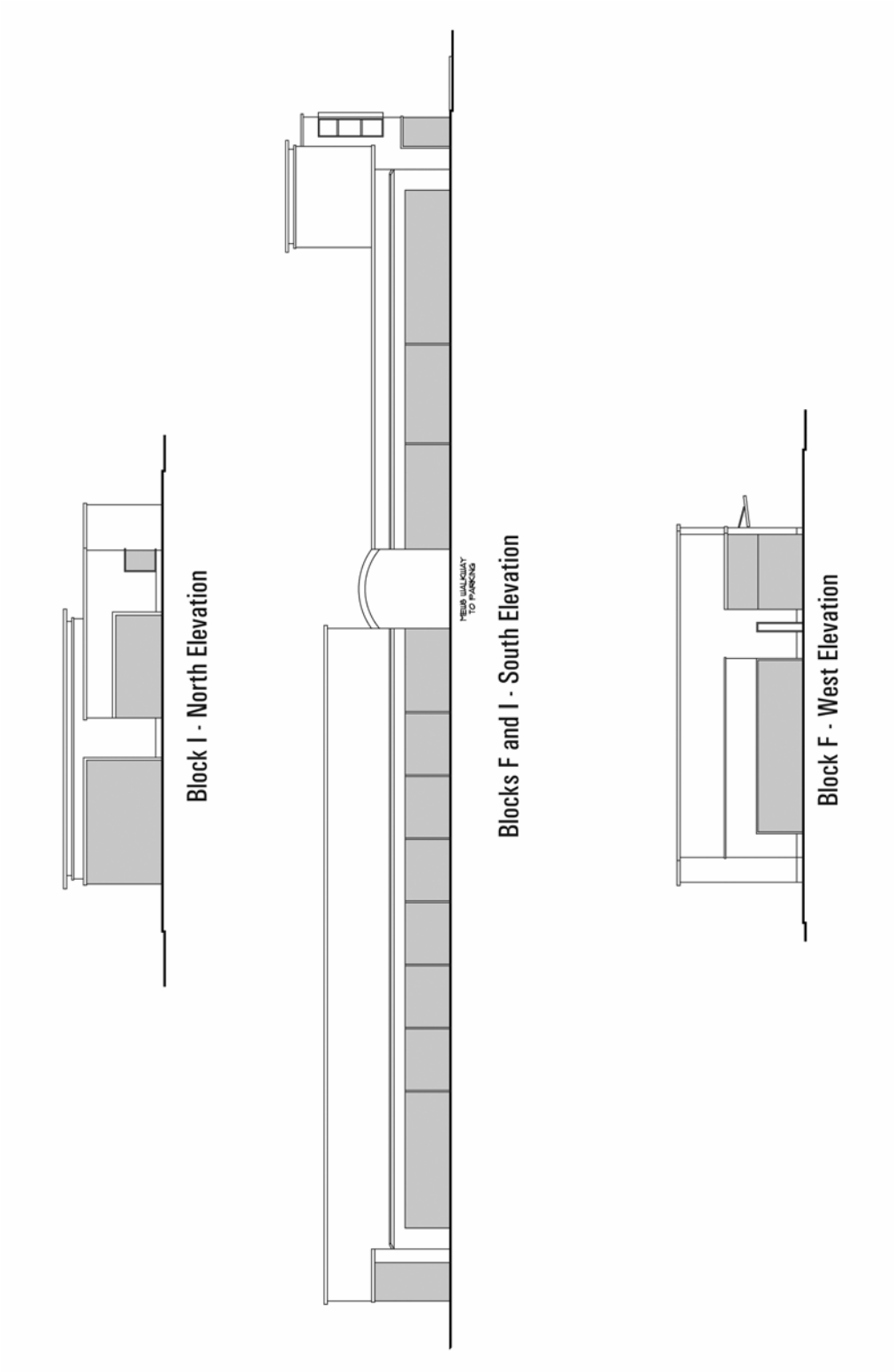
Applicant's Submitted Drawing

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04/28/06

939 Lawrence Avenue East

File # 05_204361

ATTACHMENT 3D



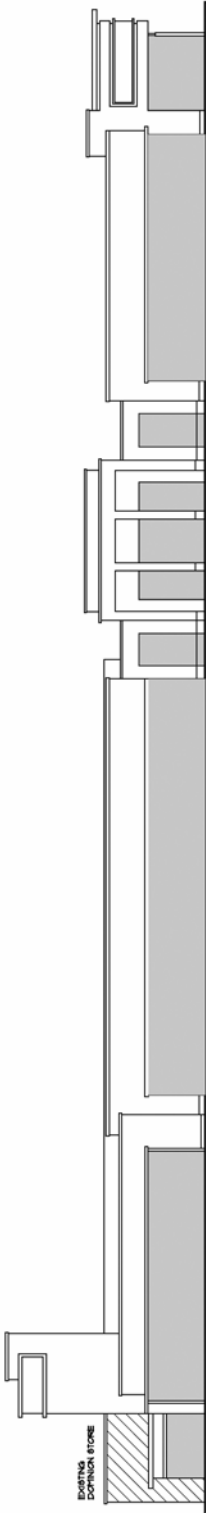
Elevations - Blocks F and I
Applicant's Submitted Drawing

Not to Scale
04/28/06

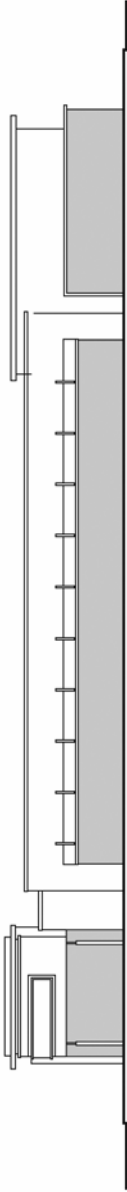
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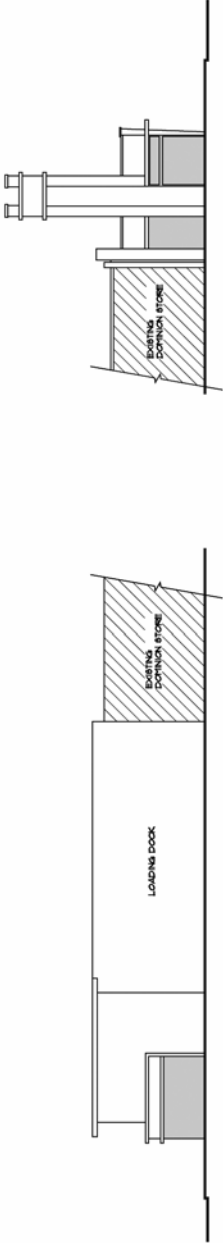
ATTACHMENT 3E



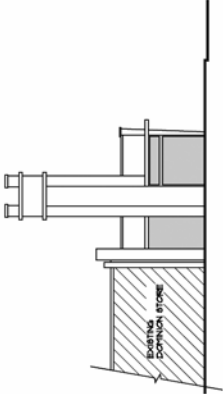
Block G - North Elevation



Block G - West Elevation



Block G - South Elevation



Block G - East Elevation

Elevations - Block G

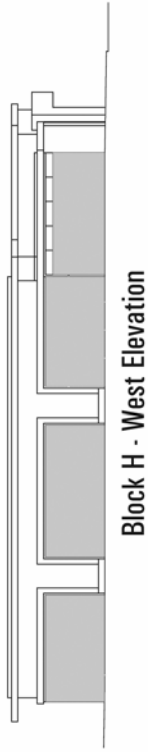
Applicant's Submitted Drawing

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04/28/06

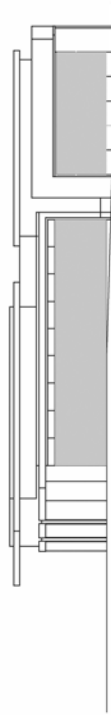
939 Lawrence Avenue East

File # 05_204361

ATTACHMENT 3F



Block H - West Elevation



Block H - South Elevation



Block H - North Elevation



Block H - East Elevation

Elevations - Block H

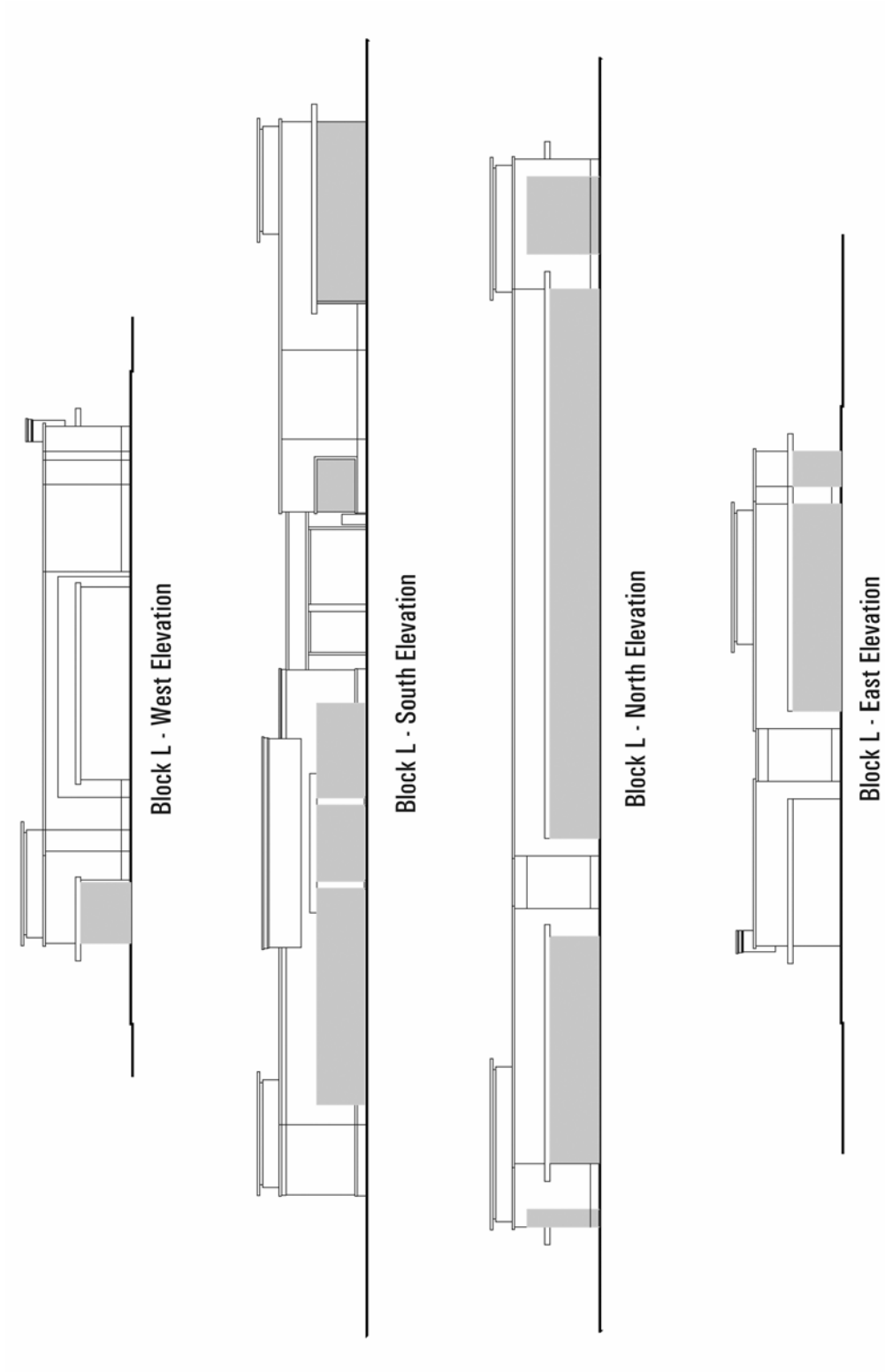
Applicant's Submitted Drawing

Not to Scale
04/28/06

939 Lawrence Avenue East

File # 05_204361

ATTACHMENT 3G



Elevations - Block L

Applicant's Submitted Drawing

Not to Scale
04/28/06

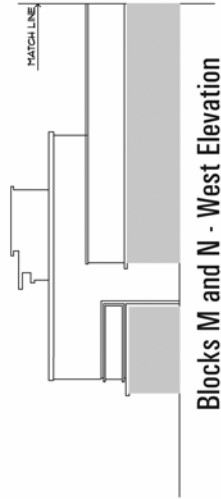
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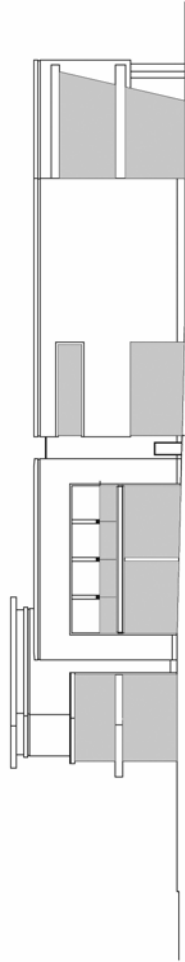
ATTACHMENT 3H



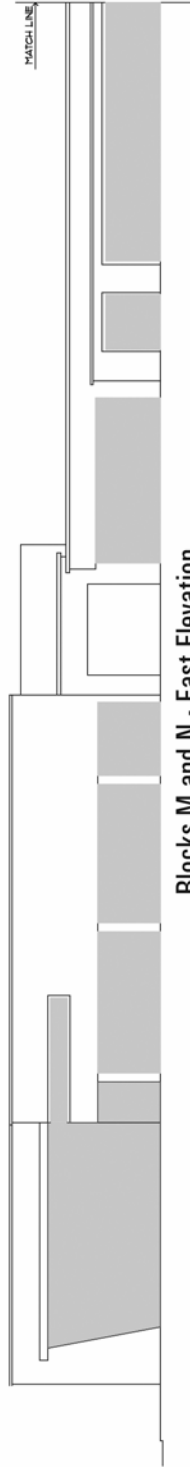
Blocks M and N - West Elevation



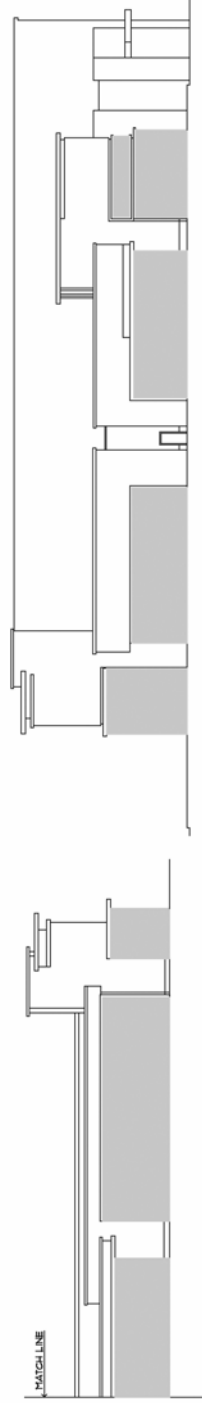
Blocks M and N - West Elevation



Blocks M and N - South Elevation



Blocks M and N - East Elevation



Blocks M and N - North Elevation

Blocks M and N - East Elevation

Elevations - Blocks M and N

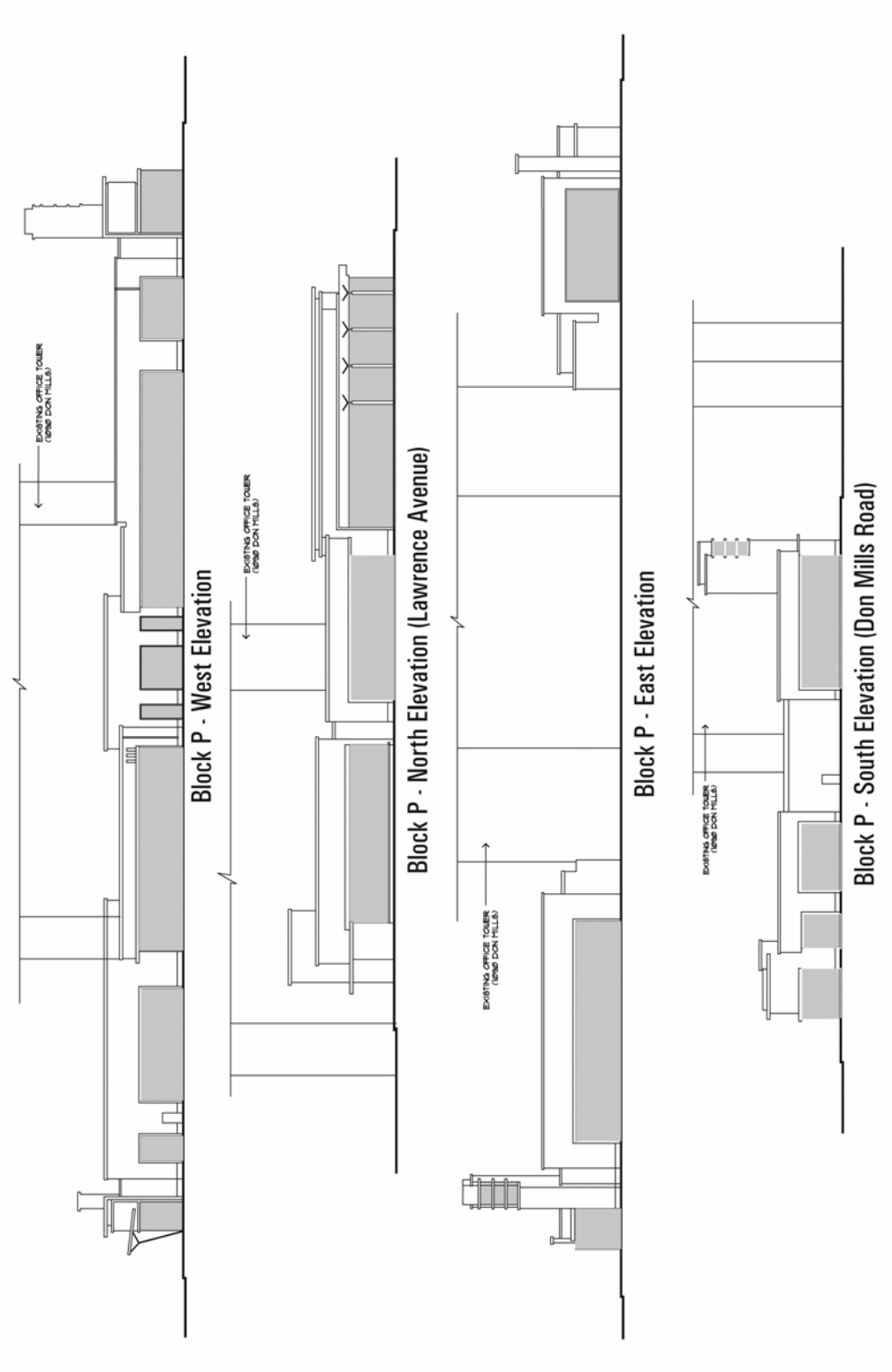
939 Lawrence Avenue East

Applicant's Submitted Drawing

Not to Scale
04/28/06

File # 05_204361

ATTACHMENT 3I



Elevations - Block P
Applicant's Submitted Drawing

Not to Scale
04/28/06

939 Lawrence Avenue East

File # 05_204361

ATTACHMENT 4

APPLICATION DATA SHEET

Application Type	Site Plan Approval	Application Number:	05 204361 NNY 25 SA
Details		Application Date:	November 22, 2005

Municipal Address:	939 LAWRENCE AVE E, TORONTO ON
Location Description:	PLAN 4545 PT BLK A PT BLK D PC 429 **GRID N2510
Project Description:	new shopping centre

PLANNING CONTROLS

Official Plan Designation:	COM	Site Specific Provision:	
Zoning:	C3(8)	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	155684	Height:	Storeys:	14
Frontage (m):	505		Metres:	0
Depth (m):	208			
Total Ground Floor Area (sq. m):	42465			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	2354
Total Non-Residential GFA (sq. m):	79330		Loading Docks	25
Total GFA (sq. m):	79330			
Lot Coverage Ratio (%):	27			
Floor Space Index:	0.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	53360	0
1 Bedroom:	0	Office GFA (sq. m):	25970	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126