

**939 Lawrence Ave E., 49 & 75 The Donway West  
Official Plan & Zoning Amendment Applications  
Preliminary Report**

<b>Date:</b>	April 17, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward No. 25 – Don Valley West
<b>Reference Number:</b>	File No. 01 036318 NMI 25 OZ

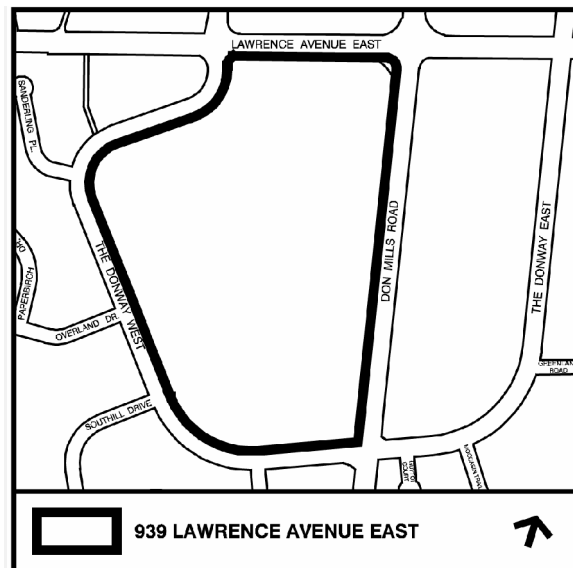
**SUMMARY**

A revised Official Plan and Zoning By-law amendment application has been submitted to permit a mixed use development at the Don Mills Shopping Centre.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The report recommends that a community consultation meeting be scheduled by City Planning staff, in consultation with the Ward Councillor. In addition, staff be directed to develop a community consultation strategy, in consultation with the Ward Councillor and adjacent Ward Councillor, including meetings with working groups of local agency groups, community representatives, City staff from various departments, and the applicant.

A Final Report and a Public Meeting under the Planning Act will be scheduled when appropriate, provided that any required information is submitted in a timely manner.



## RECOMMENDATIONS

### The City Planning Division recommends that:

1. staff be directed to schedule a community consultation meeting with the Ward Councillor and develop a community consultation strategy, in consultation with the Ward Councillor and adjacent Ward 34 Councillor, including meetings with working groups of local agency groups, community representatives, City staff from various departments, and the applicant;
2. notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
3. notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

### Financial Impact

The recommendations in this report have no financial impact.

## DECISION HISTORY

The Don Mills Centre has been the subject of applications to amend the Official Plan and Zoning By-law that have gone through two revisions to date. In addition, the site was the subject of a Site Plan Control application to replace the enclosed shopping mall with a new outdoor shopping centre that was approved by the Ontario Municipal Board.

In November 2001, Cadillac Fairview Corporation Limited, the owner of the mall, filed an application to amend the Official Plan and Zoning By-law that proposed the creation of a mixed-use development comprised of 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; hotel space; 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 original application proposed an increase in gross floor area (including the arena) from 66,894m<sup>2</sup> to 152,223m<sup>2</sup> yielding a total density of 1.0 FSI. Building heights ranged from 9 to 16 storeys.

A Preliminary Report on the original application was prepared by planning staff and adopted by City Council at its meeting held on February 13, 14 and 15, 2002 (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 was joined by FRAM Building Group, a residential builder, in a joint venture, and filed a revised application to redevelop the Centre. The revised proposal contemplated an alternative land use mix including higher building heights and density compared with the original proposal. In addition, the proposal did not

include the Don Mills Civitan Arena. The proposal comprised 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 concept combined a traditional enclosed shopping mall with an open-air urban street style environment. The revision yielded an overall density of 1.6 FSI.

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 staff to put the revised application on hold.

On November 22, 2005, Cadillac Fairview filed a Site Plan Control application in order to proceed with the retail/commercial portion of the redevelopment, in advance of the overall development plan and in full compliance with the existing zoning. Cadillac Fairview requested the residential component and respective application to amend the zoning and Official Plan be put on hold pending completion of the Site Plan process. The application was appealed by Cadillac Fairview on March 1, 2006 on the basis that the City failed to approve the plans and drawings within 30 days of submission. Following a settlement approved by City Council at its meeting held on May 23, 24 and 25, 2006, the application was approved by the Ontario Municipal Board on December 20, 2006.

The enclosed shopping centre has been demolished, site servicing and building construction has commenced with completion targeted for August 2008.

## **ISSUE BACKGROUND**

### **Proposal**

On December 28, 2006, Cadillac Fairview filed a revised application for what they refer to as the second phase of the proposed redevelopment of the Don Mills Centre. Generally, the proposal comprises a series of mixed-use buildings along The Donway West and two new private roads, the conversion of 75 The Donway West to a seniors condominium with service commercial uses at grade, a 4,483m<sup>2</sup> public park (in the area south of 75 The Donway) and a 2-storey, 1,351m<sup>2</sup> Recreation Centre. The Recreation Centre is located in the area south of 75 The Donway outside the park edge and is attached to one of the proposed apartment buildings (Building B2).

In total, 1,354 dwelling units are proposed, of which, 1,207 represent new construction while 147 would be created through the conversion of 75 The Donway West. Approximately 30% (415 units) of the dwelling units are targeted for seniors, including a rental retirement apartment building.

The buildings north of 75 The Donway are designed with building heights up to 10-storeys while the buildings south of 75 The Donway and extending to Don Mills Road are terraced from 6 to 14-storeys. The highest buildings proposed are a pair of 32-storey point towers connected by a 6-storey link located towards the interior of the site between the Don Mills Civitan Arena and 75 The Donway West. All proposed buildings feature two-storey high podiums.

Pertinent statistics are provided in Attachment 7 and generally summarized as follows:

Gross Site Area	155,684m <sup>2</sup>
Parkland Conveyance	4,483m <sup>2</sup>
Net Site Area	151,201m <sup>2</sup>
Commercial GFA	
Phase 1	44,695m <sup>2</sup> under construction
Dominion	4,115m <sup>2</sup> (to be maintained)
1090 Don Mills	8,735 m <sup>2</sup> (Royal Bank building - to be maintained)
Proposed	93,656m <sup>2</sup>
Total	151,201m <sup>2</sup>
Residential GFA	141,526m <sup>2</sup>
Total GFA	292,727m <sup>2</sup>
Dwelling Units	1,354
Gross Density (FSI)	1.9

## Site and Surrounding Area

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 155,684m<sup>2</sup> (15.5ha or 37 acres) of site area. Construction is currently underway on a new ‘lifestyle’ retail and service commercial centre. The existing Dominion Food store and 5-storey office building (Royal Bank) at 1090 Don Mills Road will be integrated into the new retail centre. The southern portion of the site is currently developed with a 4-storey office and retail building at 49 The Donway West. Extensive surface parking exists throughout the Centre.

In August 2005, Cadillac Fairview acquired the lands at 75 The Donway West which is presently occupied by a 14-storey office building with ground floor retail and service commercial uses.

Lands within the Centre also include the Postal Station building at 169 The Donway West and Don Mills Civitan Arena, both of which are under separate ownership and do not form part of the application. Land uses surrounding the 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.

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities, wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The new Official Plan is in effect, with the exception of Policy 3.1.2.5 (Built Form) that pertains to landscaping and streetscaping amenities and policies in regard to the floodplain "Special Policy Areas".

Cadillac Fairview has appealed the new Plan, as it relates to the Don Mills Centre site to the Ontario Municipal Board. The OMB did not bring the Plan into force for lands subject to applications that were under appeal to the OMB as of July 6, 2006, the approval date. OMB Order No. 1928 therefore exempted the subject site from approval of the new Plan so the policies of the former City of North York Official Plan remain in effect for this property.

Once the Plan does come into full force and effect for the subject lands, it would designate the property as *Mixed Use Areas*. *Mixed Use Areas* are to consist of a broad range of commercial, residential and institutional uses, as well as parks and open spaces. The policies of the Central Don Mills Secondary Plan were incorporated into the new Official Plan.

## **North York Official Plan**

The site is identified on Map A.2 – Potential Urbanization Areas as a *Sub-Centre (SC)*. Part C.10 Section 3.1.0 contains specific policies for sub-centres. Lands identified as *Sub Centres (SC)* are intended to provide for a mix of compatible residential, commercial and institutional uses where medium and high-density development could be accommodated within a Floor Space index of 1.0 to 3.0. The extent, timing and intensity of development shall have regard for the timing and extent of improvements and the capacities of municipal infrastructure and community services. A wide range of residential uses is permitted including multiple unit housing and high rises. Part C.5 Section 3.0 contains additional policies for *Sub-Centres*, noting they are intended to be multi-use focal points for the activity of surrounding residential areas and characterized by a concentration of residential, retail and service commercial, and office uses.

The Don Mills Centre is within the Residential Community of Don Mills as shown on Map C.1.2 of the former 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 and residential development. 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 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. Residential uses are permitted on all commercially-designated lands within a Residential Community where they can be easily served by community, recreational and educational facilities.

While the Official Plan limits residential heights to two storeys and the maximum density to an FSI of 1.0, the Plan supports additional residential height and additional development density in commercial areas, provided that the proposed development meets a set of compatibility criteria found in Part C.5 Section 2.6.0.

#### 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 Secondary Plan sets out policies to guide land use in the area roughly bounded by Leslie Street to the west, York Mills Road to the north, the Don Valley to the east and the CP and CN Rail lines to the south.

The Secondary Plan contains specific policies addressing the Don Mills Centre (Section 4.4.0). This policy states the area is intended to function as the commercial and community centre of the Don Mills Community. Policies in the 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 outdoor activities. The plan also encourages residential uses, particularly in building forms that mix commercial and residential functions. Where residential uses develop, resident parking shall be underground.

Policy 4.3.0 of the Secondary Plan states that no building or structure shall exceed 8 storeys. The Plan further states that new buildings will be complementary and respect the scale and composition of existing buildings in and surrounding the Centre and that taller buildings are to be located along Don Mills Road while lower buildings are to be located along The Donway West.

## **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 site specific parking requirement and establish maximum building heights.

The minimum parking requirement is 1,878 spaces for a gross floor area of 63,513m<sup>2</sup> (683,675 sq.ft.). Beyond that, parking is to be provided on the basis of 1 space per 20m<sup>2</sup> of gross leasable floor area for retail and service commercial uses and 1 space per 48m<sup>2</sup> of gross floor area for business and professional offices. These parking requirements are similar to both Fairview Mall and Yorkdale Shopping Centre.

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.

## **Plan of Subdivision**

Section 51 of the Planning Act grants the City the authority to regulate the division of land through Plans of Subdivision. This authority is used to provide for the orderly servicing and development of large parcels of land in accordance with appropriate municipal regulations and standards. A Plan of Subdivision is used to divide larger parcels of land into a number of lots and/or blocks and to provide for public streets and parks. They are typically used to create public rights-of-way for municipal services.

In view of the size of the site, the location of the proposed access points, and that a public park is proposed, the provision of a public network of streets would provide access and addresses for new development (in particular the two buildings proposed internal to the site). It would also enable the public to freely enter the Centre without obstruction, ensure there is adequate space for pedestrians, bicycles, landscaping, vehicles, utilities and utility maintenance, and ensure appropriate access for both servicing and emergency vehicles, including the proposed parkland.

An application for Plan of Subdivision has not been filed.

## **Site Plan Control**

An application for Site Plan Control approval for this application has not been filed.

However, an application for Site Plan Control approval was filed on March 14, 2007 to construct a 3-storey parking structure at the northwest corner of the site, along The Donway West, adjacent to the Post Office site. The proposed parking garage is planned to accommodate parking for the commercial component and would replace the surface parking that currently exists on the lands proposed for residential redevelopment.

It should also be noted that a minor variance application was concurrently filed with the site plan application seeking relief on height and loading provisions of the Zoning By-law. The height variance is required for enclosed stairwell/elevators and light standards that project above the 11m height limit.

## **Don Mills Environmental Assessment**

An Individual Environmental Assessment study is currently underway to assess transit improvements in the Don Mills Road corridor for continuous service between Don Mills Station (Sheppard Subway) and the Downtown Core and Toronto Waterfront, including integration with other transit services such as the Bloor-Danforth subway.

Planning staff will monitor the progress of the study to determine if there are any options or design concepts for transit improvements that may need to be evaluated in the context of this application.

## **Tree Preservation**

The owner must submit an Arborist/Tree Preservation Report to determine if any trees need to be removed to accommodate the development. The owner will be required to obtain the necessary permits prior to removing any trees pursuant to Tree Protection By-law No. 780-2004 and the 'Trees On City Streets' by-law .

## **Reasons for the Application**

An amendment to the Official Plan and Zoning By-law is required to permit the proposed density and building heights and to establish performance standards to facilitate the proposed built forms.

## **COMMENTS**

### **Community Consultation Process**

Previous consultations with the local community have clearly demonstrated there is significant concern and interest in the redevelopment of the Don Mills Centre.

An effective way to address issues on large applications such as this is through the creation of working groups. A community consultation strategy should be developed, in consultation with the Ward Councillor and adjacent Ward 34 Councillor, to engage the community in a meaningful review of the application with both City staff and Cadillac Fairview and its consultants. This approach has been used successfully in other large development applications in the City particularly along the Sheppard Subway Corridor (Canadian Tire and Parkway Forest) where working groups comprising interested stakeholders including local agency groups, community representatives, landowners, tenants, and City staff from various departments, were established. This collaborative process would involve a series of regularly scheduled meetings to provide interested stakeholders an opportunity to participate in working groups to exchange information and discuss issues such as transportation, built form and urban design, community services and facilities, or housing.

### **Issues to be Resolved**

On a preliminary basis, the following issues have been identified for review and evaluation:



- the appropriateness of the proposed built form, open space, heights and density of development;
- the location of the parkland proposed along The Donway West frontage;
- traffic impacts and parking assessment;
- appropriate Section 37 benefits;
- the assessment of community services and facilities in the area;
- opportunities to strengthen the planned function of the Don Mills Centre as the commercial and community centre of the Don Mills community;
- opportunities to integrate the existing Don Mills Civitan Arena in the proposed scheme;
- the adequacy of the proposed indoor and outdoor residential amenity space;
- opportunities for enhanced landscaping, pedestrian connections, bicycle routes, and streetscape improvements;
- assessment of site servicing including stormwater management;
- assessment of whether the proposal should proceed through a Plan of Subdivision;
- the Don Mills Environmental Assessment; and,
- staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standards that were adopted by City Council in July 2006.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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 Fax No. (416) 395-7155  
 E-mail: [sforrest@toronto.ca](mailto:sforrest@toronto.ca)

## **SIGNATURE**

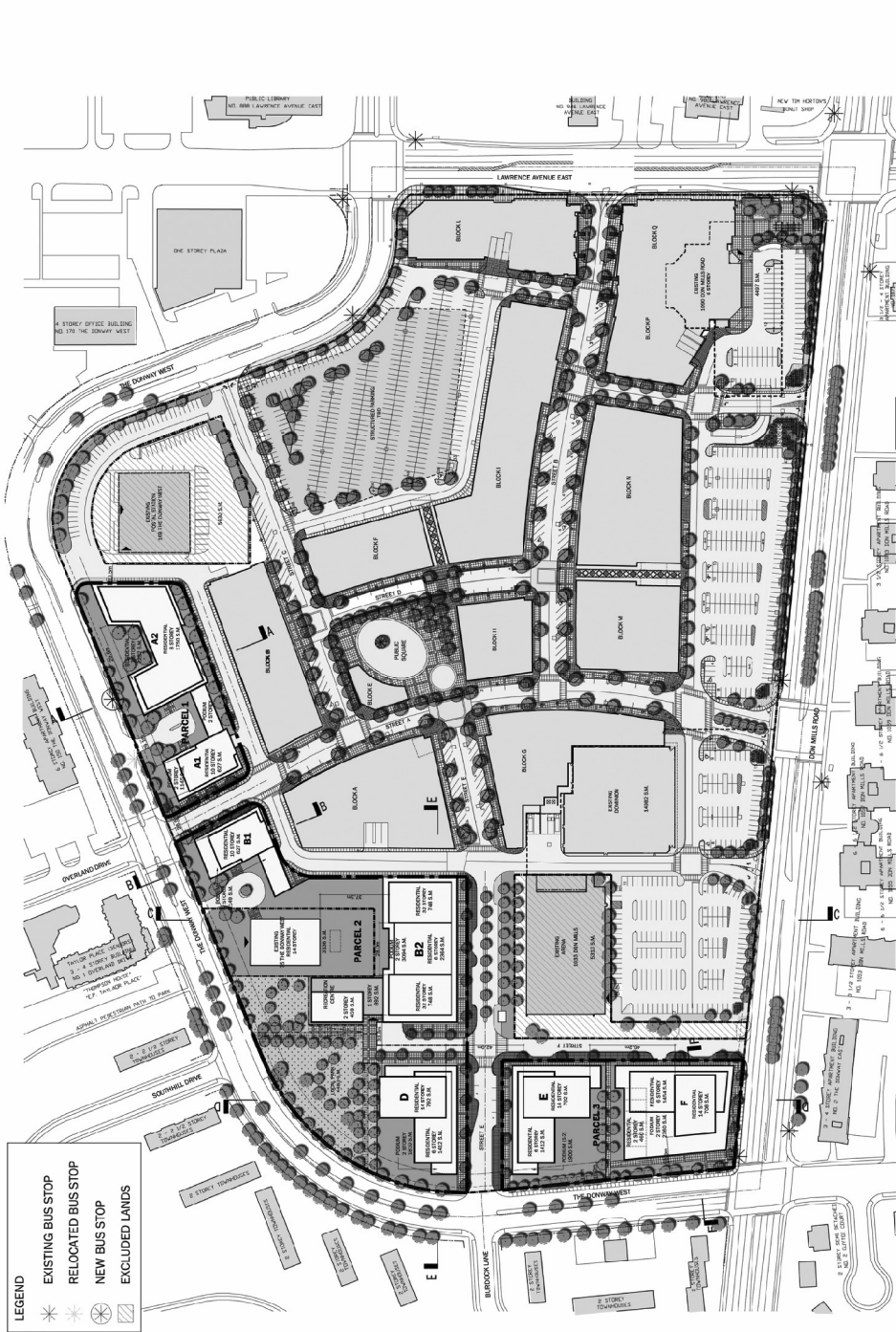
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Thomas C. Keefe, Director  
 Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
 Attachment 2: Perspective [as provided by applicant]  
 Attachment 3: Sections  
 Attachment 4: Sections  
 Attachment 5: Zoning  
 Attachment 6: Official Plan  
 Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



**Site Plan**  
**939 Lawrence Avenue East**  
**and 49 & 75 The Donway West**

Applicant's Submitted Drawing  
 Not to Scale  
 03/16/04

File # 01\_036318



## Attachment 2: Perspective



### Perspective View

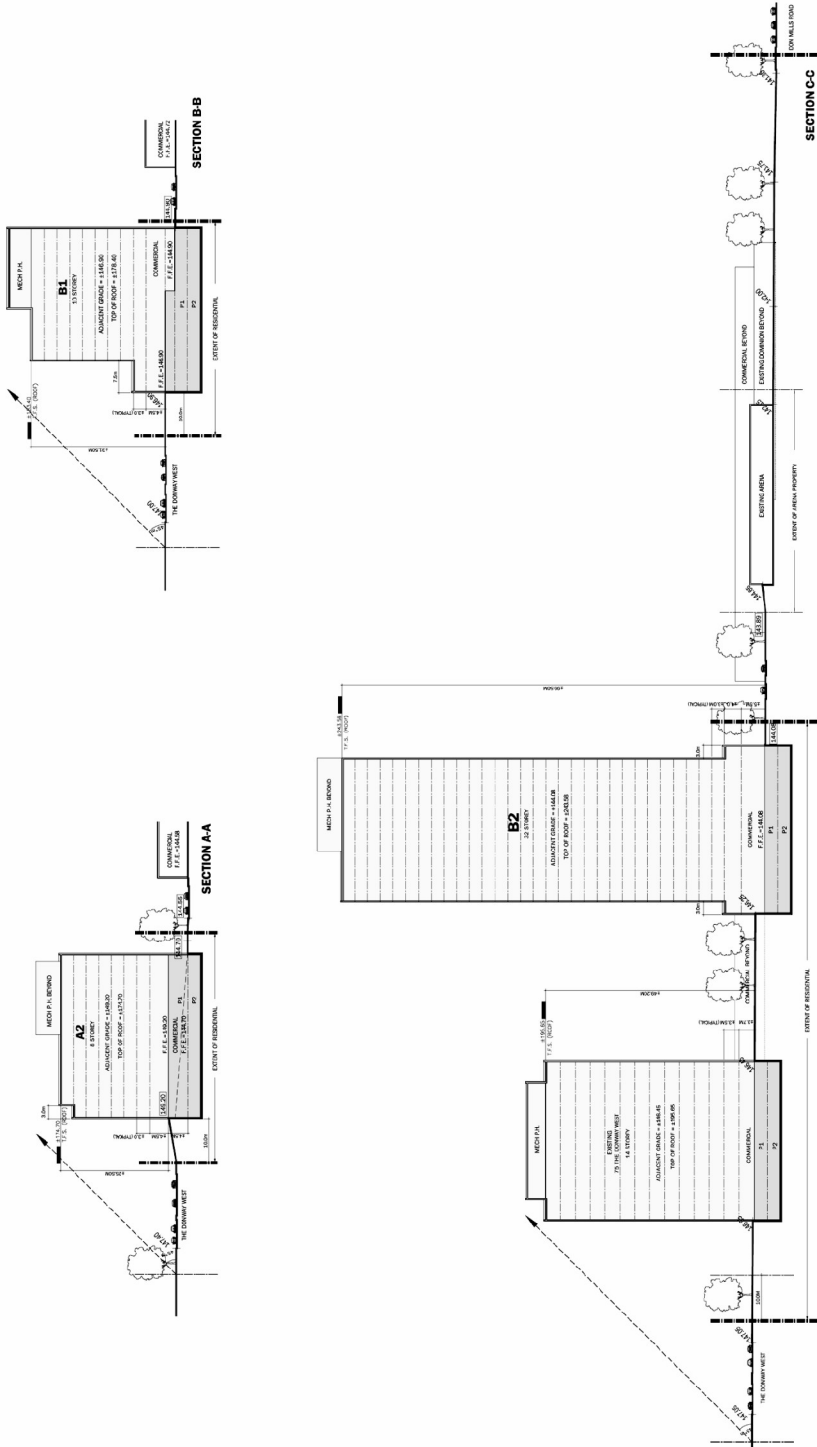
Applicant's Submitted Drawing

Not to Scale  
03/16/04

939 Lawrence Avenue East  
and 49 & 75 The Donway West

File # 01\_036318

# Attachment 3: Sections



## Cross Sections

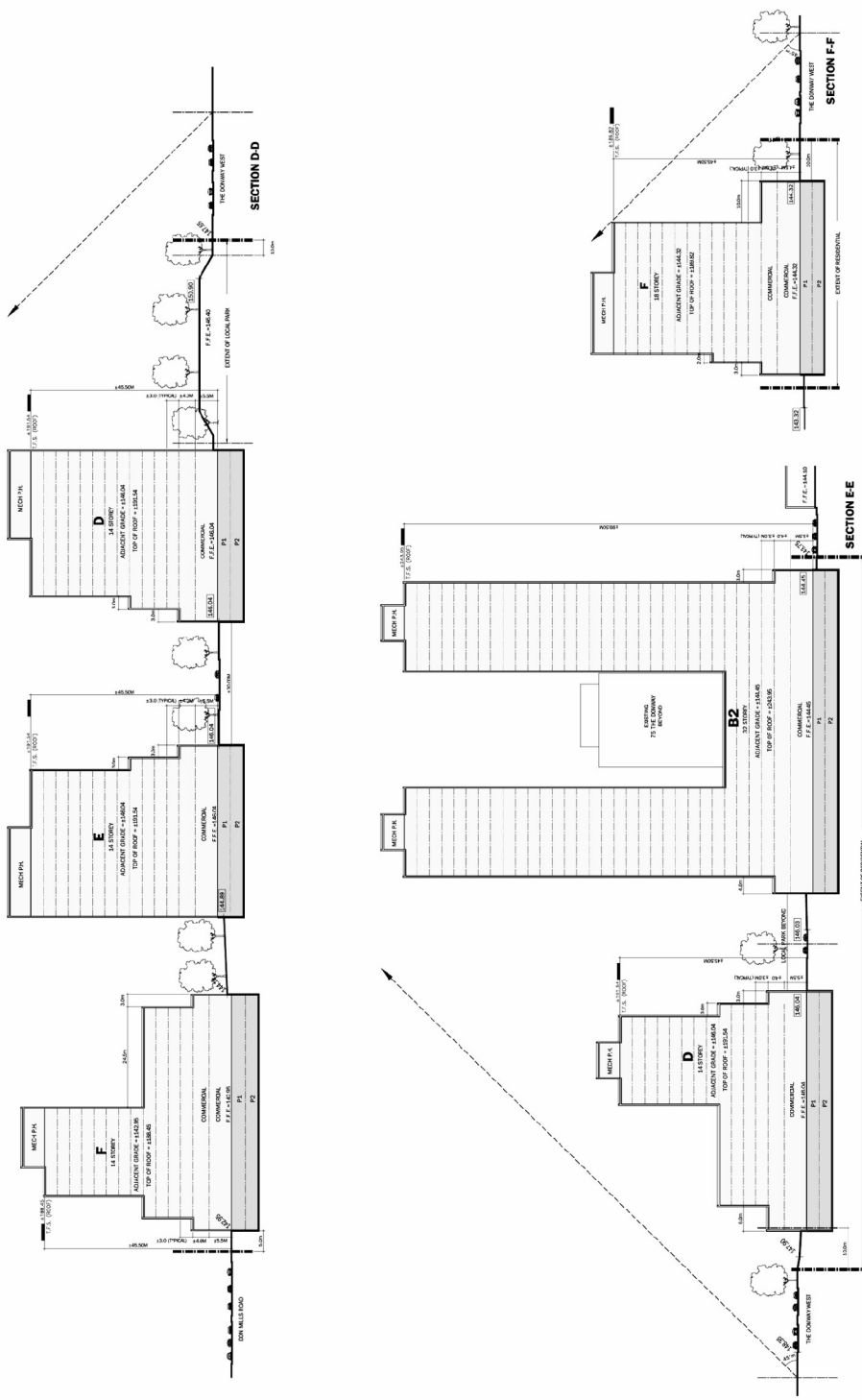
### 939 Lawrence Avenue East and 49 & 75 The Donway West

Applicant's Submitted Drawing

Not to Scale  
03/16/04

File # 01\_036318

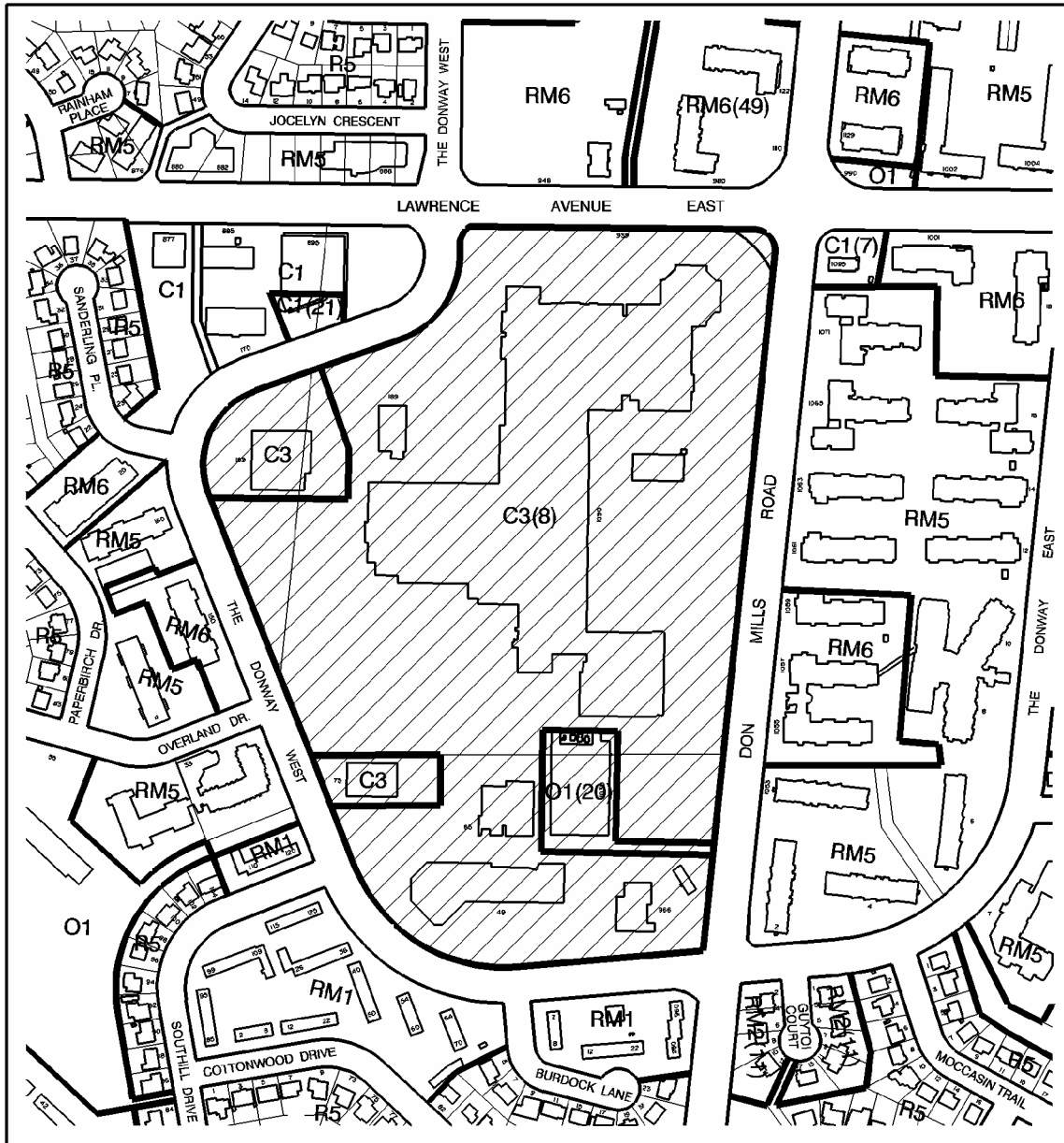
# Attachment 4: Sections



**Cross Sections**  
 Applicant's Submitted Drawing  
 Not to Scale  
 03/16/04

**939 Lawrence Avenue East  
 and 49 & 75 The Donway West**  
 File # 01\_036318

## Attachment 5: Zoning




**TORONTO** Urban  
Development Services  
**Zoning**

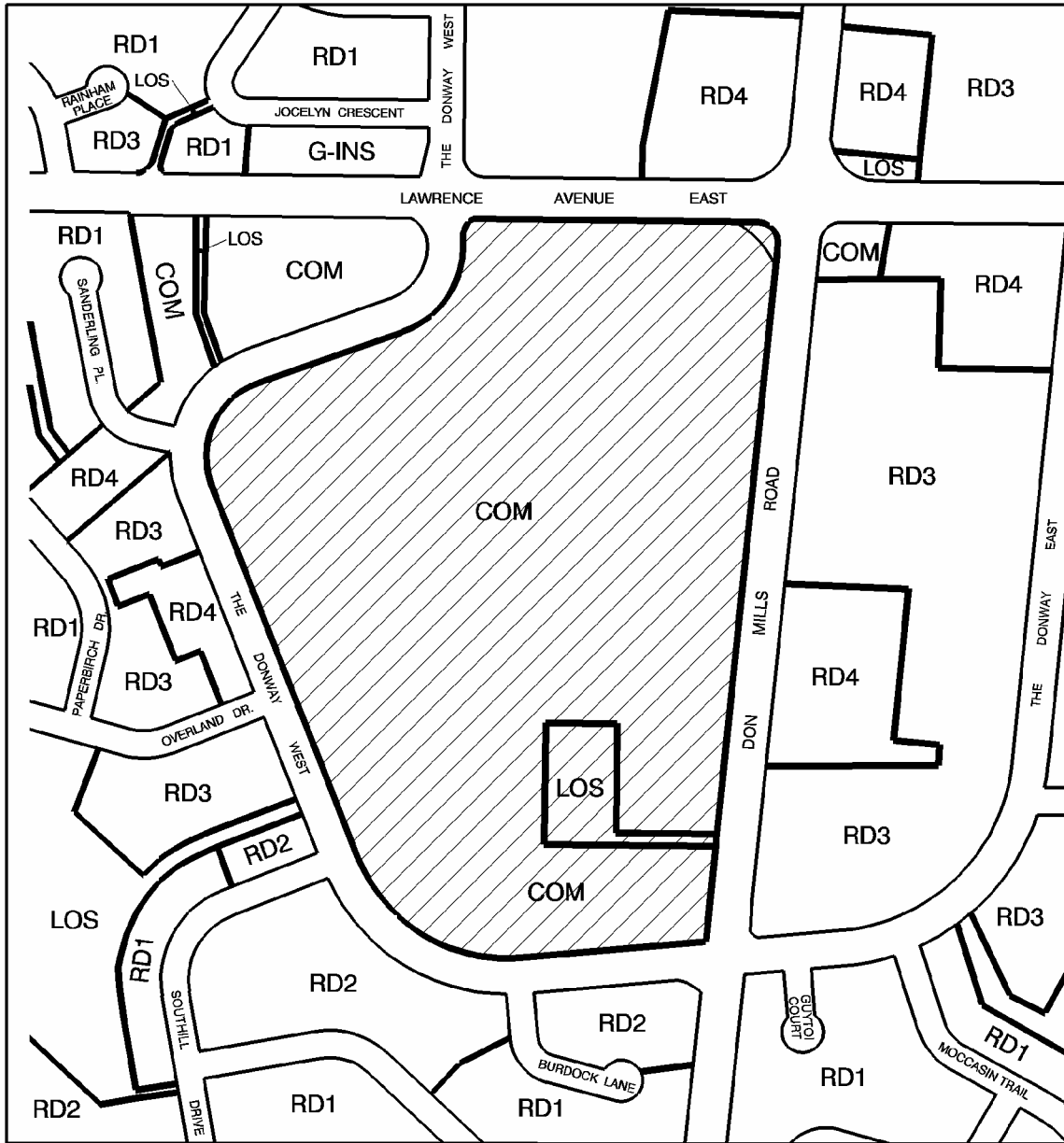
**939 Lawrence Avenue East**

File # 01\_036318

- |  |  |
|--|--|
| R5 One-Family Detached Dwelling Fifth Density Zone | RM6 Multiple-Family Dwellings Sixth Density Zone |
| RM1 Multiple-Family Dwellings First Density Zone   | C1 General Commercial Zone                       |
| RM2 Multiple-Family Dwellings Second Density Zone  | C3 District Shopping Centre Zone                 |
| RM5 Multiple-Family Dwellings Fifth Density Zone   | O1 Open Space Zone                               |
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

  
 Not to Scale  
 Zoning By-law 7625  
 Extracted 12/17/04

## Attachment 6: Official Plan



**TORONTO** Urban Development Services  
**Official Plan**

**939 Lawrence Avenue East**

File # 01\_036318

- RD1 Residential Density One
- RD2 Residential Density Two
- RD3 Residential Density Three
- RD4 Residential Density Four

- LOS Local Open Space
- G-INS General-Institutional
- COM Commercial



Not to Scale  
 North York Official Plan  
 Extracted 12/17/04

## Attachment 7

### APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	01 036318 NMI 25 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 14, 2001
Municipal Address:	939 LAWRENCE AVE E, 49 & 75 THE DONWAY W., TORONTO ON M3C 1P8		
Project Description:	Mixed use proposal comprising 1,354 dwelling units (including 147 units for seniors thru the conversion of 75 The Donway W). The buildings range in height from 8-14 storeys along the Donway up to 32-storeys towards the site interior. The residential GFA is 141,526m <sup>2</sup> . The commercial gfa is 151,201m <sup>2</sup> (including Phase 1). With an overall site area of 155,684m <sup>2</sup> the resulting density is 1.88 FSI. A 4,483m <sup>2</sup> public park and 1,351m <sup>2</sup> recreation centre is also proposed.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS	TONY VOLPENTESTA	FRAM BUILDING GROUP	CADILLAC FAIRVIEW CORPORATION

#### PLANNING CONTROLS

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

#### PROJECT INFORMATION

Site Area (sq. m):	155684	Height:	Storeys:	32 (max)
Frontage (m):	505		Metres:	99.5
Depth (m):	208			
Total Ground Floor Area (sq. m):	52462			<b>Total</b>
Total Residential GFA (sq. m):	141526		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	151201		Loading Docks	25
Total GFA (sq. m):	292727			
Lot Coverage Ratio (%):	33.6			
Floor Space Index:	1.88			

#### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	1354

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		141526	0
Retail GFA (sq. m):		151201	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

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