

**939 Lawrence Ave E., 1090 Don Mills Road and 49 & 75
The Donway W. - OPA and Rezoning Applications
Request for Direction Report**

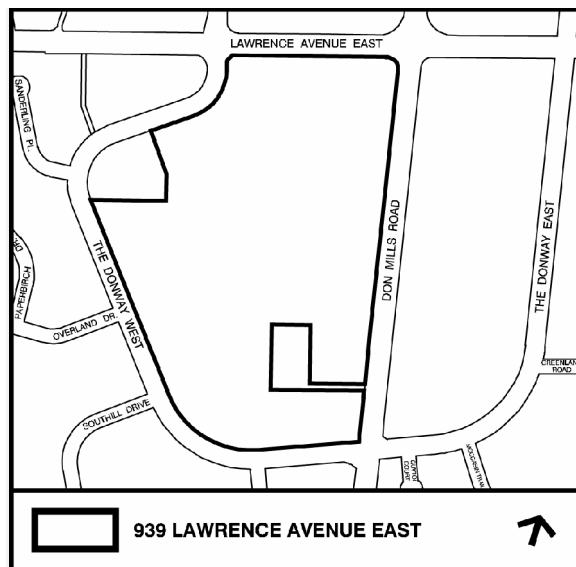
Date:	June 9, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	01 036318 NMI 25 OZ

SUMMARY

This application was made in November 2001 and is therefore not subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application seeks permission for a mixed-use development in the southerly and westerly portions of the Don Mills Centre. The proposal consists of a series of mixed use buildings along The Donway West with heights ranging from 12-26 storeys. The buildings would contain 1,387 residential units, 1,261 of which represent new construction while 126 would be created through the conversion of the existing 13-storey office building at 75 The Donway West. The ground and some second floors of the buildings would contain 7,530 m² (81,052 sq. ft.) of retail and office space. The application includes a 2-storey, 3,268 m² (35,176 sq.ft.) publicly accessible community centre next to a 0.38 ha (0.4 acre) public park.

On July 10, 2007, the applicant appealed the Official Plan and Zoning By-law amendment application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the



prescribed time frames set out in the *Planning Act*. Further pre-hearings are scheduled for July 15, 2009 and August 19, 2009 on this appeal.

This report seeks Council's direction to attend the hearing to oppose the proposal in its current form. Staff are recommending that discussions continue between the City and the applicant, including the local resident association, on a revised proposal that better conforms with the provisions of the Central Don Mills Secondary Plan. However, should Council elect to support the application in its current form, it is recommended Council direct staff to undertake a Secondary Plan review.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing to oppose the Official Plan and Zoning By-law amendment application and the proposal in its current form.
2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant, including the Don Mills Residents Inc., in an attempt to resolve the issues outlined in this report and, if necessary, report directly to Council on a potential settlement.
3. Should City Council support the proposal in its current form it is recommended that:
 - (a) City Council direct staff to undertake a Secondary Plan review of the lands bounded by "The Donways" as well as the lands designated *Mixed Use Areas* and *Apartment Neighbourhoods* adjacent to "The Donways"; and,
 - (b) City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Official Plan and Zoning By-law amendments until such time as:
 - (i) Appropriate Official Plan and Zoning By-law amendments are prepared to the satisfaction of the City Solicitor. The implementing Zoning By-law for the entire site should incorporate performance standards which include, but not be limited to, regulations on maximum building heights, maximum building floor plates and envelopes, maximum gross floor area, minimum building setbacks, maximum number of dwelling units and dwelling rooms, minimum indoor recreational amenity area, minimum open space area, minimum unit sizes, and appropriate Section 37 contributions.

- (ii) The owner has entered into an agreement with the City to secure the contributions to be provided pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor.
 - (iii) All traffic impact and servicing issues have been resolved to the satisfaction of the Executive Director, Technical Services.
 - (iv) All parkland dedication issues have been resolved to the satisfaction of the General Manager, Parks, Forestry & Recreation.
 - (v) The owner has applied for Site Plan Approval and enters into a Site Plan Agreement with the City to secure the conditions of site plan approval.
4. City Council direct the City Solicitor and appropriate staff to appear before the OMB to oppose any application for Site Plan Control approval should such application be filed based on the current proposal and subsequently appealed to the OMB.

Financial Impact

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

DECISION HISTORY

The Don Mills Centre has been the subject of applications to amend the Official Plan and Zoning By-law since 2001 and which have gone through many changes. In addition, in 2005 the site was the subject of Site Plan Control applications to replace the enclosed shopping mall with a new outdoor shopping centre and in 2007 to construct an above grade parking structure, both of which were approved by the OMB.

Application History

Below is a summary of the proposals filed with the application:

2001 Proposal

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 an open-air urban street style environment. The original application proposed an increase in gross floor area (including the arena) from 66,894m² (720,047 sq.ft.) to 152,223m² (1,638,528 sq.ft.) yielding a total density of 1.0 FSI. Building heights ranged from 9 to 16 storeys.

A Preliminary Report on the original application was 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 By-law and Official Plan permissions. Following a Community Consultation Meeting held on June 6, 2002, Cadillac Fairview asked the City to put the application on hold.

2004 Proposal

In November 2004, Cadillac Fairview was joined by FRAM Building Group and filed a revised application to redevelop the Centre. The revised proposal contemplated an alternative land use mix including greater building heights and increased density compared with the original proposal. In addition, the proposal did not include the Don Mills Civitan Arena. The 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 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 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 Community Consultation Meeting held on April 7, 2005, Cadillac Fairview asked the City to put the revised application on hold.

2006 Proposal

On December 28, 2006, Cadillac Fairview filed revised OPA and Zoning By-law amendment applications for what they refer to as the second phase of the proposed redevelopment of the Don Mills Centre. A Preliminary Report was adopted by North York Community Council at its meeting held on May 1, 2007 (item NY5.33).

The preliminary report is available at the following web link:

<http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-2993.pdf>

2008 Proposal

On September 30, 2008 the applicant filed revised plans and drawings which are the subject of this report. The principal changes from the previous submission are:

- the overall gross floor area has been reduced from 292,727m² (3,150,913 sq.ft.) to 248,852m² (2,678,642 sq.ft.);
- the residential gross floor area has increased from 141,526m² (1,523,385 sq.ft.) to 151,254m² (1,628,098 sq.ft.);

- the commercial gross floor area has been reduced from 151,201m² (1,627,527 sq.ft.) to 93,131m² (1,002,462 sq.ft.);
- the overall density has been reduced from 1.9 FSI to 1.6 FSI;
- the number of units has increased from 1,354 to 1,387;
- the parkland dedication has been reduced from 4,483m² (0.44ha/1.1ac) to 3,807m² (0.38ha/0.94 ac);
- the private recreation centre is now a publicly accessible recreational facility and the gross floor area has been increased from 1,351m² (14,542 sq.ft.) to a minimum of 3,268m² (35,176 sq.ft.) with permissions up to 4,467m² (48,082 sq.ft.);
- the height of the twin residential towers have been reduced from 32-storeys to 26-storeys; and,
- the building heights north of 75 The Donway West have been increased from 10 to 12-storeys while two of the buildings south of 75 The Donway West and extending towards Don Mills Road have increased from 14 to 16-storeys.

Based on the above noted changes, including revisions made to the size and nature of the recreation/community facility, an agreement in principle was reached between the applicant and the local residents association, the Don Mills Residents Inc. (DMRI) on the applications. A publicly accessible recreation facility/community centre was a major objective of the DMRI in their negotiations with Cadillac Fairview.

Ontario Municipal Board

On July 10, 2007, Cadillac Fairview (CF/Realty Holdings Inc.) appealed the 2001 Official Plan and Zoning By-law Amendment application to the OMB on the basis that a decision on the application has not been made within the prescribed 6 month time frame under the *Planning Act*.

On January 16, 2009, the OMB held a pre-hearing conference on the appeal. At the pre-hearing conference, DMRI and Don Mills Friends were granted party status. Mr. Kurk, a local resident, also attended and was granted participant status in this matter.

A second pre-hearing was held on March 12, 2009 by way of telephone conference between the parties. The purpose of the telephone conference was to update the Board on the status of the appeals. A further status pre-hearing conference by way of telephone is scheduled for July 15, 2009 and a pre-hearing attendance before the OMB is schedule for August 19, 2009. The purpose of the August 19, 2009 pre-hearing would be to issue a procedural order governing the organization and conduct of the hearing. Alternatively, if the parties have settled the issues, a hearing would commence on August 19, 2009 replacing the originally planned pre-hearing conference.

City Council's consideration and decision on the recommendations of this report will provide a City position on the application for the July 15, 2009 pre-hearing or any subsequent pre-hearings or hearings of the Board.

ISSUE BACKGROUND

Proposal

Below is a statistical summary of the application:

Overall Site

Site Area

Retail site	121,335m ²
Mixed use site*	<u>34,475m²</u>
Total site area	155,810m ²

Gross Floor Areas (GFA)

Retail site

Existing retail GFA	79,330m ²
Proposed additional retail GFA	<u>6,274 m²</u>
Total mixed use site GFA	85,604m ²

Mixed use site

Proposed residential GFA	151,254m ²
Proposed retail GFA	7,527m ²
Proposed recreation/community centre GFA	<u>4,467m²</u> (max.)
Total mixed use site GFA	163,248m ²

Total overall GFA 248,852 m²

Density

Overall site	1.6 FSI
Retail site	0.7 FSI
Mixed use site*	4.7 FSI

Total Residential Units 1,387

Mixed use site

	<u>Parcel 1</u>	<u>Parcel 2</u>	<u>Parcel 3</u>
Site Area	5,791m ²	20,445m ² *	8,239m ²
Residential GFA	26,510m ²	89,726m ²	35,018m ²
Commercial GFA	---	3,427m ²	4,100m ²
Recreation/Community Centre	---	4,467m ²	---
Residential Units	294	799	294
Density	4.6 FSI	4.8 FSI	4.7 FSI

* includes 3,807m² land conveyance (parkland)

The following is a description of the approved retail site development and the proposed mixed use site development.

Retail Site – Request for Additional Density

The retail shopping centre redevelopment received Site Plan approval from the Ontario Municipal Board on June 14, 2006. Variances to permit the four level parkade were subsequently approved by the Committee of Adjustment on June 20, 2007.

The shopping centre is now open for business; however some areas are still under construction. The approved development is shown on Attachment 1 and is located on the northerly and easterly portions of the site. The approval comprises 79,330m² (853,903 sq.ft.) of commercial development consisting of 47,473m² (510,999 sq.ft) of newly constructed retail, service commercial and office floor space, the existing Metro grocery store (4,115m²/44,293 sq. ft.), the existing 6-storey office building at 1090 Don Mills Road (8,735m²/94,023 sq.ft.), the existing 4-storey commercial building at 49 The Donway West (7,480m²/80,514 sq.ft.), and a 3-storey parking garage. The existing commercial building at 49 The Donway West would be demolished to accommodate a portion of the proposed mixed use development.

The applicant is seeking to include an additional 6,274m² (67,533 sq.ft.) of commercial floor area on the shopping centre site for future use. The application does not indicate where this additional floor area and the floor area resulting from the demolition of 49 The Donway West would be used. The commercial gross floor area over the entire site is proposed to be 93,131m² (1,002,462 sq.ft.) which includes the 7,527m² (81,020 sq.ft.) of commercial floor area within the mixed use development.

Proposed mixed use site development

A mixed-use development, consisting primarily of residential uses, is proposed on the southerly and westerly portions of the site along The Donway West. The existing Postal Station building at 169 The Donway West and the Don Mills Civitan Arena at 1030 Don Mills Road are under separate ownership and do not form part of the application.

The proposed development has a gross floor area of 151,254m² and comprises 1,387 residential units (including a 186-unit retirement residence) with 7,527 m² (81,020 sq.ft.) of at grade and second storey commercial space, a 2-storey, 3,268m² (35,176 sq. ft.) publicly accessible recreational facility and a 3,807m² (0.38ha/0.94 ac) public park (adjacent to the facility). A series of mixed use apartment buildings are proposed, ranging in height from 12 to 26 storeys, as well as the conversion of the existing 13-storey building at 75 The Donway West from professional offices to residential uses. All parking would be provided below grade.

The proposed floor area of the mixed use development, including the publicly accessible recreational facility, combined with the floor area of the retail shopping centre results in a gross floor area of 248,852m² (2,678,643 sq.ft.) or a density of 1.6 FSI, over the entire

Don Mills Centre site. The Secondary Plan permits a maximum density of 1.0 FSI or a gross floor area 155,810m² (1,677,138 sq.ft.).

The mixed use development is comprised of three development parcels as follows:

Parcel 1

The northerly development block (Attachment 2) is located next to the existing post office along The Donway West. The proposal for this parcel comprises two, 12-storey buildings connected by a 6-storey link with a 2-storey podium element fronting The Donway West. The complex is planned as a senior's lifestyle facility combining 108 dwelling units with 186 retirement residence units. A new driveway is proposed from The Donway West to serve as a pick-up/drop-off area for residents and visitors. The entrance to the underground parking garage would be located to the rear (east side) of the building from a new private roadway.

Parcel 2

The central development parcel (Attachment 3) is the largest of the three development blocks and contains the existing 13-storey office building at 75 The Donway West. The building would partially be converted for residential purposes and would include 126 units and 485m² (5,220 sq.ft.) of at-grade commercial uses. A 12-storey, 105-unit apartment building with 327m² (3,519 sq.ft.) of at-grade commercial space is proposed north of 75 The Donway West. As with Parcel 1, a new driveway is proposed from The Donway West to serve as a pick-up/drop-off area for residents and visitors with the entrance to the underground parking garage located to the rear (east side) of the building from a new private roadway.

To the south of 75 The Donway West, a 0.38 ha (0.94 acre) public park is proposed along the curve of The Donway West. Next to the park, the applicant is proposing a 2-storey, 3,268m² (35,176 sq. ft.) publicly accessible recreation/community facility. Details of the facility have not been finalized however the applicant has indicated the facility could include an indoor pool on the ground floor and a gymnasium and multi-purpose room on the second floor together with meeting rooms, and administration offices. The applicant is seeking to amend the Zoning By-law to include permissions that would enable the building to be expanded to 3-storeys and a gross floor area of 4,467m² (48,080 sq.ft.). A total of 160 parking spaces are proposed for the facility on a shared basis. Access to the underground spaces would be provided from a new private road (O'Neill Road) which aligns with Burdock Lane located on the south side of The Donway West.

Attachment 13 to this report is a supplement to the development proposal provided by the applicant describing how the proposed facility would be operated. The applicant has indicated the facility would be made available to the public and the City in accordance with terms to be negotiated.

Three buildings are proposed in the area east of the public park and recreational facility. The building proposed at the corner of The Donway West and O'Neill Road is 16-storeys

in height and would contain 141 units. The building would be stepped back above the 6th and 7th floors and sit on a 2-storey podium containing 903m² (9,719 sq.ft.) of at grade commercial space. North of the 16-storey building are two 26-storey towers connected by an 8-storey link building. Together the towers would contain 427 units above a 2-storey podium that would contain 1,712m² (18,427 sq.ft.) of at-grade commercial space. All proposed commercial space within these three buildings would front onto O'Neill Road serving as an extension of the Phase 1 shopping centre.

When the retail shopping centre was approved, a 2 per cent parkland dedication was required (in accordance with By-law 30152) which results in an area of 2,037m² (0.2ha). The deed for the parkland dedication is currently being held in escrow for the City's benefit. The purpose of the escrow arrangement was to allow for final determination respecting the location of the combined retail site and mixed use site parkland dedication following consideration of the proposed mixed use proposal, to the City's satisfaction. The land is located on the west side of Don Mills Civitan arena. It should be noted that the applicant is proposing the escrow lands be developed with a private internal street (O'Neill Road), surface parking, and five levels of underground parking.

Parcel 3

The easterly development parcel (Attachment 4) is located on the north side of The Donway West extending from Don Mills Road westward to O'Neill Road. Situated south of the Don Mills Civitan arena, this development parcel would contain two mixed use apartment buildings. The building at the corner of Don Mills Road would be 14 storeys in height and contain 143-units. The building would sit on a large 2-storey podium that would contain 3,186m² (34,294 sq.ft.) of commercial space on two floors. The westerly building would be 16 storeys in height with a 2-storey podium that would contain 914m² (9,838 sq.ft.) of at-grade commercial space fronting onto the east side of O'Neill Road. Similar to the building on Parcel 2, the building would be stepped back above the 6th and 7th floors. All parking would be provided below grade and would be accessed from a private road south of the arena.

Site and Surrounding Area

Don Mills is recognized as the first planned and fully integrated post-war community in North America. In 1997 the Ontario Heritage Foundation designated Don Mills as a heritage site that used integral and consistent planning principles. It's credited with developing a blueprint for post-war suburban development in Toronto and has been imitated in suburban developments across Canada. The community was designed by urban planner Macklin Hancock who envisioned a garden city community distinguished by consistent design principles and modernist style. Garden cities were conceived as planned, self-contained communities surrounded by greenbelts, containing carefully balanced areas of housing, industry and agriculture with an emphasis on landscaped open space.

The design of the Don Mills community was informed by five planning principles which had not been implemented in Canada. These principles include: the creation of four

neighbourhood quadrants all surrounding a central commercial and community centre; the separation of pedestrian and vehicle traffic; the promotion of modern architecture and the modern aesthetic; the creation of a greenbelt linked to a system of neighbourhood parks; and the integration of industry into the community. These elements have been incorporated into the Central Don Mills Secondary Plan.

The Don Mills Centre is located at the centre of the Don Mills community. Bounded by Lawrence Avenue, Don Mills Road and The Donway West, the Cadillac Fairview ownership comprises 155,810m² (15.5ha or 37 acres) of site area. Construction has recently been completed on the new retail shopping centre and parking garage. The existing Metro grocery store and 5-storey office building (Royal Bank) at 1090 Don Mills Road were maintained and integrated into the new retail centre. The southern portion of the site presently contains a 4-storey office and retail building at 49 The Donway West which would be demolished to accommodate the proposed mixed use proposal. Extensive surface parking currently exists throughout the Centre.

In August 2005, Cadillac Fairview acquired the lands at 75 The Donway West which is presently occupied by a 13-storey office building with ground floor retail and service commercial uses.

Lands within the Centre also include the Postal Station at 169 The Donway West and Don Mills Civitan Arena at 1030 Don Mills Road, 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 immediate area context:

East: a Petro Canada gas station; apartment buildings ranging from 4 to 7-storeys in height;

South/West: 2-storey townhouses; 3 to 6-storey apartment buildings; 4-storey office building at 170 The Donway West; commercial shopping plaza; and

North: apartment buildings ranging in height from 5 to 8-storeys in height; commercial shopping plaza; public library.

Policy and Regulatory Framework

The Provincial Policy Statement (2005) and the Growth Plan that was approved on June 16, 2006 do not apply to the applications. Because the application was filed in November 2001, the application is subject to the provisions of the previous Provincial Policy Statement (1997).

Cadillac Fairview appealed the new Toronto Official Plan, as it relates to the Don Mills Centre site, to the OMB. The OMB did not bring the new Official Plan into force for sites subject to an application under appeal (as of the July 6, 2006 approval date). OMB Order No. 1928 therefore exempted the Don Mills Centre from approval of the new Plan.

In their letter of appeal, solicitors representing the applicant identified issues with respect to the Built Form policies of the Plan (Section 3.1.2), the Tall Buildings policy (Section

3.1.3), the Housing policies (Section 3.2.1), the parkland dedication (Section 3.2.3) and the height restrictions under the Central Don Mills Secondary Plan (Chapter 6, No. 24).

As a result, the applicable policy framework for this application consists of the Metropolitan Toronto Official Plan, the City of North York Official Plan and the Central Don Mills Secondary Plan (Part D.7 of the North York Official Plan).

Provincial Policy Statement and Provincial Plans

On March 1, 2005, a new Provincial Policy Statement (PPS) came into effect which replaced the 1997 PPS. The new PPS applies to all applications commenced on or after March 1, 2005. The application by Cadillac Fairview was filed in November 2001 and is therefore subject to the 1997 PPS provisions.

Issued under the authority of Section 3 of the *Planning Act*, the PPS provides policy direction on matters of provincial interest related to land use planning and development. The key objectives of the PPS include: promoting densities which efficiently use land, resources, infrastructure and public facilities and which support the use of public transit; the provision of a full range of housing types and densities to meet the requirements of current and future residents; and encouraging all forms of residential intensification in parts of built-up areas that have sufficient existing or planned infrastructure. The PPS recognizes that its policies will be complemented by locally generated policies regarding matters of local interest. Municipalities must have regard for the policies expressed in the PPS when exercising their authority in planning matters.

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. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan was approved on June 16, 2006 and provides that applications commenced before this date be continued and disposed of as if the Plan had not come into effect. Therefore, the Growth Plan does not apply to this application.

Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan is focussed on the creation and maintenance of a structure of Centres and Corridors through reurbanization. Objectives of the Plan include using land, infrastructure and services efficiently and concentrating employment and population in areas well served by transit. The housing objective in the Plan is to ensure the availability of an adequate supply and mix of housing to meet the full range of housing needs, and to attract and accommodate population growth.

North York Official Plan

The North York Official Plan designates the Don Mills Centre *Commercial* (COM) with a *Sub-Centre* (SC) overlay. The Don Mills Civitan Arena is designated *Local Open Space* (LOS).

The *Commercial* designation provides for a wide range of uses including retail and service commercial uses, office uses, residential uses on upper floors and some institutional uses. While the Plan limits residential heights to 2-storeys and the maximum density to an FSI of 1.0 (or in the case of the Don Mills Centre site a gross floor area of 155,810m² or 1,677,139 sq.ft.), it supports additional residential height and additional development density up to 1.5 FSI in commercial areas provided the proposed development meets a set of compatibility criteria found in Part C.5 Section 2.6.0 of the Plan and provided the development meets the density policy of the Central Don Mills Secondary Plan. It is an objective of the Plan 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.

The Sub-Centre designation is intended for more intensely developed mixed-use areas. *Sub-Centres* are generally characterized by a concentration of residential, retail, service commercial and offices uses developed at maximum densities generally lower than those permitted in the North York City Centre. Part C.10 of the Plan speaks to accommodating medium and high density development on sub-centre lands within a Floor Space Index of 1.0 to 3.0. Notwithstanding this general policy, the Plan goes on to state in the case where a Secondary Plan has been adopted, the policies of the Secondary Plan take precedence.

The North York Official Plan contains policies to ensure developments are well served by parks. The Plan states Council may require, as a condition of development, the conveyance of up to one hectare of land per 300 dwelling units for parks purposes. The Plan also states that the amount of land to be conveyed shall be a minimum of five percent of the lands being developed or redeveloped and that where a dedication of land is impractical because of the size of the site, or if there is sufficient parkland in the vicinity of the development, Council may accept cash-in-lieu of a land dedication.

Central Don Mills Secondary Plan

Don Mills Centre site is governed by the Central Don Mills Secondary Plan, found in Part D.7 of the North York 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 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 goal of the Secondary Plan is 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 a

number of objectives are defined including: strengthening the function of the Don Mills Centre as a community centre; preserving the scale, height and built form relationships originally provided for in the development concept for Don Mills; preserving and protecting stable residential neighbourhoods; and reaffirming and extending into the future the basic elements of the concept of Don Mills.

The basic elements of the concept of Don Mills are described in Section 1.1.0 of the Plan. Essentially these elements speak to: higher density residential development within the ring road (“The Donways”) with four discrete low density residential neighbourhoods outside the ring road; an open space network comprised of parks and walkways that provide pedestrian and cycling links between the neighbourhoods and the community centre (Don Mills Centre site); a sense of scale and consistency in design; the arrangement of built form and open spaces in a sympathetic, mutually supportive manner; and design and landscaping that reflect the garden city concept.

Section 4.2.0 of the Secondary Plan provides that, despite the density provisions found in Part C.5 of the main North York Official Plan, a general density limit of 1.0 FSI applies to all lands designated *Commercial* in the Secondary Plan area. The density limit was based on the *Central Don Mills Transportation Study* (IBI Group, May 1988) that was undertaken as part of the background to the Secondary Plan. Conclusions reached in the study were based on scenarios that reflected strictly commercial and office development on sites designated *Commercial*.

Section 4.3.0 of the Secondary Plan addresses the height and massing of buildings on commercial lands in the Secondary Plan area. With respect to the Don Mills Centre site, the Plan states the height of any new building or structure generally east of the Don Mills arena (between Lawrence Avenue and The Donway) shall not exceed 550 feet (167.64 metres) above sea level and 530 feet (161.54 metres) above sea level on the remainder of the site. The Plan also states despite these absolute limits, no building or structure shall exceed 8 storeys. The existing 13-storey building at 75 The Donway West is not subject to these height limits as it pre-existed the Secondary Plan. It is also a policy of the Plan 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.

Section 4.4.0 of the Secondary Plan contains policies addressing the Don Mills Centre specifically. As noted previously, the Don Mills Centre site 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.

The Secondary Plan was carried forward into the new Toronto Official Plan (Chapter 6.24). The policies in the new Plan are virtually identical to those included in the North York Plan. The major differences involve references to land use designations which reflect the land use designations in the new Plan. The density polices are generally unchanged from those previously in effect.

The Central Don Mills Secondary Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/pdf_secondary/24_central_don_mills_june2006.pdf

Toronto Official Plan

The City of Toronto Official Plan proposes to designate the Don Mills Centre as *Mixed Use Areas*. *Mixed Use Areas* are to be made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. They are intended to absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. The Plan does note however that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Development criteria in *Mixed Use Areas* are set out in Policy 4.5.2 and summarized as follows:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- take advantage of nearby transit services; and
- provide good site access and circulation and an adequate supply of parking for residents and visitors.

The Plan also includes policies that ensure the built form of new development fits within the context of its surrounding area. These policies are included in Sections 3.1.2.1 to 3.1.2.6 – Built Form.

In particular, Section 3.1.2.3 requires new development to fit harmoniously into its existing and/or planned context and limit its impacts on neighbouring streets, parks, open spaces and properties including:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy; and
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

Section 3.1.2.4 ensures that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future uses of these areas.

Policies 3.1.3.1 and 3.1.3.2 – Built Form Tall Buildings, ensure that tall buildings fit within their existing and/or planned context and limit local impacts. The policies outline built form principles that are applied to the location and design of such buildings. The City’s “Tall Building Design Guidelines” were prepared to assist in the evaluation of tall building applications. Approved by City Council on July 25, 26 and 27, 2006, they provide guidance for the design, evaluation and approval of tall buildings and are intended to implement the built form policies of the City’s Official Plan.

The Official Plan’s housing policies (Section 3.2.1) support a full range of housing in terms of form, tenure and affordability across the City and within neighbourhoods, to meet the current and future needs of residents. The Plan states new housing supply will be encouraged through intensification and infill that is consistent with the Plan. The Plan also contains policies on the provision of affordable housing on large site of 5 or more hectares where there is an increase in height and/or density. 20 percent of the additional housing units permitted by the increase in height and/or density shall be affordable.

The Toronto Official Plan is available on the City’s website at:
http://www.toronto.ca/planning/official_plan/introduction.htm

The City’s Design Criteria for Review of Tall Building Proposals study is available on the City’s website at:
http://www.toronto.ca/planning/urbdesign/pdf/tallbuildings_udg_aug17_final.pdf

Zoning

The majority of the site is zoned C3(8) (District Shopping Centre) with a site specific zoning exception that excludes 75 The Donway West and the Postal Station at 169 The Donway West which are zoned C3. It is noted that the Don Mills Civitan Arena lands are zoned O1(20) Open Space Zone with a site specific provision to allow reduced yard setbacks.

The exception on the Don Mills Centre site establishes site-specific parking and building height regulations on the property. A maximum building height of 167.64m above sea level is permitted for the portion of the property fronting on Don Mills Road to a depth of 130m (to approximately the west wall of the Don Mills Civitan arena). For the remainder of the property (excluding 75 The Donway West), a maximum building height of 161.54m above sea level is permitted, with a maximum of 163.55m above sea level for the southwest corner of the property. This translates to 8-storeys along Don Mills Road and 6-storeys along The Donway West. The lands at 75 The Donway West are limited to a maximum height of 200.15m above sea level (or 13-storeys).

Site Plan Control

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

Reasons for the Application

An amendment is required to the North York Official Plan and Central Don Mills Secondary Plan to increase the density on the overall property from 1.0 FSI (or a gross floor area of 155,810m² or 1,677,138 sq.ft.) to 1.6 FSI (248,852m² or 2,678,643 sq.ft.), and to increase the permitted height from 6 and 8 storeys to 26 storeys.

An amendment to the Zoning By-law is required to permit the proposed residential uses, to increase the permitted gross floor area, to increase permitted height and to introduce appropriate standards regarding shared parking, the location of buildings, lot coverage, landscaping, private amenity areas and other matters related to the implementation of the redevelopment proposal.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

Consultation with the local community on the retail shopping centre redevelopment clearly demonstrated there is significant concern and interest in the redevelopment of the Don Mills Centre. As such, on May 1, 2007 North York Community Council directed City Planning staff to develop a community consultation strategy, in consultation with the Councillors of Wards 25, 26 and 34, to include meetings with working groups of local agency groups, community representatives, staff from various City divisions and the applicant. The strategy was developed to engage the community in a meaningful review of the application.

Cadillac Fairview agreed to participate in the process but stated at the outset that its participation depended on the meetings being conducted on a “without prejudice” basis and concluding by the end of 2007, during which time the appeal on the proposed mixed use development would be held in abeyance.

The applicant's proposal was first presented to local residents at a community consultation meeting held on July 24, 2007. The meeting was attended by the Councillors Jenkins, Minnan-Wong and Parker, Cadillac Fairview and its consulting team, and various City staff. Approximately 600 members of the public attended.

Following presentations from City Planning staff and the applicant a number of issues were raised. A major concern expressed by residents was the height of the buildings and the precedent that would be created by the additional density. A number of residents expressed the view that buildings should not be any higher than the existing 13-storey building at 75 The Donway West. Another major concern was the lack of community space in Don Mills, particularly a publicly accessible community centre that included an indoor swimming pool. Other issues included: off-site parking concerns and the additional traffic that would be generated by the development; environmental concerns including the disruption to the area from construction noise and traffic; and the number of students that would be generated by the development and lack of accommodation in nearby schools. A number of residents were also concerned with the applicant's proposal to convert the existing office building at 75 The Donway West into a residential building.

Residents were invited to sign up for a series of regularly scheduled working group meetings and several members of the community volunteered to meet on a monthly basis with City staff and the applicant. Seven sessions were held between September 2007, and January 2008. Over the course of five months, working groups were set up to discuss matters pertaining to the application. Staff from other divisions including Parks, Forestry and Recreation, Transportation Services, Technical Services and the Toronto District School Board also attended as required.

On November 14, 2007, Cadillac Fairview formally withdrew from the process after four sessions. It was their position that the sessions were not being conducted on a "without prejudice" basis. They also took issue that the process had been extended another month into January 2008.

Based on the "without prejudice" nature of the first four sessions, staff are not in a position to report on the substance of those discussions.

Despite Cadillac Fairview's decision, the group elected to continue to discuss matters pertaining to the application.

At the January 16, 2008 session staff tabled three different development illustrations, each with a variation, to the participants for discussion purposes. The scenarios dealt with general building massing and location, parkland and community centre locations. The illustrations were based on feedback received from the community consultation meetings beginning July 24, 2007 together with policies of the Don Mills Secondary Plan and the North York Official Plan.

The final wrap-up session was held on January 30, 2008 at which time the results of the discussion on the illustrations were presented to the participants. Opinions on the various options were widespread and although a consensus was not reached on a preferred option, staff prepared a set of general principles based on the various comments. The following summary on building massing and location, parkland and a community facility was prepared by staff and provided to the participants and Cadillac Fairview:

- building heights above 8-storeys should be located towards the interior of the Don Mills Centre site away from the edge of The Donway West; have smaller footprints to limit their impact on the area and be located in close proximity to 75 The Donway West to make it less prominent;
- building heights should terrace or step down from the interior of the Don Mills Centre site towards the edge of The Donway West;
- a range of building heights and variety of built forms should be provided;
- buildings at the gateway sites opposite Overland Drive and Burdock Lane should be massed so as not to create an urban canyon effect;
- any increase in building heights and/or density beyond the permissions in the Central Don Mills Secondary Plan should translate into more open space and community benefits, especially in the form of a community centre;
- community benefits in the form of parkland and/or a community centre should be located along Don Mills Road so as to be more central and more visible to the larger community; and
- a community centre should be provided in the early stages of the development.

COMMENTS

Role of the Don Mills Centre

The role of the Don Mills Centre within the Don Mills community is explicitly stated in the Secondary Plan. Since its inception it was planned to be the focal point for the surrounding residential community, a place for people to gather and socialize, shop, work, play and live. One of the objectives of the Secondary Plan is to strengthen the function of the Don Mills Centre as a community centre. The recently completed retail shopping centre should assist in strengthening this objective, as would parkland and some form of publicly accessible recreational facility or public community centre.

Development of the site with residential uses is consistent with numerous policy directions set out in the Provincial Policy Statement, the Growth Plan, the Metropolitan Toronto Official Plan, the North York Official Plan and the new Toronto Official Plan, all of which support intensification on sites well-served by municipal infrastructure, especially transit. Both the North York Official Plan and the policies of the Toronto Official Plan identify appropriate locations for new growth. The Don Mills Centre is identified as a *Sub Centre* in the North York Official Plan and is designated *Mixed Use Areas* in the Toronto Official Plan.

The *Mixed Use Areas* designation in the Toronto Official Plan is supportive of residential development on the site. Section 4.5 anticipates that *Mixed Use Areas* will absorb much of the new housing in the coming decades and policy 2.4(4) speaks to achieving a more intense, mixed use pattern of development, with minimum density requirements and limits on parking, in areas well served by transit, including locations such as this along major transit routes. Don Mills Road is identified as a major transit corridor on both Maps 4 and 5 of the Official Plan. However, as noted previously, the Plan states that not all *Mixed Use Areas* will experience the same scale or intensity of development.

In view of the above policy objectives and given its function and role within the Don Mills community, the site warrants a development approach that is unique from the rest of the community.

Character of the Area

The goal of the Central Don Mills Secondary Plan is to manage change in the community in a manner that retains and enhances the existing character of the area. The Plan establishes a number of objectives to achieve this goal including reaffirming, and extending into the future, the basic elements of the original concept of Don Mills. As cited in the Secondary Plan, basic elements speak to achieving a sense of scale and consistency in design, the arrangement of built form and open spaces in a sympathetic, mutually supportive manner, and design and landscaping reflecting the garden city concept. Other objectives to achieve the character goal of the Plan include preserving the scale, height and built form relationships originally provided for in the development concept of Don Mills and preserving and enhancing streetscapes and landscaped areas in keeping with the garden city concept.

Buildings in Don Mills are generally set back further from the street than elsewhere in the City. As well, buildings tend to be sited perpendicular to the street, with the ends of the buildings facing the street, rather than parallel to the street. Landscaped open space is organized through blocks between buildings and visible from the street and contributes to the garden city concept for buildings. Although different from the new Official Plan general objectives, which seek to site buildings parallel to the street, this building and open space arrangement is a characteristic of Don Mills.

Building heights and the spatial separation between buildings are significant aspects that contribute to the character of the community. With the exception of the 13-storey building at 75 The Donway West, the existing context is comprised of low to mid-rise buildings up to 8-storeys. A review of historical records reveals the concept for Don Mills did not specifically mandate a low to mid-rise height limit nor did the garden city concept require that heights be kept low. Rather, the garden city concept was based on providing generous open space at grade and spatial relationships between buildings to maximize landscape opportunities. The existing physical character/context, particularly the apartment building sites that surround the Don Mills Centre, have very generous spaces between the buildings relative to the building heights. Most provide spatial relationships and landscaped open space beyond what is required by the Zoning By-law.

In keeping with the goal of the Secondary Plan, the desire to achieve additional development on the site must be balanced with a respect for the character of the community. The proposal has been reviewed within the context of built form attributes of the central Don Mills community, including building organization and layout, building coverage on a lot, the open space between buildings, and building height.

Open Space, Built Form and Massing

City Planning staff support the proposed building organization and layout of the development along The Donway West edge of the site, with the exception of the proposed recreation centre and Building F on Parcel 3 at the northwest corner of Don Mills Road and The Donway West. Buildings are set back from The Donway West a minimum of 10 metres in keeping with the pattern of development in the community. As well, the buildings along The Donway West have been designed in “U” or “L” shapes with building wings perpendicular to the street to retain and enhance the existing context.

However, staff are of the opinion the proposal does not provide sufficient open space on each parcel to appropriately address the goal of the Secondary Plan to reinforce and enhance the existing community character of Don Mills. The essential concept of Don Mills as a modern “garden city” must be reinforced through all aspects of this site’s redevelopment. As the garden city concept is the central theme of the modern Don Mills community, landscape and open space should be a predominant theme and element of this redevelopment proposal.

Although the applicant has made considerable design effort to maintain a 1:1 height to distance relationship between the buildings at the key gateway sites (at Burdock Lane and Overland Drive), tighter relationships have been used elsewhere which do not fit within the context of Don Mills. These are found at the rear of development parcels and cumulatively make for visually long buildings and a general lack of open space on the site.

Staff conducted an analysis of other apartment sites in Don Mills and found that existing building coverages (footprints) currently fall within 25 to 30 percent of the lot area despite current zoning permissions that would allow up to 35 percent coverage. The applicant is proposing coverages that range from 52 to 58 percent which compromises the open space character of the Don Mills community. It is recommended that the proposed building coverages (building footprints) should be reduced on each block to increase landscaping and open space opportunities.

Building Height

The Secondary Plan requires that the height of buildings west of the Don Mills Arena be a maximum of 6-storeys and the height of buildings east of the arena be a maximum of 8-storeys. The proposal consists of a series of mixed use buildings generally ranging from 12 to 16 storeys along The Donway West and up to 26-storeys towards the interior of the site. The buildings are designed to include podiums and base buildings which generally

step from 2-6-8 storeys for the buildings along The Donway West and from 2-6-8 up to 26 storeys for the two towers.

Height is a significant aspect of the built form character of central Don Mills. The built form character of central Don Mills is defined by low to mid-rise buildings which, in central Don Mills, are as high as 8 storeys. The exception is the 13-storey office building at 75 The Donway West on the Don Mills Centre site. It was this building which precipitated the Central Don Mills Secondary Plan. Since the Plan's adoption a number of apartment buildings have been built at or under the 8-storey height limit within the ring road north of the Don Mills Centre. This low to mid-rise scale of buildings together with the broad landscaped open spaces between them and a coherent modern architecture gives Don Mills its unique character.

Height controls are used to ensure the height of new development fits within its existing or planned context and to ensure that they do not adversely impact existing development (i.e., excessive shadowing and overview). The height of development can be controlled by imposing an absolute height limit, such as the 6 and 8-storey limits currently set out in the Secondary Plan, or requiring that height of development not exceed an angular plane, or a combination of the two. The applicant has chosen to use a 45 degree angular plane to control the height of the development.

As illustrated on Attachments 6, 7 and 8, cross sections filed with the application demonstrate the height of all proposed buildings would be below a 45 degree angular plane from the nearest property lines on the south and west sides of The Donway West. A 45 degree angular plane is one geometry that is frequently used to provide transition between areas of high and low density however, given the objectives of the Secondary Plan on built form character this approach to regulate building height is considered by staff not to be appropriate for Don Mills.

Central Don Mills is not a tall building district. The applicant's proposal does not fit within the existing physical context of Don Mills nor does it fit the planned context envisioned by the Central Don Mills Secondary Plan, or the planned context set out in the Toronto Official Plan. Despite the proposed *Mixed Use Areas* designation of the site, the Toronto Official Plan states that not all *Mixed Use Areas* will experience the same scale or intensity of development and should reflect the context of their surroundings. Development on the Don Mills Centre site should not create a new context for future development on the site, or on lands surrounding the Centre. Rather, development should be appropriately managed, particularly on development parcels along the street edges, to ensure the existing low to mid-rise character of the Don Mills continues into the future.

In view of the *Sub Centre* policies and objectives of the North York Official Plan and given the unique role that the Don Mills Centre has within the community, limited increases in building height above current permissions along The Donway West edge of the site can be considered. On development parcels 1 and 2, west of the Don Mills arena, staff can support an increase in height from 6 storeys to 8-storeys along The Donway

West frontage. Similarly on parcel 3, an increase in building height from 8 to 12 storeys can also be supported. On the basis that Don Mills Road has been identified as a higher order transit corridor and the width of the existing right-of-way, 12-storeys is appropriate.

A widely expressed opinion conveyed during the consultation process concerned the appearance of the existing 13-storey office building at 75 The Donway West. The building is seen as an anomaly in central Don Mills, isolated, unattractive and too close to the neighbourhood to the south and southwest. In view of the visual and locational concerns with the existing 13-storey office building at 75 The Donway West, there is an opportunity to diminish its current visual dominance on the Don Mills skyline by integrating the building within a group of 2 or 3 tall buildings (including 75 The Donway West) with heights in the range of the existing building. Office buildings such as 75 The Donway West generally have floor to ceiling heights higher than those typically found in residential projects. As a result, a 13-storey office building would generally read as 16 residential floors. With appropriate control of form and location the impacts of these tall buildings could be limited and avoid creating a broader context of tall buildings. Tall buildings in the vicinity of 75 The Donway West could mitigate the location and isolated appearance of the building and strengthen the Centre as an area of civic importance in accordance with Secondary Plan objectives.

A grouping of tall buildings could be located generally east of 75 The Donway and set back into the middle of the Centre as far as possible from the street edge and step down towards the neighbourhood. Ideally, the buildings within the grouping should be off-set to one another and staggered in height. The new tall buildings should take the form of point towers in accordance with the City's tall building guidelines to limit impacts and to create a more slender building profile and sculptural effect to the skyline through placement and form. Despite the current height limitations in the Secondary Plan, consideration of tall buildings with heights in the range of, and in proximity to, 75 The Donway West, would be a pragmatic approach to ameliorating concerns expressed by the community regarding the existing office building. Any amendment to Secondary Plan should explicitly set out policies to create a tall building exception zone in close proximity to 75 The Donway West. It is not the intent to create a context for tall buildings elsewhere on the Don Mills Centre site and on lands adjacent to the Centre.

The building height recommendation for the blocks along The Donway West and on Parcel 3 fronting Don Mills support the mid-rise character of Don Mills and would be consistent with the policy direction provided by the new Toronto Official Plan.

Density

The Don Mills Centre site has the potential to accommodate a greater scale of development provided planning policy relating to built form, community services and facilities, transportation and servicing infrastructure, and the objectives of the Secondary Plan are appropriately addressed.

In previous applications, redevelopment schemes contemplated a more comprehensive development over the entire Don Mills Centre site, with residential development either integrated with the existing enclosed mall or integrated within a new retail shopping centre. However, in 2005, Cadillac Fairview proceeded with the redevelopment of the retail component in the absence of addressing redevelopment on a more comprehensive basis. The applicant is now seeking to deploy a residual density or gross floor area of 62,679m² (674,676 sq.ft.) to less than one third of the site along The Donway West frontage. As a result, a number of built form issues arise that compromise the fit of this development within Don Mills.

Staff are of the opinion the proposal is an overdevelopment of this portion of the site as result of not only deploying the residual or unused density from the existing permission (62,679m² / 674,671 sq.ft.) but also the proposed additional density requested on the mixed use site, namely parcels 1, 2 and 3 (93,042 m² / 1,001,504 sq.ft.). Although the density over the entire site is 1.60 FSI (a gfa of 248,852m² / 2,678,620 sq.ft.), the density on the proposed mixed use site is significantly higher. Residential density on the three development parcels range from 4.2 to 4.6 FSI. While recognizing the Don Mills Centre warrants a different approach for development in Don Mills, the density is significantly higher than densities in the community and similar to densities assigned to subway related development in North York. This decision to deploy the residual gross floor area and most of the proposed additional gross floor area along The Donway West creates a number of built form concerns. It is staff's opinion development on the mixed use site warrants a more modest approach than is currently proposed. The proposed gross floor area should be reduced on the 3 development parcels or redistributed over the larger site.

Intensification is a desirable objective for this site (subject to appropriate built form and massing) however, this objective must not be realised at the expense of setting an inappropriate precedent in the community, particularly on other lands within, and adjacent to, "The Donways". The existing policy framework of the Central Don Mills Secondary Plan does not support the proposal in its current form and that approval of the application (in its current form) could set a negative precedent in the community particularly in the vicinity of the site.

Should Council elect to support the application in its current form, it is recommended that Council direct staff to undertake a Secondary Plan review of the lands bounded by "The Donways" including the lands designated *Mixed Use Areas* and *Apartment Neighbourhoods* adjacent to "The Donways".

75 The Donway West

A number of residents expressed concern with Cadillac Fairview's proposal to convert the existing 13-storey office building at 75 The Donway West into a residential building. A number of health related services that presently occupy the building would be relocated and some residents are concerned the services will be located outside the community. Many residents of Don Mills, particularly seniors, have relied on the concentration of these uses in one central location within their community.

Commercial retail, offices and medical offices uses are permitted by the current C3 zoning of the site and Cadillac Fairview are requesting these permissions be included in any amending Zoning By-law. However it is recognized that the zoning is permissive in this regard, it is not prescriptive. That is, they are not required to be provided on this site. While the medical office uses are considered important to many residents in Don Mills, the City has no legal authority to compel Cadillac Fairview to maintain or relocate the medical offices currently within 75 The Donway West.

It should also be noted that Cadillac Fairview has made a commitment to the community that the medical/dental tenants within 75 The Donway West will be offered alternative space within the new development.

Housing

Both the former North York Official Plan and the City of Toronto Official Plan contain policies that seek to create new rental units and new affordable housing.

The North York Official Plan has policies that require 25 percent of new dwelling units in all multiple unit residential buildings containing 20 or more units to be affordable. Accordingly, any amending zoning by-law would need to specify that a minimum of 25% of the units must be any combination of: bachelor units to a maximum size of 55m²; 1-bedroom units to a maximum size of 70m²; 2-bedroom units to a maximum size of 80m²; and 3-bedroom units to a maximum size of 120m². Any amending Zoning By-law for the site will need to include these maximum unit sizes to address the Plans policy on affordable housing.

The Toronto Official Plan contains policies on the provision of affordable housing on large sites of 5 or more hectares where there is an increase in height/or density. Twenty percent of the additional housing units permitted by the increase in height/or density shall be affordable. As noted previously, the applicant appealed the Toronto Official Plan to the OMB therefore the above noted policies of the former North York Official Plan are in effect for the site.

Traffic Impact

The Central Don Mills Secondary Plan establishes a density limit of 1.0 FSI on lands designated *Commercial* in part to ensure the capacity of the transportation infrastructure is not exceeded. The Secondary Plan limit overrides the general Commercial policies found in Section C.5 of the North York Official Plan that provides for an increase to 1.5 FSI in association with zoning applications and subject to several transportation based compatibility criteria. These transportation criteria speak to the need for development on commercial lands to be adequately served by transportation facilities, that traffic generated from the development should not result in an unacceptable level of arterial road service, and that traffic on local collector or minor arterial roads with residential communities not be increased by the proposed development to a level that would adversely affect pedestrian safety.

The density limit in the Secondary Plan functions as a limit or hold to potential development recognizing that the nature of uses within commercial designations can result in significant demand and variability on transportation capacity.

The applicant filed a Traffic Impact Study prepared by Lea Consulting dated September 2008. The study examines the full development of the site, inclusive of the traffic generated by the new retail shopping centre. The mixed use proposal results in some changes to access and parking area configurations. The study concludes the following:

- existing signalized intersections are operating at acceptable overall levels of service during peak hours;
- the proposed mixed use development will result in a slight increase in vehicle trips however the reduction in commercial traffic from the demolition of 49 The Donway West and the conversion of 75 The Donway West would off-set the increase in traffic from the new residential, office and retail uses;
- the current commercial zoning permission would result in about 60 percent more commercial/retail floor area than the mixed use proposal. As a result, future traffic conditions under a scenario with full commercial build out would result in worse levels of service at intersections in the study area, than under the mixed use proposal;
- all signalized intersections in the study area would operate at acceptable levels of service during peak hours under the development of the site as proposed however a number of movements (mainly left turns) may exceed capacity and experience increased delays; and
- road right-of-way dedications will not be required as full right-of-way has been obtained in the past for all public roads surrounding the Don Mills Centre.

Transportation Services have reviewed the analysis and conclusions of the TIS and advise the applicant's traffic consultant should prepare a traffic addendum letter to address the following concerns:

- the TIS does not suggest any mitigating measure to reduce delays and improve levels of service at the study intersections. The traffic consultant must suggest mitigating measures to improve traffic operations resulting from the development; and
- staff are concerned with the long delays that would be experienced by the northbound left-turn movements at the Don Mills Road / Lawrence Avenue East and The Donway West / Don Mills Road (South) intersections and the eastbound left turn movement at The Donway West / Don Mills Road (north) intersection. Staff requires the consultant to analyze future conditions with left-turn advance green phases for the aforementioned movements to determine whether they would be feasible.

Driveway Access

The North York Official Plan requires new development in commercial areas to provide for satisfactory movement of employees and visiting pedestrians, and provide for adequate site circulation so that visiting automobiles and commercial vehicles are unlikely to disrupt bordering streets or properties.

The mixed use development will be served by existing and reconfigured private driveways along The Donway West including a new signalized intersection at Overland Drive that was installed as part of the retail shopping centre development.

The existing driveway at 49 The Donway West will be shifted slightly to the west to align with Burdock Lane, the residential street south of The Donway West. This re-aligned driveway will be extended further north into the site providing a connection to the main east-west private driveway developed as part of the retail shopping centre (Street A) and ultimately terminating at the public square. The existing east-west private driveway from Don Mills Road between the Metro food store and the Don Mills Civitan Arena will remain in its current alignment.

All internal streets will remain in private ownership. New and modified internal streets would provide connections to the existing local public streets (Burdock Lane to the south and Overland Drive to the west). The applicant's transportation consultant proposes to discourage potential cut-through traffic through a number of traffic calming measures including textured pavement, on-street parking, pedestrian crossing and frequent all-way stop controlled internal intersections. The consultant's analysis concludes the proposed driveways are expected to operate at good levels of service during peak hours.

Transportation Services does not support the reconfigured driveway proposed between 75 The Donway West and building B1 to the north due to its close proximity to the proposed traffic control signals at The Donway West / Overland Drive. The applicant is required to relocate the aforementioned driveway to provide access to the building from the internal street.

Parking

The North York Official Plan requires new development in commercial areas to provide sufficient parking so that off-site roadways and unaffiliated parking areas are unlikely to be impacted.

The Toronto Official Plan encourages development at locations well served by a full range of transportation options to reduce reliance on automobiles. The site is in proximity to public transit routes and its location provides convenient walking and cycling opportunities to a range of destinations.

The applicant's transportation consultant prepared a detailed analysis of the parking demands for the various uses proposed for the site. The uses include the residential tenant and visitor parking, independent-living seniors condominiums, the assisted-care

residence, commercial retail, commercial office, the recreation/community centre and consideration for patrons of the Don Mills Civitan Arena (currently there is no dedicated parking spaces for the arena and patrons utilize retail surface parking next to the Metro food store). The consultant is proposing a shared parking arrangement for the development where the various uses would share a publicly accessible parking supply.

An overall parking supply of 1,752 parking spaces is proposed, comprised of 1,216 spaces would be allocated for residential parking, 376 spaces for commercial parking and 160 spaces for the private recreation/community centre. In accordance with the Secondary Plan, all residential parking is provided below grade in a 5-level underground parking garage. Parking for the private recreation/community centre will also be provided underground. With the exception of some angled parking at grade the majority of spaces allocated to commercial uses would be located underground.

Transportation Services support the parking proposal however the following matters must be addressed by the applicant:

- residential visitor parking requirements (shared) must be shown in each individual building or an appropriate rationale provided;
- as per By-law 31770, the subject site must provide disabled parking for the commercial uses having a minimum width of 3.65 metres; and
- clarification is required for the 67 commercial parking spaces allocated in the parking garage of Building A1 and A2. There are no commercial uses proposed in these buildings therefore clarification is needed to justify the 67 commercial spaces located in their parking garage.

Don Mills Environmental Assessment

The study began as an Individual Environmental Assessment (EA) with public open houses session seeking community input in April 2006. In September 2006, a revised Draft EA Terms of Reference (ToR) and staff report was considered at the Planning and Transportation Committee seeking endorsement to proceed with the ToR with certain amendments.

In January 2007 the Terms of Reference was submitted to the Ministry of the Environment (MOE) for formal review and approval. On May 11, 2007 the City of Toronto and TTC submitted an Amended Terms of Reference that received MOE approval in June 2007.

On March 21, 2007, the Toronto Transit Commission endorsed a light rail transit plan for the City of Toronto which included seven projects across the City. Amongst them was the Don Mills route from Steeles Avenue to the Bloor/Danforth subway. A Transit Project Assessment Process is currently underway to assess appropriate transit improvements in the Don Mills Road corridor.

On June 15, 2007 the Province of Ontario announced the Move Ontario 2020 funding program for 52 transit initiatives in the Greater Toronto Area and Hamilton. This funding program included all the light rail lines in the Transit City Plan. In June 2008, the Ministry of the Environment also introduced a new regulation under the *Environmental Assessment Act*, to allow transit projects to proceed under a six-month Transit Project Assessment Process which allows municipalities to implement their transit policy objectives in a more streamlined and cost-effective manner. The EA is now proceeding through a preliminary planning study which will lead to a Transit Project Assessment Process for a Don Mills Road LRT project running from Steeles Avenue East to the Bloor/Danforth Subway, as part of the Transit City program.

Map 3 of the Toronto Official Plan, “Right-of-Way Widths Associated with Existing Major Streets” identifies the stretch of Don Mills Road from Kern Road to Greenbelt Drive as having a 30 metre right-of-way width and identifies the stretch of Don Mills Road from Greenbelt Drive to Overlea Boulevard as having a 33 metre right-of-way width. Map 3 also identifies Overlea Boulevard from Don Mills Road to Millwood Road as having a 33 metre right-of-way width.

On May 6, 2009, Planning and Growth Management Committee directed staff to prepare an Official Plan Amendment to amend Map 3 to designate the right-of-way width along these stretches of Don Mills Road and Overlea Drive to 36 metres (Item PG25.5). The amendment would provide for the protection and development of right-of-way in association with the Transit City LRT line. The amendment would also enable the acquisition of additional property needed to achieve the proposed designated width of 36 metres. Consultation and subsequent reporting will proceed concurrently with the Don Mills LRT environmental assessment.

It is noted that any requirement for the conveyance of land for a public transit right-of-way is limited to that described in an Official Plan. The *Planning Act* provides for land acquisition for highway widening through S.41 (Site Plan Control) in association with development. The applicant has not yet filed an application for Site Plan approval.

Preliminary planning is underway in support of the Transit Project Assessment Process and the first round of public open houses were held in June 2008. The next round of open houses will be scheduled for late summer/early fall 2009. At these sessions the need for an amendment to the Official Plan associated with a larger right-of-way width will be identified.

The North York Official Plan requires new development in commercial areas to be compatible with any transportation improvement plan. Staff have reviewed the site plan for the mixed use proposal against the preliminary work undertaken to date as part of the Transit Project Assessment. Should it be determined that additional property is required to achieve the planned 36m right-of-way along the Don Mills Centre site it is noted that Building F on Parcel 3 and the associated underground parking garage would be set back approximately 5m from the existing right-of-way.

It is expected that both a mixed use development and the retail shopping centre on the Don Mills Center would benefit from an LRT line along the Don Mills frontage, through increased transit trips and a decrease in reliance on the automobile.

Servicing

The applicant filed a Preliminary Servicing Report prepared by MMM Group Limited dated September 2008. The report provides the conceptual framework for water distribution, sanitary sewage, storm water drainage and grading for the proposed development. Technical Services staff have reviewed the report and advise further information is required and revised submissions are necessary before the proposal is accepted. Further, Technical Services advise that more information is required on the solid waste collection arrangements & recycling facilities.

Streetscape

Technical Services is recommending improvements to the Don Mills Road and The Donway West public boulevards abutting the site to satisfy pedestrian requirements for this development. Staff are recommending the applicant construct a 1.7m wide sidewalk across the entire Don Mills Road and The Donway West frontages of the site at the standard location of 1.0m from the property line. Staff have further advised the applicant must convey to the City the necessary lands along these frontages to create a standard 5.5m wide boulevard to accommodate the required sidewalk, municipal trees, streetlights, utilities, snow storage and below ground utility appurtenances. In addition, a 6.1m radius corner rounding must be provided at the corner of Don Mills Road and The Donway West.

Section 37

Section 37 of the *Planning Act* provides the City the authority to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions toward specific capital facilities) and can include matters such as parkland and/or park improvements above the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, community facilities and/or local improvements to transit facilities. The community benefits must bear a reasonable planning relationship to the proposed development, including at a minimum, an appropriate geographic relationship with the development.

As noted previously, the applicant appealed the Toronto Official Plan to the OMB and the policies of the former North York Official Plan are in effect for the site. It is the applicant's position that the City has no authority under the former North York Official Plan to enact a Zoning By-law amendment containing bonusing provisions because the Section 37 policy of the North York Official Plan was never approved by the Minister of Municipal Affairs. The applicant has indicated that any community benefit such as a community centre would therefore be provided on a voluntary basis however, there is an Official Plan Amendment appeal before the Board, and the Board may determine it appropriate to provide S37 benefits on a site specific basis.

Before consideration can be given to the securing any Section 37 benefits, the proposed development must constitute good planning. Given staff concerns with the application, recommendations on Section 37 benefits cannot be brought forward at this time.

Open Space/Parkland

Applicability of Parkland Dedication

As mentioned previously, the North York Official Plan contains policies to ensure developments are well served by parks. The Plan states Council may require, as a condition of development, the conveyance of up to one hectare of land per 300 dwelling units for parks purposes. The Plan also states that the amount of land to be conveyed shall be a minimum of five percent of the lands being developed or redeveloped and that where a dedication of land is impractical because of the size of the site, or if there is sufficient parkland in the vicinity of the development, Council may accept cash-in-lieu of a land dedication.

City Council, at its meeting of July 15, 16 and 17, 2008, passed By-law 812-2008 to bring into effect an alternative rate for parkland acquisition for certain sites in the former City of North York on the same terms as the existing City wide alternative parkland dedication By-law No. 1420-2007. The Don Mills Centre is one of the sites included in By-law 812-2008.

It is the applicant's position that the Alternative Parkland Dedication (APD) By-law do not apply to their proposal as the application was filed years before the enactment of the APD By-law. They state that the application should rely on the policy structure in effect on the date of the application (prior to the introduction of the APD). It is the City's position that the APD By-law applies.

As mentioned previously, a 2 percent parkland dedication (2,037m² / 0.2ha) was required when the retail site plan was approved. The land dedication is held in escrow for the City and would be combined with the parkland dedication requirement for the proposed mixed use development. The escrow lands are located on the west side of Don Mills Civitan arena where an internal street (O'Neill Road), surface parking and five levels of underground parking are proposed.

Calculation of Parkland Dedication

The mixed use development proposal encompasses 1,387 residential units on a site of 34,475m² (3.4ha) in size. At the alternative rate of 0.4 ha per 300 units specified in By-law 812-2008, the parkland dedication for the mixed use site would be 1.85 ha which represents 53.6 per cent of this portion of the site. A cap of 15 per cent applies to sites that are between 1 and 5 ha in size. If the development application is approved, the mixed use proposal would be subject to a parkland dedication of 5,171m² (0.51 ha).

The parkland dedication requirement for the entire site is 7,208m² (0.72 ha) given the current statistics. Any land required through road widenings resulting from the Don Mills Environmental Assessment or the requirements of Technical Services would have to be

factored into the calculation and modifications to the parkland dedication requirement would result.

Should the 19,479m² (0.19 ha) of lands within the site (i.e., the Metro grocery store and the office building at 1090 Don Mills Road) that were not redeveloped with the retail shopping centre lands and do not form part of the current mixed use proposal, be redeveloped in the future, these lands will be subject to parkland dedication based on the proposed development.

Proposal for Dedication of Parkland

The applicant has proposed a parkland dedication of 3,807m² (0.38 ha) for the mixed use site. The land is located at the southwest part of the site fronting the curve on The Donway West. The location and size of the parkland dedication proposed by the applicant is not acceptable to Parks, Forestry and Recreation. The proposed conveyance is of an irregular shape, does not meet the conveyance required for the development lands and is not consolidated with the existing parkland located at 1030 Don Mills Road (the Don Mills Civitan Arena lands).

Parks, Forestry & Recreation recommend that the parkland dedication should be consolidated with the 5,317m² (0.53 ha) of Don Mills Civitan Arena lands either to the east or south of the facility. Together with lands held in escrow, the consolidated parkland of 12,525m² (1.25 ha) (new and existing) will increase the design options for the space and create a park that will serve multi-programming uses and enhance the efficiency of maintaining the park space. The final location of the parkland dedication will be subject to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Publicly Accessible Recreational Facility

Parks, Forestry & Recreation supports the concept and size of the proposed publicly accessible recreation facility. However Parks, Forestry & Recreation staff requires further discussions with the applicant to determine, among things, the amount of time the City staff will receive to run its programs and how public access would be secured.

Amenity Space

The Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. To supplement the publicly accessible recreation centre, the applicant is proposing private indoor amenity space within each of the new condominium apartment buildings at a minimum rate of 1.0m² per dwelling unit. Based on 1,387 dwelling units/rooms this would equate to 2,080.5m² (22,395 sq.ft.) of space for the proposal. Details have not been finalized however it is anticipated this space could include fitness rooms, lobby/lounge, exercise and change rooms and meeting/party rooms. Common outdoor residential amenity space would be provided at a minimum rate of 2.0m² dwelling unit in the form of landscaped gardens and open space, and rooftop gardens.

Buildings A1 and A2 (on Parcel 1 south of the Post Office) are planned to be a retirement residence. The indoor amenity space would be shared between the two buildings. Although details have not been finalized the applicant anticipates the space may include a lobby, lounge, dining room, spa, bar, salon, chapel and meeting/party rooms.

The amount and type of common indoor and outdoor amenity space is similar to other large developments and is supported by staff. Any amending Zoning By-law for the site should incorporate these rates as minimum performance standards.

School Boards

Comments have not been received from the Toronto District School Board on the current proposal. Comments provided on a previous submission indicated there is insufficient space at the local schools to accommodate students from the development. The Board indicated that students may be accommodated in facilities outside the area until adequate funding or space becomes available.

The Toronto District Catholic School Board did not provide any comments on the application. It is noted that the Catholic School Board has an Education Development Charge By-law in place which is intended to fund growth-related demand for new pupils. Payments of \$544.00 per dwelling unit and \$0.58 per square foot of non-residential floor area would be required at the time of issuance of the first building permit.

Tenure

The proposed units will be part of one or more condominium corporations. Applications for draft plan of condominium approval would be required.

Toronto Green Standard

The Toronto Green Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto.

The applicant has indicated that the development will incorporate significant components of the Toronto Green Standard, including green roofs, and that the buildings will be LEED certified. Details have yet to be finalized.

Site Plan Control

The proposed development is subject to site plan control. The applicant has not submitted an application in this regard. Should an application be filed based on the proposal in its current form, and the application subsequently appealed to the Ontario Municipal Board, it is recommended that City Council authorize the City Solicitor and appropriate staff to appear before the Board in opposition to the application.

Development Charges

The applicant has not provided information regarding unit types to estimate the development charges for this project. The charge will be assessed and collected upon issuance of the building permit.

CONTACT

Steve Forrester, Senior Planner

Tel. No. (416) 395-7126

Fax No. (416) 395-7155

E-mail: sforrest@toronto.ca

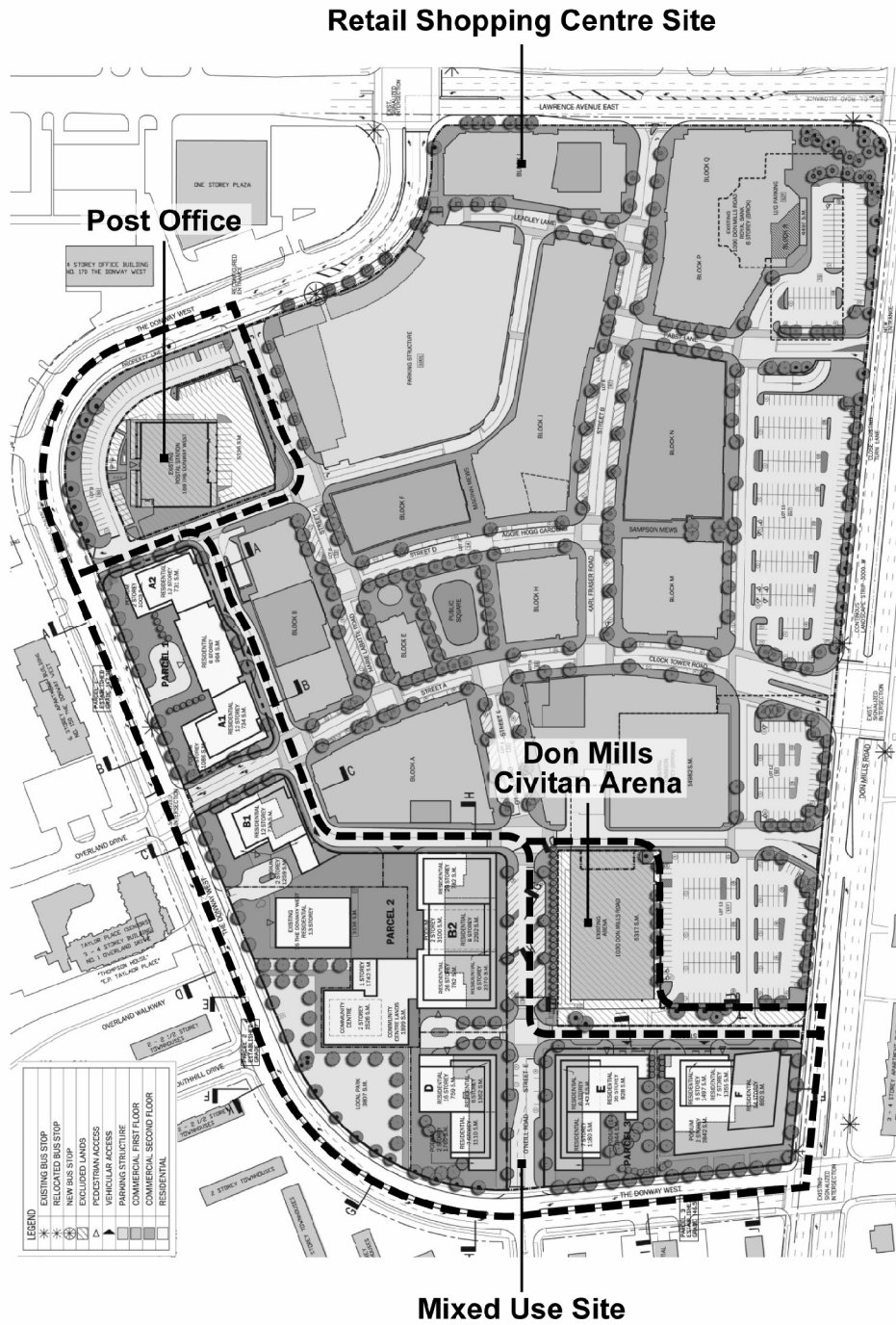
SIGNATURE

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

ATTACHMENTS

- Attachment 1: Overall Site Plan
- Attachment 2: Mixed use site - Parcel 1
- Attachment 3: Mixed use site - Parcel 2
- Attachment 4: Mixed use site - Parcel 3
- Attachment 5: Perspective
- Attachment 6: Cross Sections
- Attachment 7: Cross Sections
- Attachment 8: Cross Sections
- Attachment 9: Zoning
- Attachment 10: Official Plan (North York)
- Attachment 11: Official Plan (Toronto)
- Attachment 12: Application Data Sheet
- Attachment 13: Supplement to Development Proposal

Attachment 1: Overall Site Plan



Site Plan
 Applicant's Submitted Drawing

Not to Scale
 05/28/09

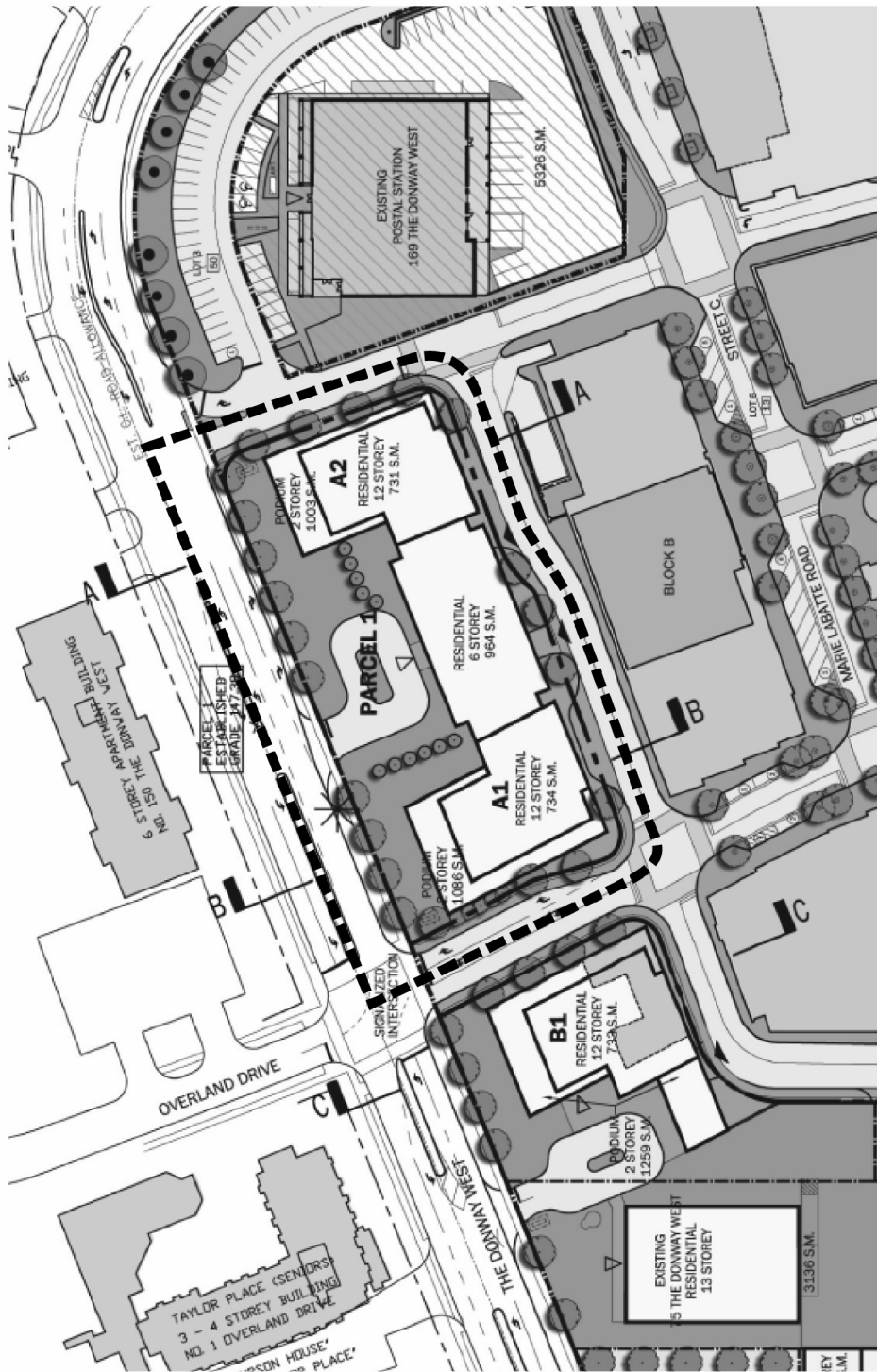


939 Lawrence Avenue East
 and 49 & 75 The Donway West

File # 01_036318

Staff report for action – Request for Direction – 939 Lawrence Ave E., 1090 Don Mills Rd.
 49 & 75 The Donway W.

Attachment 2: Mixed use site - Parcel 1



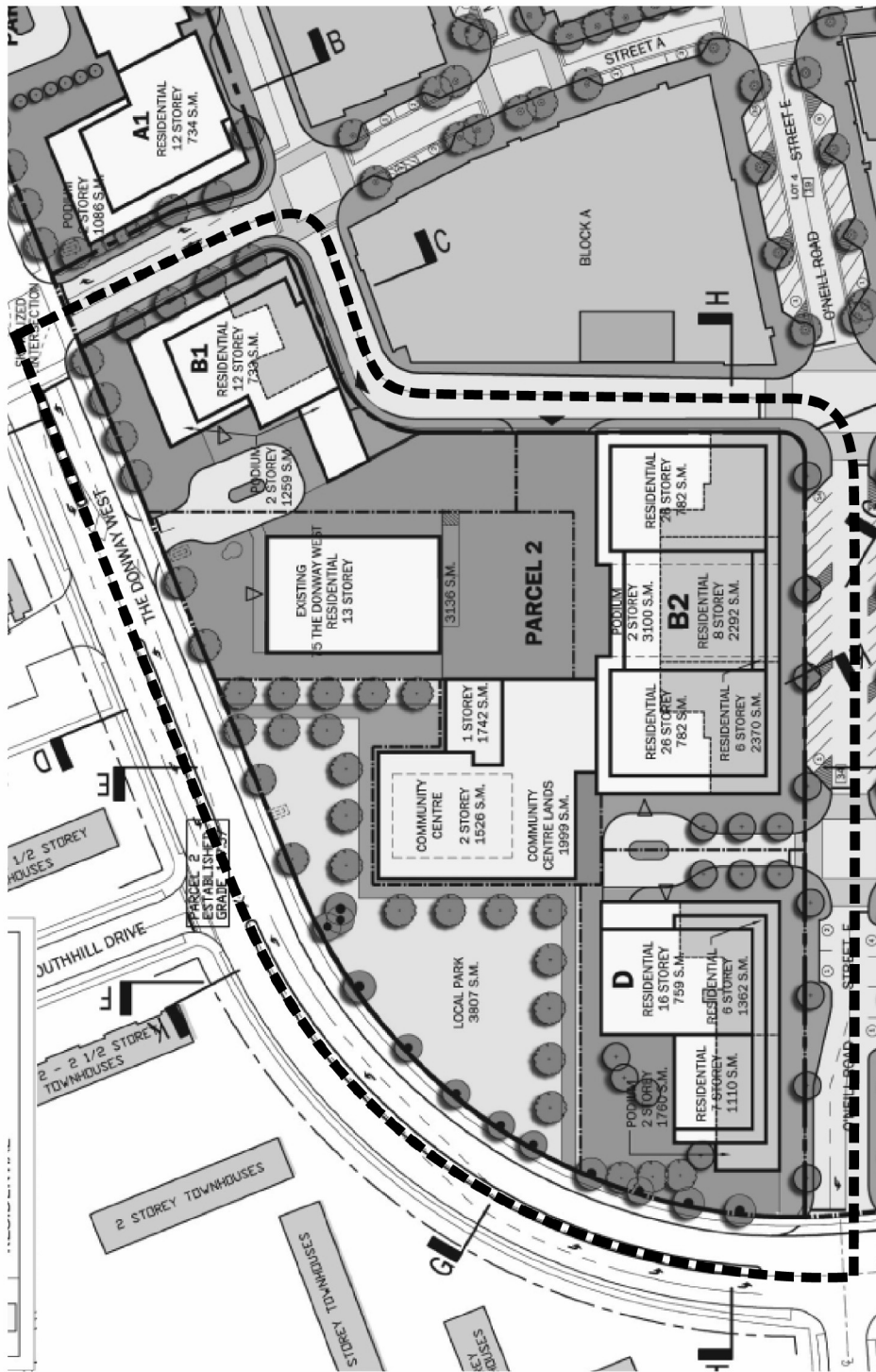
Parcel 1
 939 Lawrence Avenue East
 and 49 & 75 The Donway West

Applicant's Submitted Drawing

File # 01_036318

Not to Scale
 05/28/09

Attachment 3: Mixed use site - Parcel 2



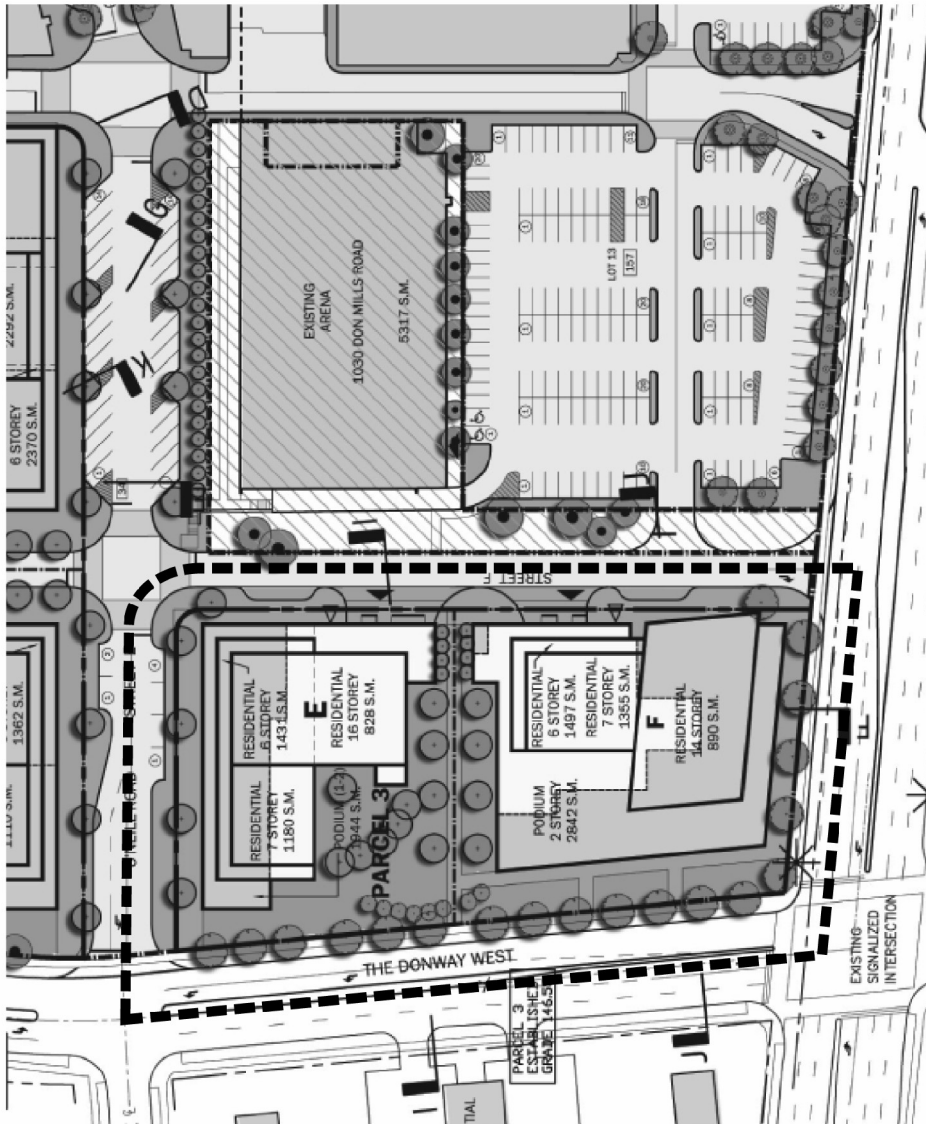
Parcel 2
 939 Lawrence Avenue East
 and 49 & 75 The Donway West

Applicant's Submitted Drawing

File # 01_036318

Not to Scale
 05/28/09

Attachment 4: Mixed use site - Parcel 3



939 Lawrence Avenue East
and 49 & 75 The Donway West

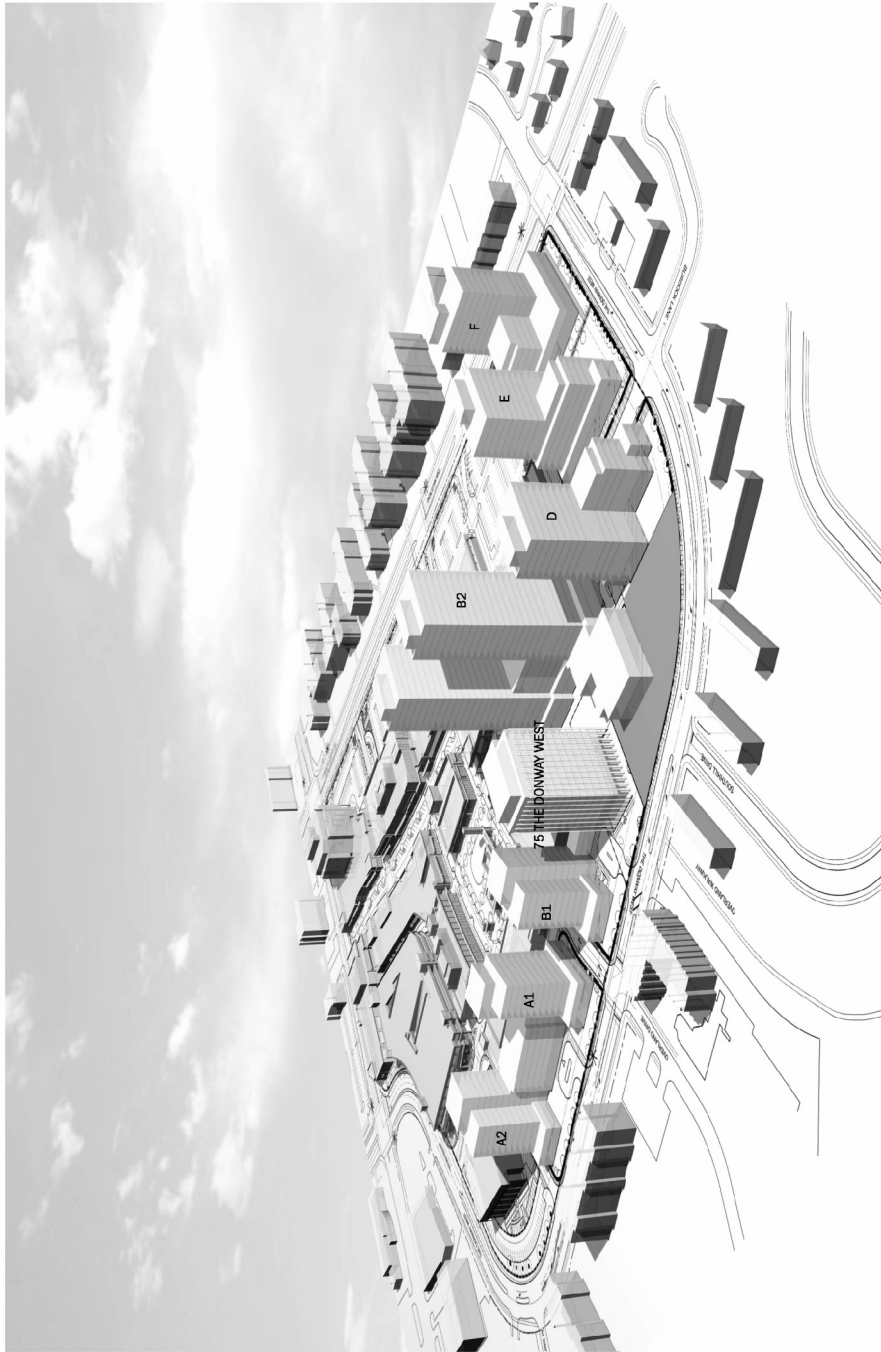
File # 01_036318

Parcel 3
Applicant's Submitted Drawing

Not to Scale
05/28/09



Attachment 5: Perspective



NTS. Representations are approximate.

Perspective View

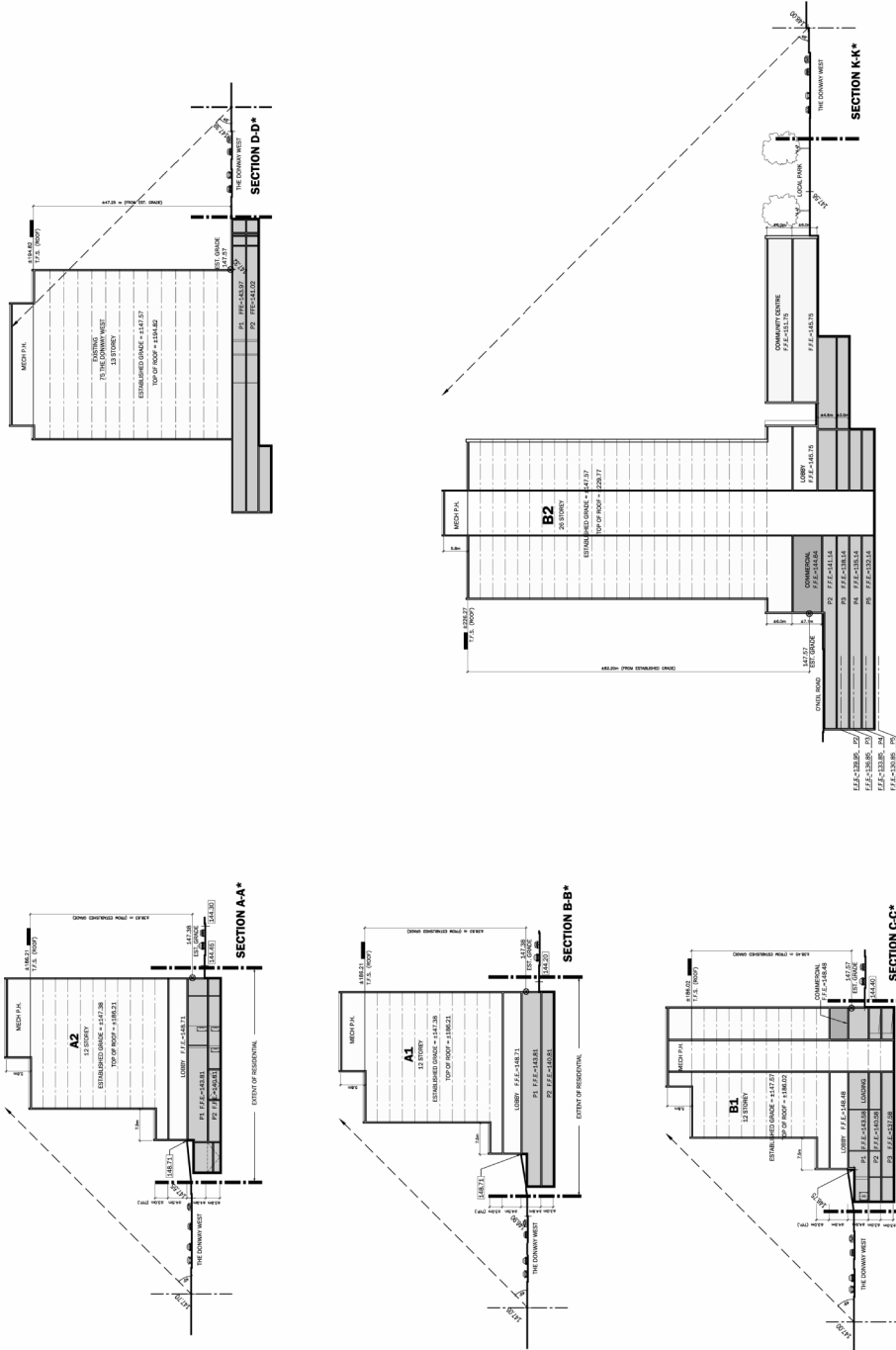
Applicant's Submitted Drawing

Not to Scale
03/16/04

939 Lawrence Avenue East and 49 & 75 The Donway West

File # 01_036318

Attachment 6: Cross Sections



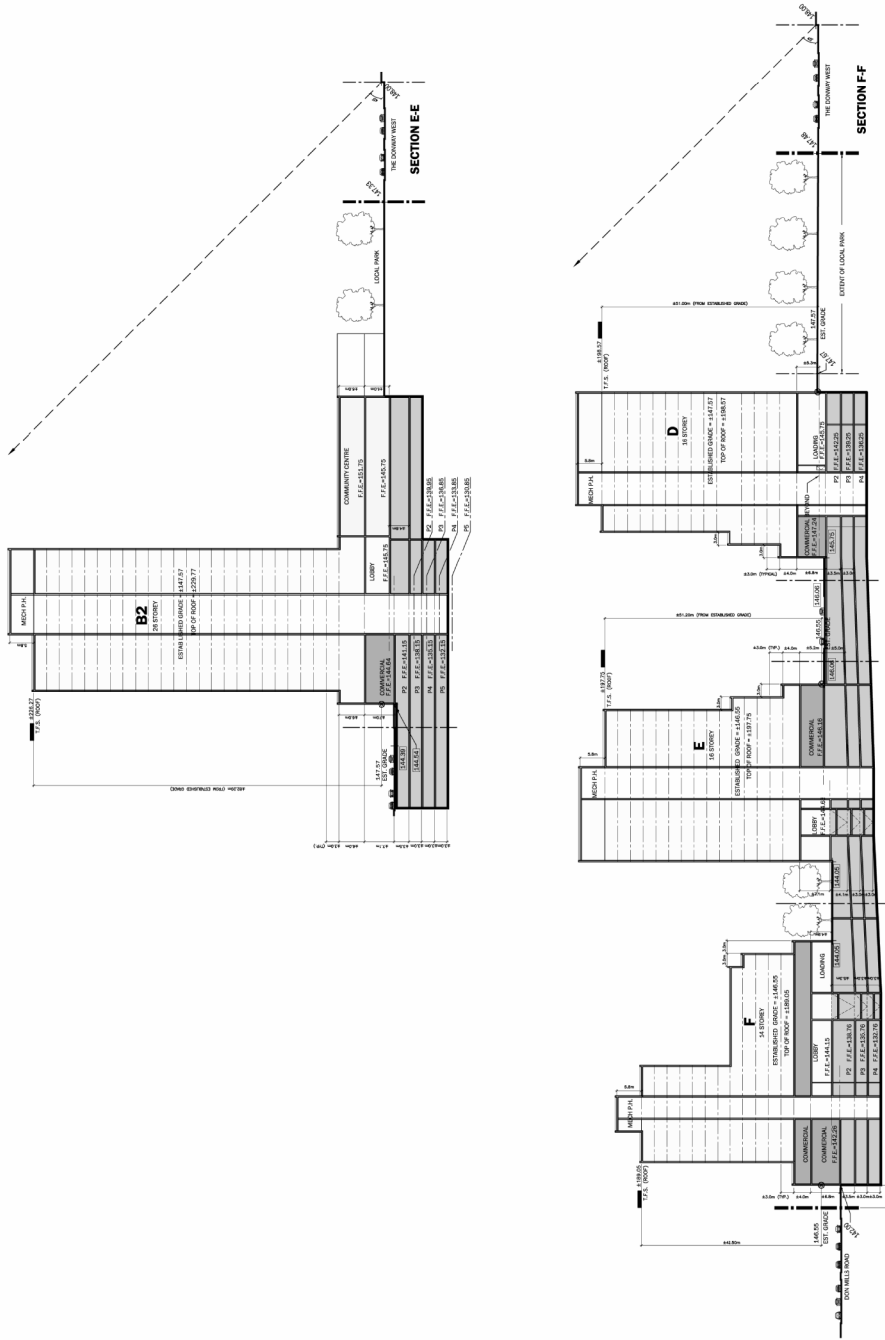
939 Lawrence Avenue East and 49 & 75 The Donway West

File # 01_036318

Cross Sections
Applicant's Submitted Drawing

Not to Scale
03/16/04

Attachment 7: Cross Sections



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

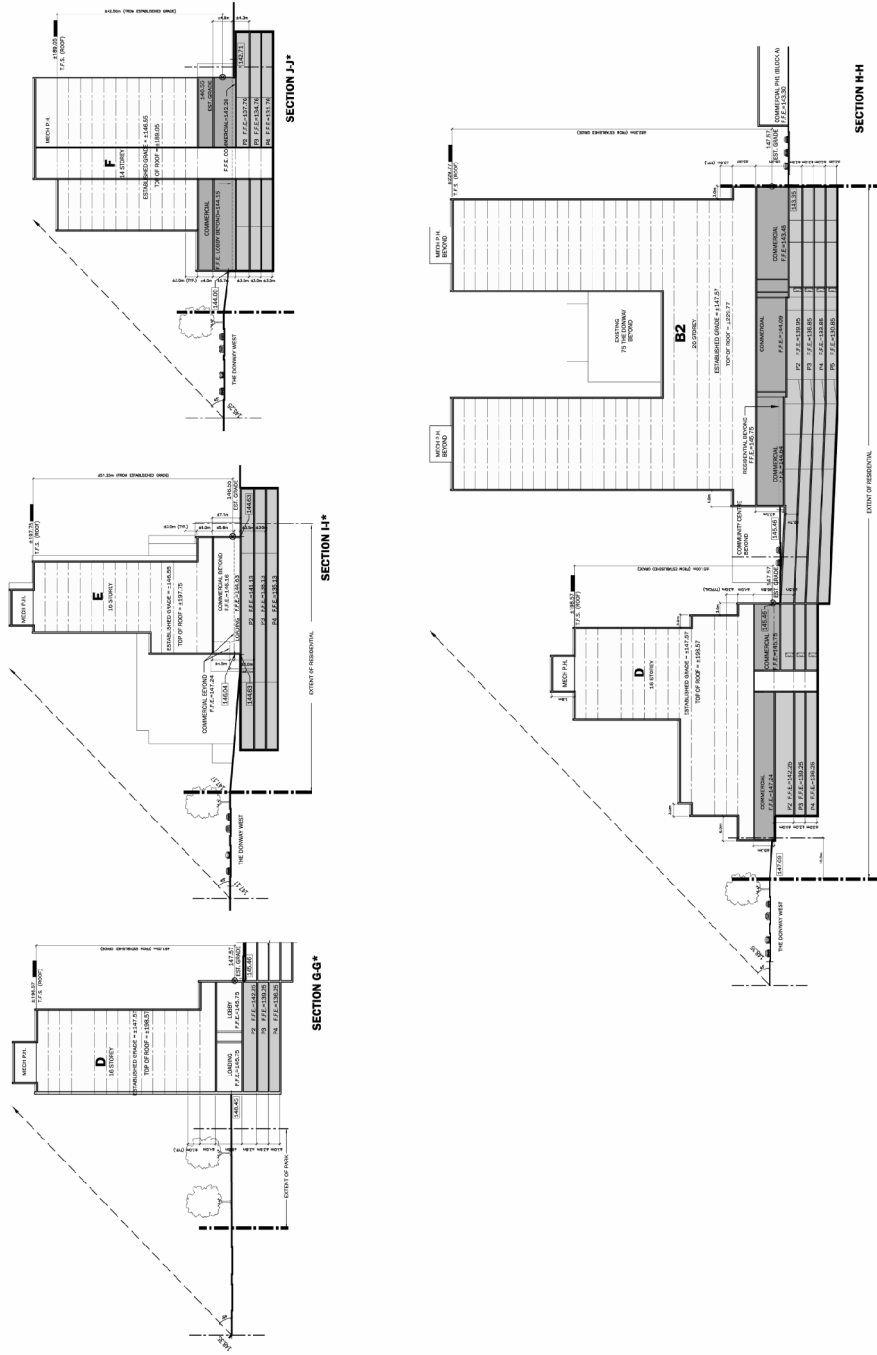
File # 01_036318

Cross Sections

Applicant's Submitted Drawing

Not to Scale
03/16/04

Attachment 8: Cross Sections



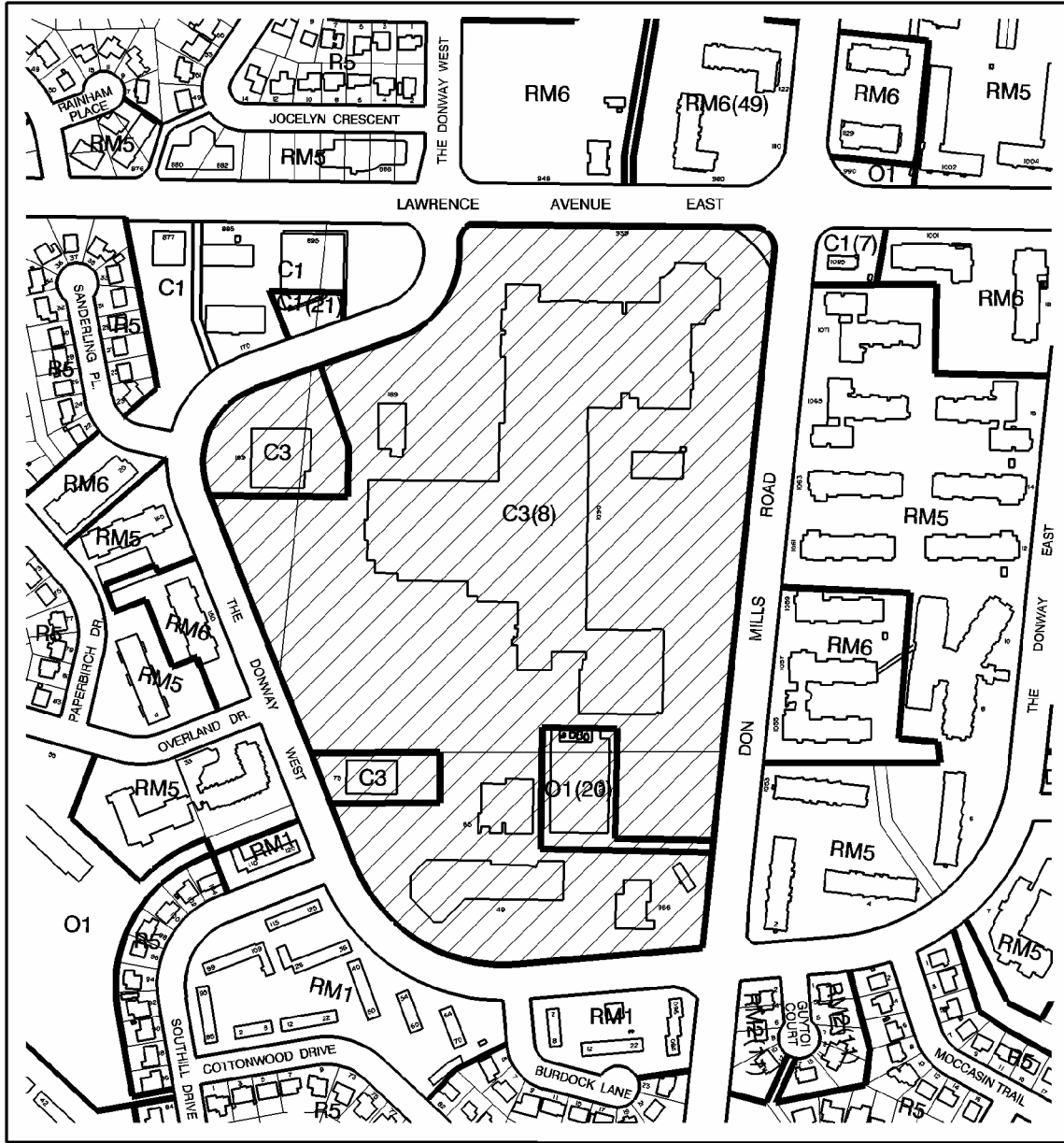
939 Lawrence Avenue East and 49 & 75 The Donway West

File # 01_036318

Cross Sections
Applicant's Submitted Drawing

Not to Scale
03/18/04

Attachment 9: Zoning




TORONTO Urban Development Services
Zoning

939 Lawrence Avenue East

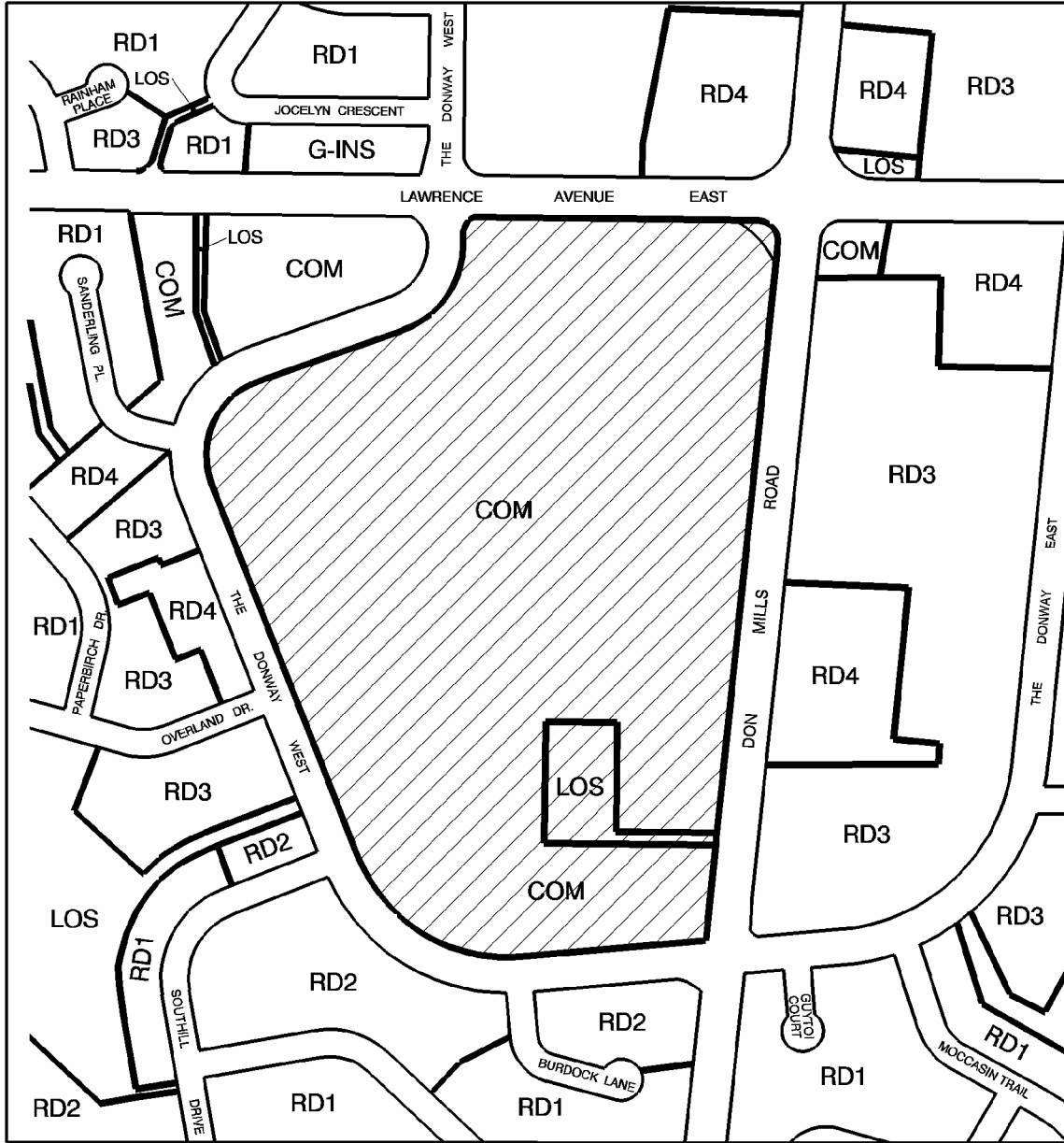
File # 01_036318

- | | |
|--|--|
| 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

Staff report for action – Request for Direction – 939 Lawrence Ave E., 1090 Don Mills Rd.
 49 & 75 The Donway W.

Attachment 10: Official Plan (North York)



Toronto Urban Development Services
Official Plan

939 Lawrence Avenue East

File # 01_036318

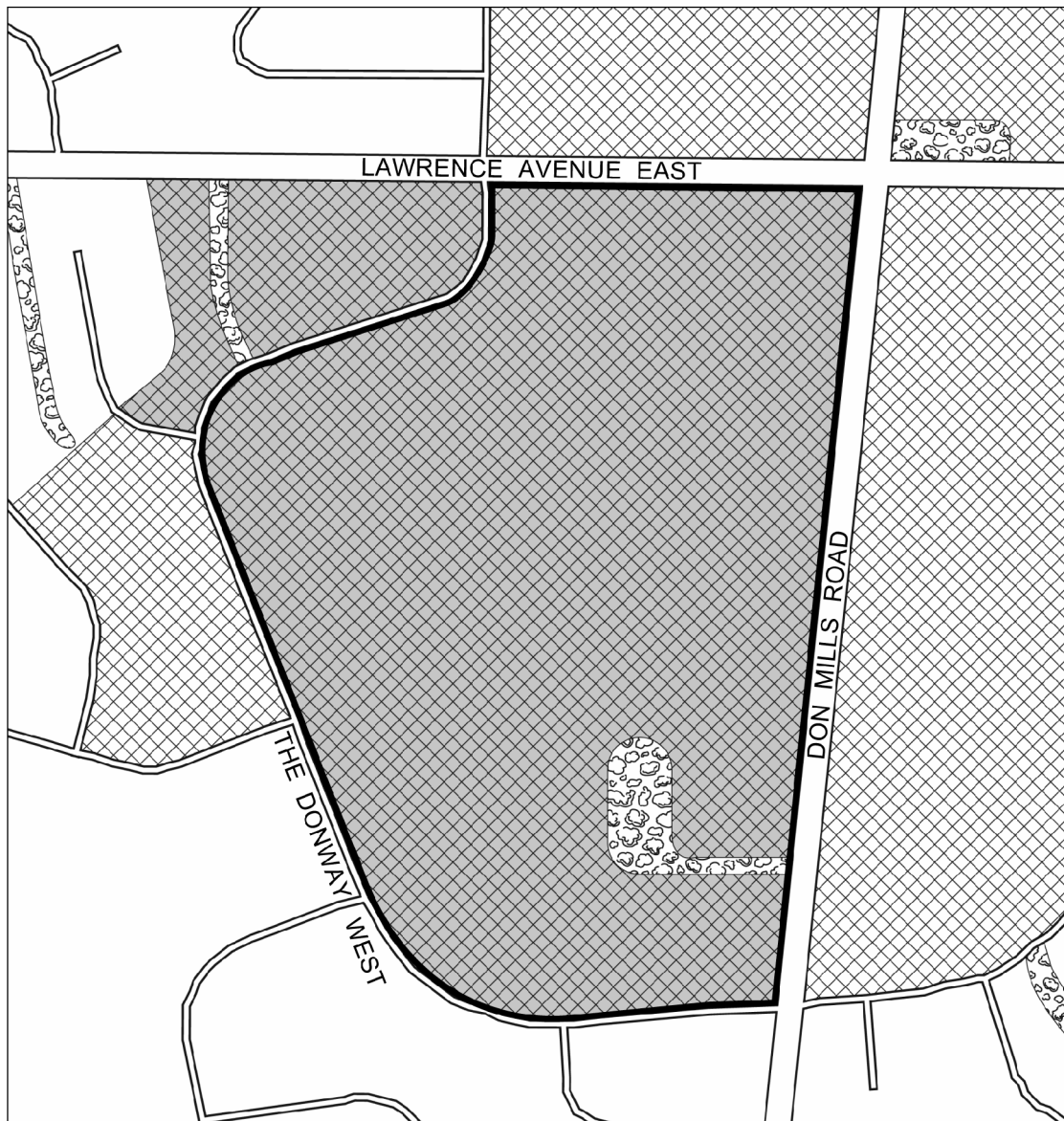
- RD1 Residential Density One
- RD2 Residential Density Two
- RD3 Residential Density Three
- RD4 Residential Density Four

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

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

Staff report for action – Request for Direction – 939 Lawrence Ave E., 1090 Don Mills Rd.
 49 & 75 The Donway W.

Attachment 11: Official Plan (Toronto)



TORONTO City Planning
Division
Official Plan

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

File # 01_036318




 Not to Scale
 03/16/07

Staff report for action – Request for Direction – 939 Lawrence Ave E., 1090 Don Mills Rd.
49 & 75 The Donway W.

Attachment 12: 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		
Location Description:	939 LAWRENCE AVE E -- PART OF BLOCKS A AND D, R.P.4545 **GRID N2510		
Project Description:	Mixed-use (Phase 2) development comprising 1,387 dwelling units, 7,530m ² of commercial space, a 4,467m ² publicly accessible community centre building, and a 0.38 hectare public park. An additional 23,123m ² of commercial space is proposed within the Phase 1 component. The residential GFA is 151,254m ² ; the commercial gfa (including Phase 1) is 93,131m ² . With an overall site area of 155,684m ² the resulting density is 1.60 FSI.		

Applicant:	Agent:	Architect:	Owner:
TONY VOLPENTESTA	BOUSFIELDS INC	FRAM BUILDING GROUP	THE CADILLAC FAIRVIEW CORPORATION LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C3(8)	Historical Status:
Height Limit (m):	49 & 51	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	155810	Height:	Storeys:	26
Frontage (m):	505		Metres:	82
Depth (m):	208			
Total Ground Floor Area (sq. m):	53344			Total
Total Residential GFA (sq. m):	151254		Parking Spaces:	1752 (Phase 2)
Total Non-Residential GFA (sq. m):	97598		Loading Docks	27 (Overall)
Total GFA (sq. m):	248852			
Lot Coverage Ratio (%):	52-58% (Phase 2) 34% (Overall)			
Floor Space Index:	1.6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condominiums and Retirement Residence	Above Grade
Rooms:	N/A	Residential GFA (sq. m): 151254
Bachelor:	N/A	Retail/Office GFA (sq. m): 93131
2 Bedroom:	N/A	Industrial GFA (sq. m): 0
3 + Bedroom:	N/A	Institutional/Other GFA (sq. m): 4467
Total Units:	1387	

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

Attachment 13: Supplement to Development Proposal



April 15, 2009

Mr. Steve Forrester
Senior Planner
Community Planning
Planning Department
Toronto, ON
M5H 2N2

Re: Supplement to Development Proposal, September 30, 2008;
Operation of Community Centre;
C/F Realty Holdings Inc. ("Cadillac Fairview") Don Mills Centre

Dear Mr. Forrester:

We have been retained by Cadillac Fairview with regard to the planning and implementation of the community centre proposed for Phase 2 of the Don Mills Centre project. The purpose of this letter is to provide the City of Toronto with a summary of the operational arrangements proposed for the community centre in the September 30, 2008 submission made by Cadillac Fairview.

Condominium Funding and Fee Structure

The community centre will be an integral component of the Phase 2 development and will be operated by a private not-for-profit incorporated entity ("NFP"). The NFP will derive revenues from (i) the residents within Phase 2 and the public through user fees (pay-as-you-go services, registered programs and annual memberships), and (ii) space rentals, food service sales and other revenues. The user fees will be based on City rates for comparable facilities, services and programs, contingent upon tax exempt status.

Community Centre Operations

a. Advisory Board

The NFP's advisory board will provide ongoing input and advice regarding the implementation of the NFP's mandate. The Board will include representatives of the condominium corporations, the Don Mills community and Cadillac Fairview.

*11985 Carr's Landing Road, Lake Country, BC V1V 1C5
250.766.2285 Fax 250.766.2291 email: jfgroup@shaw.ca*

Steve Forrester

April 15, 2009

Page 2

b. Day-to-Day Management

The NFP, either directly or through a professional recreation facility management company, will operate the facility. The NFP or its manager will be responsible for all staffing, maintenance, scheduling, programming and financial matters associated with the operations of the community centre.

c. Guiding Principles

The NFP will develop a service delivery philosophy complemented by guiding principles that will become the foundation for the community centre's operating profile. Provided the community centre operates on a tax exempt status:

- (i) The guiding principles will be formulated in consultation with the City's Parks, Forestry and Recreation Department, with specific reference to the "New Initiative Approval Process" of the Recreation Department's Community Recreation Branch.
- (ii) The NFP or its manager will also work with City staff to develop and implement a continuous and comprehensive community consultation process involving various methods of soliciting input from facility users, local residents and other potential program participants in the formation of the guiding principles.
- (iii) The guiding principles for the management of the community centre will be informed by the City's "New Initiative Approval Process" for new programs, services, or partnerships, which seeks and promotes community stewardship, lifelong health and wellness, child and youth development, and leadership development. Serious consideration will be given to both the "principles" and the "expectations" of the City regarding community centres, with the guiding principles establishing operating requirements that promote publicly accessible, high quality, affordable, equitable, barrier-free and diverse recreation programs that foster youth development, life-long learning, environmental stewardship and grassroots participation by members of the community.
- (iv) The guiding principles will describe the facility allocation and program priorities, and the input received through the consultation activities will determine the appropriate amount of time and space that will be allotted to each group or type of program. The City would be a potential facility user with access to facility time and space, as determined annually through a mutually agreeable process and provided satisfactory financial arrangements are arrived at.

d. Promotion of the Community Centre

The NFP will consult and/or work with City staff to promote public use of the community centre to the fullest possible extent.

e. Annual Review and Business Plan

Every year, the NFP will prepare and present to the Board for its input the business plan describing the NFP's operational intentions for the next fiscal year, and confirming that the plan complies with the guiding principles of the community centre. At a minimum, the business plan will include a staff structure, a program plan, a pricing plan, sales and marketing plans, a capital budget request and financial projections.

Input from the community consultations described above will be used to develop the annual business plan and to ensure that the community centre remains in step with the needs of its patrons, the local community, the programming desires of the City, and emerging recreation service trends. The business plan will take these factors into account and will set out appropriate program inventories, staff deployment strategies and a financial plan for the next fiscal period.

From time to time, the Board and the NFP or its manager may agree to adjust elements of the business plan in response to local market conditions, emerging program requests from facility patrons and/or the community, or other relevant events. Any material revisions to the plan will require Board consultation.

User Groups and Access

It is expected that there will be three primary groups of facility users:

1. **Members:** Individuals or families who elect to become members of the community centre under terms of membership which, as examples, may be based upon annual, short-term, special or restricted use memberships. Membership privileges will include access to the facilities and participation in programs, although certain registered programs may involve additional fees. Residents living in the immediate vicinity of the community centre are the most likely prospects for members.
2. **Patrons (pay-as-you-go):** People who elect to pay a single use user fee to the facility or who rent space within the facility.
3. **Program Registrants:** Individuals who pre-register for programs such as swimming lessons, leagues, or group exercise classes, and gain access to the facility for the purpose of participating in a specific activity.

All persons will have equal access to the community centre. The community centre will be provided with the use of approximately 25 dedicated community centre parking spaces, with the remaining spaces shared with commercial uses to be located within Phase 2 of the Don Mills Centre project.

Steve Forrester
April 15, 2009
Page 4

Services

The community centre will have four main service areas including:

1. Aquatic centre: Services will include recreational swimming, lap training, lessons, and pool rentals.
2. Active living centre: Services will include individual fitness training, group fitness classes, aqua fit classes, personal training, sport leagues, wellness and educational programs.
3. Community services: Services will include meeting room rentals, guest speakers, and other specialized programming in areas of interest to the community.
4. Fellowship and social activity services: These will include organized and/or unstructured opportunities for members, patrons, guests, and community residents to socialize in the facility.

Financial Obligations and Other Issues

Operational and Maintenance Costs

The NFP will be responsible for operational and capital maintenance costs and liabilities of the community centre. The NFP's by-laws will describe processes for operating the community centre in a manner that is consistent with reasonable industry standards.

We trust that the above clarifies the intended operation and governance of the Community Centre, and look forward to working with the City to establish this facility for the benefit of the community.

Yours truly,

Sent electronically

John Frittenburg
President
The JF Group

JGF/klf