

966 Don Mills Road – City-Initiated Official Plan and Zoning By-law Amendment Application – Final Report

Date: August 23, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: 16 - Don Valley East

Planning Application Number: 19 255599 NNY 16 OZ

SUMMARY

At its meeting of July 16, 17 and 18, 2019, City Council approved a community recreation centre accommodating a twin-pad arena/multi-sport indoor courts, gymnasium with walking track, an aquatic centre, and community and program space, co-located with a large community park at 844 Don Mills Road (the former Celestica lands) to serve the communities along Don Mills Road, from York Mills Road to Flemingdon Park.

In order to implement this approval, City Council directed staff to initiate an Official Plan and Zoning By-law Amendment to modify zoning permissions for 966 Don Mills Road, located one kilometre north of 844 Don Mills Road, which had been previously approved to accommodate a community recreation centre.

City Council further directed that staff undertake a review of other public and community uses that may be accommodated at 966 Don Mills Road through the execution of a Public and Community Needs Scan of the Broader Don Mills Catchment Area (the "**Scan**") to determine if any service gaps will exist following the completion of the recommended community recreation centre at 844 Don Mills Road. The purpose of the Scan was to assist in determining future public/community use(s) for the lands at 966 Don Mill Road.

This amendment implements City Council's direction by recommending the removal of provisions related to the construction of a community recreation centre previously approved at 966 Don Mills Road included in current site specific official plan policies, zoning by-law provisions and a Section 37 agreement for the Shops at Don Mills. This report also details the results of the Scan.

The subject site, 966 Don Mills Road (the "**Site**"), is to be conveyed to the City of Toronto, as secured in the existing Section 37 Agreement, dated February 22, 2011. Terms of this agreement are proposed to be revised through this amendment process to implement City Council's direction. However, the conveyance of the Site to the City of

Toronto, including applicable environmental remediation requirements, will still take place.

The proposed revisions to the site-specific Official Plan, Zoning By-law, and Section 37 agreement for the Site would allow for Section 37 funds to be redirected to the larger, integrated community recreation centre at 844 Don Mills Road that would continue to serve the Don Mills Road and Lawrence Avenue East community as well as the significantly growing population along the Don Mills corridor. In particular, the community recreation centre at 844 Don Mills Road would serve the Don Mills Road and Eglinton Avenue East area, which is in proximity to high-order rapid transit and equity-deserving neighbourhoods. This facility will reflect current design excellence for community recreation facilities and offer greater programmatic opportunities to serve the area. Further, the revisions are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), meets the intent of the North York Official Plan, and conforms to the Toronto Official Plan.

This report reviews and recommends approval of the City-initiated Official Plan and Zoning By-law Amendments, and recommends staff be directed to revise the Section 37 agreement applying to the Site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, Central Don Mills Secondary Plan, for the lands at 966 Don Mills Road, substantially in accordance with the draft Official Plan Amendment at Attachment 5 of this report.
2. City Council amend North York Zoning By-law No. 7625, as amended, for the lands at 939 Lawrence Avenue East, 966, 1030 and 1090 Don Mills Road, and 49 and 75 The Donway West, substantially in accordance with the draft Zoning By-law Amendment at Attachment 6 of this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to revise the existing Section 37 agreement for Don Mills Centre or enter into a new agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor as follows:
 - (a) The indexed \$17 million provided for in the Don Mills Centre Section 37 Agreement shall be utilized for the construction and outfitting of the Celestica community recreation centre. The money shall be paid to the City prior to the earlier of:

- i) condominium registration for building B2 or D at the Shops of Don Mills;
- ii) the issuance of any building permit for 169 the Donway West;
- iii) the issuance of any building permit for Buildings E or G at the Shops at Don Mills; or
- iv) the "Land Exchange" as described below.

(b) the owner will be entitled to convey the lands at 966 Don Mills to the City in exchange for the Civitan Arena lands (the "**Land Exchange**"). In the event the owner triggers the Land Exchange, the lands at 966 Don Mills shall be cleaned by the owner at its sole expense in accordance with the City's Policy for Accepting Potentially Contaminated Lands, prior to conveyance of the Civitan Arena lands to the owner.

(c) The Land Exchange may be triggered by the owner at its sole discretion provided that the owner provides the City with 12 months' notice. In any event, the Land Exchange shall occur no more than 12 years after the registration of the revised section 37 agreement for the Don Mills Centre development unless otherwise agreed to between the parties. In the event that the owner triggers the Land Exchange prior to the end of the 2022 to 2023 winter hockey season, the owner will continue to permit the City to operate the Civitan Arena for ice hockey purposes following the Land Exchange, until May 15, 2023, in order to accommodate the completion of the 2022 to 2023 winter hockey season.

(d) At any time prior to the Land Exchange and after May 15, 2023 the City may give the Owner 12 months' notice and the owner will be required to demolish the Civitan Arena, remove all the demolition debris, restore the site to a safe condition to the City's satisfaction and enclose the site with fencing, all at no cost to the City. If the City requires the demolition prior to the Land Exchange, then following demolition, the owner may be entitled to use the site for parking and/or construction staging upon execution of any lease or licence required by the City which will require, among other things, market value fees to be paid.

(e) Until the completion of the Land Exchange, the Civitan Arena will be utilized by the City at its discretion, for the purposes of a hockey arena, or other community oriented uses, such as arts, crafts, social, charitable and educational activities, as well as recreational purposes and recreational programming, seniors services, and other community uses as agreed to by the Parties..

(f) The owner shall have a right of first refusal to purchase the 966 Don Mills Road lands in the event the City elects to dispose of the lands within 20 years of acquiring them (the "**ROFR**"). The ROFR will not apply to any transfer or leasing of the 966 Don Mills Road lands to any federal, provincial or municipal governmental or quasi-governmental agency, board, commission or other body or the transfer of small amounts of the 966 Don Mills Road lands for road widenings, easements, or similar transactions.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

Extension of Conveyance of the Community Centre Lands in Don Mills Centre

At its meeting of October 27, 28 and 30, 2020, City Council instructed the City Solicitor, among other matters, to further extend the deadline for the conveyance of the Community Centre Lands at 966 Don Mills Road, owned by Cadillac Fairview, until January 31, 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY18.23>

Planning Recreation Facilities for the Don Mills Communities

At its meeting of July 16, 17 and 18, 2019, City Council approved a community recreation centre accommodating a twin-pad arena/multi-sport indoor courts, gymnasium with walking track, an aquatic centre, and community and program space, co-located with a large community park at 844 Don Mills Road to serve the communities along Don Mills Road, from York Mills Road to Flemingdon Park.

City Council directed that staff implement this approval by initiating amendments to the existing site specific official plan policies, zoning by-law provisions, and Section 37 Agreement conditions for the Don Mills Centre, as it pertains to the provisions of the Community Centre at 966 Don Mills Road.

City Council further directed that staff undertake a review of other public community uses that may be accommodated at 966 Don Mills Road, through a Public and Community Needs Scan of the Broader Don Mills Catchment Area, to determine what public and community needs will exist following the completion of the recommended community centre at 844 Don Mills Road. Staff were directed to report back to City Council, through Executive Committee, on the findings of the Scan. Given the relationship between the Scan and the City-initiated Official Plan and Zoning By-law Amendment, the results of the Scan are being provided to City Council through this report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX7.5>

Don Mills Crossing Secondary Plan

At its meeting of April 16 & 17, 2019, City Council adopted the Don Mills Crossing Secondary Plan, a comprehensive planning framework for the area around the intersection of Don Mills Road and Eglinton Avenue East that capitalizes on the significant public investment in new transit infrastructure by directing development to appropriate locations, and securing the public realm improvements, amenities and facilities necessary to meet the existing and future needs of residents and workers.

Following an appeal process, on December 4, 2020 the Local Planning Appeal Tribunal (the "**LPAT**"), now Ontario Land Tribunal (the "**OLT**") issued an order approving the Don Mills Crossing Secondary Plan. The Plan is now in full force and effect.
<https://www.omb.gov.on.ca/e-decisions/pl190242-Dec-04-2020.pdf>

Celestica Lands Redevelopment

At its meeting of June 27, 28 & 29, 2018, City Council directed the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend an LPAT, now OLT, hearing in support of a with prejudice settlement offer dated May 28, 2018, related to a mixed use development through applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision at 844 Don Mills Road, 1150 and 1155 Eglinton Avenue East.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.7>

The OLT issued a final order on January 28, 2019, approving the Official Plan Amendment, Zoning By-law Amendment, and the Conditions of the Draft Plan of Subdivision.

Parks and Recreation Facilities Master Plan (FMP) 2019-2038 Approval

At its meeting of November 7, 2017, City Council adopted the Parks and Recreation Facilities Master Plan (FMP) 2019-2038, which provides the framework to plan recreation facilities that respond to existing service gaps, growth, emerging needs and evolving trends. In particular, Council recommended that the General Manager, PFR consult with local councillors on opportunities to combine and/or co-locate facilities as recommended in the FMP in order to achieve the objectives of the Plan, and report back on these opportunities as part of the Implementation Strategy and/or as they arise.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX28.2>

Don Mills Centre Redevelopment

At its meeting of February 22 & 23, 2010, City Council adopted the Minutes of Settlement related to the Don Mills Centre redevelopment, negotiated at the Ontario Municipal Board (the "**OMB**"), now OLT, between Cadillac Fairview, the City of Toronto and the Don Mills Residents Inc. (the "**DMRI**"), which, among other matters, included:

- the conveyance of 966 Don Mills Road and the Park Top-up Lands to the City;
- Cadillac Fairview to construct a City-owned 48,570 square foot community recreation centre at 966 Don Mills Road;
- Cadillac Fairview option to purchase the existing Don Mills Civitan Arena lands;
- the continued ownership of the Don Mills Civitan Arena and lands by the City until October 31, 2020;

Under those Minutes of Settlement, Parks, Forestry and Recreation needed to acquire another site for the arena and determine the source of the balance of the estimated \$20 million capital cost for the new twin-pad facility:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.CC46.2>

PROPOSAL

This is a City-initiated Official Plan and Zoning By-law Amendment which removes obligations to construct a 4,512 square metre community recreation centre included in the current site specific official plan policies, zoning by-law provisions and Section 37 Agreement applicable to the Site. The Site has an area of approximately 5,400 square metres, and frontages of 75 metres on The Donway West, and 72 metres on Don Mills Road (Attachment 1). The Site forms part of a larger redevelopment approved in 2011, then known as the Don Mills Centre and now known as Shops at Don Mills. The conceptual site plan related to that approval can be found at Attachment 8.

APPLICATION BACKGROUND

Don Mills Centre (Shops at Don Mills) Redevelopment

In 2001, Cadillac Fairview filed an application for Official Plan and Zoning By-law Amendment to permit a mixed use development at the Don Mills Centre shopping mall, now known as the Shops at Don Mills, located in the southwest quadrant of Lawrence Avenue East and Don Mills Road. The application was appealed to the OMB (now OLT) in July 2007 by the applicant, and settled in 2010 with the final OMB order issued in March 2011. The settlement approved 2,050 residential units across eight residential and mixed use towers, as well as the construction of a public park on The Donway West.

One of the Section 37 benefits secured through the settlement was the conveyance of land and construction of a community recreation centre at 966 Don Mills Road, located at the northwest corner of Don Mills Road and The Donway West. The City-owned Don Mills Civitan Arena (Civitan) lands at 1030 Don Mills Road also formed part of the approved development. To obtain the community centre lands at 966 Don Mills Road, a Land Exchange agreement was entered into between the City and Cadillac Fairview. The Land Exchange allows for the Civitan lands to be exchanged for 966 Don Mills Road, upon which the new community recreation centre was to be constructed. The Agreement required that the Land Exchange be completed no later than October 12, 2011 with the possibility of extension on consent of both parties no later than October 31, 2020. Various provisions were included as part of the Land Exchange including the requirement that the lands to be conveyed to the City be fully remediated as per the City's Policy for Accepting Potentially Contaminated Lands. The land exchange has not occurred to date and the timing for the transfer has been extended to January 31, 2022.

The Section 37 provisions for the community recreation centre provide for a 4,512 square metre facility which, unless otherwise agreed to by the City and Cadillac Fairview, is to include a competition-sized swimming pool, fitness area, running/walking track, meeting rooms, gymnasium and auditorium, of which the latter two may be combined. The facility is to be constructed based on a value of \$350 per square foot (2010 dollars) and indexed annually in accordance with the Construction Price Index. The Section 37 Agreement also specifies that the construction of the facility be substantially complete by January 31, 2022 and subject to a lease back to Cadillac

Fairview for 49 years and operated by a mutually selected third party, not-for-profit operator.

The public park and four of the approved towers have been constructed and are occupied. Two additional towers have been approved, and are under construction. The site planning process has not commenced for the final two towers, nor has the community centre been constructed.

Planning Recreation Facilities for the Don Mills Communities

At its meeting of July 16, 17 and 18, 2019, City Council received a joint report from Parks, Forestry and Recreation and City Planning, titled Planning Recreation Facilities for the Don Mills Communities, dated June 19, 2019. The purpose of this report was to provide a recommended approach to planning and building new community recreation centres that would best serve the existing and future communities located along Don Mills Road, specifically the communities located at: Don Mills Road and Lawrence Avenue East, Wynford Drive, Don Mills Road and Eglinton Avenue East, and Flemingdon Park. The report referred to this area as the Don Mills Corridor.

Background

In 2018, City staff initiated a review of the provision and location of new recreation facilities within the Don Mills Corridor that would best serve the growing communities of the area. Such re-examination is required as part of all facility planning processes and was informed by the various changes along the Don Mills Corridor over the previous decade including:

- growth and development trends;
- new site opportunities as a result of major development applications;
- best practices in facility design as reflected in recently constructed facilities across the city and the Facilities Master Plan; and
- review of the challenges associated with implementing the community recreation centre provisions of the existing Section 37 Agreement for the Shops at Don Mills.

The Don Mills Corridor is anticipated to grow by 25,000 residents, with approximately three quarters of this growth concentrated at the intersection of Eglinton Avenue East and Don Mills Road. This transformation is mainly attributed to the approval of the Eglinton Crosstown Light Rail Transit (ECLRT) system. The adoption of a secondary plan followed for the area around Eglinton Avenue East and Don Mills Road, known as the Don Mills Crossing Secondary Plan, which set a vision for a mixed use, transit-oriented community, supported by a well-designed public realm that locates higher densities at the intersection of the two major streets. Following the approval of 2,050 units through the Shops at Don Mills development in 2011, an additional 12,650 units have been approved. In total over 14,000 residential units are planned for this corridor to date.

One such approval relates to the redevelopment of the 24.5-hectare former Celestica lands. The Celestica lands are located in the northwest quadrant of Don Mills Road and Eglinton Avenue East. The application was appealed to the OMB, and in May 2018 the

City and the applicant reached a settlement to develop the site with nearly 5,000 residential units, office space, retail and service uses and two public parks. The Section 37 benefits secured as part of the redevelopment included, among other matters, affordable rental and ownership housing, a daycare and \$12 million towards an enlarged and enhanced community recreation centre inclusive of a twin-pad arena to replace the existing single-pad Civitan Arena at the Shops at Don Mills. The community recreation centre would be located at the northeast corner of the Celestica lands adjacent to a public park, approximately one kilometre south of 966 Don Mills Road.

In addition to shifting development trends along the corridor and the opportunity to construct a larger community recreation centre on the Celestica lands, planning and design for new community recreation centres had also evolved. With the creation of new facilities such as the Pam McConnell Aquatic Facility, Regent Park Community Recreation Centre, and the York Community Recreation Centre, the City had adopted new facility design and programming best practices for new community recreation centres that are required to support the growing and changing communities across the City.

These new design and programming best practices are described, in part, in the Parks and Recreation Facilities Master Plan 2019-2038 (FMP), adopted by City Council on November 7, 2017 and its associated Implementation Strategy, adopted by City Council on October 29, 2019. The FMP provides a framework for planning recreation facilities that respond to existing facility service gaps, population growth, emerging needs, evolving trends and reinvesting in existing facilities. The FMP recognizes that residents are seeking accessible, multi-use, inclusive and intergenerational recreation spaces that allow for increased cross-programming.

Larger, integrated multi-use community recreation facilities draw from a larger catchment of users than smaller, single-use facilities. The City is shifting away from smaller, single-use facilities and focusing its resources on spaces that promote greater public access and inclusive programming, as well as providing more efficient use of staff and other resources. This includes locating components such as multi-tank pools, gymnasiums, arenas, and community spaces within the same high-capacity facility which further provides public spaces such as lobbies for public gatherings, well-lit spaces with access to natural light, energy efficient systems and access to outdoor green spaces.

Finally, City staff reviewed the Shops at Don Mills Section 37 Agreement, dated February 22, 2011. Through careful review of the provisions related specifically to the community recreation centre, a number of challenges with respect to site size, design standards and best practices, available funding, and operations were identified. These challenges are described in detail in a report titled Don Mills Community Recreation Planning from the General Manager, Parks, Forestry and Recreation, and the Chief Planner and Executive Director, City Planning, dated June 19, 2019.

Generally, the Section 37 Agreement reflects provisions for a community recreation centre that does not meet current design standards and best practices. This is due to the fact that, at the time, 966 Don Mills Road was the only site available to house such a facility. Furthermore, the site size was the outcome of a land exchange based on the

existing site of the Civitan Arena. The envisioned community recreation centre of 4,512 square metres on a site of 4,331 square metres results in a significant overbuild that exceeds the capacity of what the Site can support in terms of providing a well-designed and programmable facility that meets current design practices and standards. Compromising on the design and location of this facility would result in underserving the growing community within the catchment area. Funding challenges were also a concern, as were the provisions related to a third party operator, which ultimately could not be identified.

Two Recreation Facility Options

Following the review of new recreation facilities within the Don Mills Corridor, as well as the review of the Shops at Don Mills Section 37 Agreement, staff developed two proposals for new recreation facilities to serve the Don Mills Corridor.

A single large integrated facility of 11,613 square metres (125,000 square feet) located in the northeast corner of the Celestica Lands was the Preferred Facility Option. The integrated facility would be one of the largest recreational facilities in the City, featuring a twin-pad arena that can be converted to multi-use indoor sports for year-round use, a full-size gym with a walking track, multi-purpose rooms and amenity space, and an aquatic facility that includes a six-lane pool and leisure pool. The facility would be adjacent to a large one hectare park offering the opportunity for users to enjoy both indoor and outdoor recreation experiences.

While the Preferred Facility Option was the preference of City staff, an alternate plan was also developed to recognize the original Section 37 Agreement obligation. The Alternate Proposal consisted of two facilities. One was a 2,508 square metre (26,995 square foot) community recreation centre to be constructed on the same site as currently contemplated within the Shops at Don Mills at 966 Don Mills Road. This smaller facility would include a gym with walking track, multi-purpose rooms and amenity space. A second facility of 9,290 square metres (99,996 square feet) would be constructed at the Celestica Lands at the same location as the Preferred Facility Option, less than one kilometre south of the Shops at Don Mills facility. This facility would include a twin-pad arena that can be converted to multi-use indoor sports for year-round use, an aquatic facility with a six-lane pool and leisure pool, and multi-purpose and amenity space. It would not include a gym or walking track.

Community Engagement

With the assistance of a third party public consultation group, City staff led a community engagement process to receive feedback from the community on the two facility proposals and inform the decision making process.

The community engagement process aimed to maximize geographic and demographic reach across the Don Mills Corridor, and began with four stakeholder meetings targeting the Wynford, Don Mills, Flemingdon Park, and Civitan communities. Staff conducted six pop-up engagements across the Don Mills Corridor at the following locations: Dennis R. Timbrell Resource Centre, Playground Paradise, the Real Canadian Superstore, Don Mills Public Library, Sunny Food Mart, and the Shops at Don Mills. On May 6, 2019 a

general public open house was held. An online webpage with contact information and a feedback form for those who preferred digital engagement opportunities was also available and promoted through EngageTO. In total, the City engaged with more than 525 residents and stakeholders.

The executive summary of the public engagement report is attached to the report titled Don Mills Community Recreation Planning from the General Manager, Parks, Forestry and Recreation, and the Chief Planner and Executive Director, City Planning, dated June 19, 2019. The main reasons given for support of the Preferred Facility Option were:

- one single, consolidated, multi-purpose facility provides a broader range of programs for "one-stop shopping";
- the central, accessible location is convenient for more residents;
- the Preferred Facility offers a larger space for more amenities and programs that can be offered with more opportunities for mingling - 'state-of-art, landmark' type of facility;
- one facility would be more cost efficient; and
- the existing Dennis R. Timbrell community recreation centre, located in Flemington Park, requires a major renovation/rebuild and is at capacity.

The most common responses from those who expressed support for the Alternate Proposal – or support for neither option – noted the following:

- a recreation facility at the Shops at Don Mills site was already secured as part of that development, which the community has been waiting for since 2010;
- a community recreation centre at the Shops at Don Mills site is within walking distance to some residents of the Don Mills Corridor, particularly for seniors and especially in the winter, whereas the Celestica site currently does not have existing residents;
- two facilities would reach a larger geography; and
- dividing program users between two facilities will prevent overcrowding and traffic at one site.

Based on the feedback received through the multiple engagement techniques described above, the majority of those engaged favoured the Preferred Facility Option, however a number of residents disliked both options, and preferred the facility secured through the Section 37 Agreement for the Shops at Don Mills.

Staff Recommendations

Through the community engagement process, it became clear that some existing community residents were concerned about the retention of a facility at the Shops at Don Mills site. City staff committed to continuing to engage with the local community to solicit feedback, better understand their concerns, and identify areas where consensus might be possible on the way forward. However, planning for new recreation facilities must be future-focused and responsive to the changing context and community, while considering previously planned facilities and recognizing the financial and operational constraints the original facility would impose on ratepayers and local residents. Accordingly, City staff recommended that City Council approve the Preferred Facility Option.

City Council Decision

At its meeting of July 16, 17 and 18, 2019, City Council approved the Preferred Facility, a community recreation centre accommodating a twin-pad arena/multi-sport indoor courts, gymnasium with walking track, an aquatic centre, and community and program space, co-located with a large community park on the former Celestica Lands, to serve the communities along Don Mills Road, from York Mills Road to Flemington Park.

A number of directions to City staff were included with this decision, including the following:

- City Council direct the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor and other appropriate City staff to implement the Preferred Facility by:
 - initiating amendments to the existing Section 37 Agreement for the Don Mills Centre, as it pertains to the provisions of the Community Centre at 966 Don Mills Road, and the Don Mills Civitan Arena land exchange agreement;
 - initiating a Zoning By-Law amendment, as it pertains to the provisions of the Community Centre at 966 Don Mills Road, and potential alternative community uses; and,
 - initiating an Official Plan Amendment, as necessary; and,
 - reporting to Council regarding the final form of the recommended zoning by-law amendment and any official plan amendment.
- City Council direct CreateTO and Real Estate Services to coordinate with City Planning, Parks, Forestry and Recreation and other appropriate City Divisions, to undertake a review of other public community uses that may be accommodated at 966 Don Mills Road;
- City Council direct the General Manager, Parks Forestry and Recreation, the Chief Planner and Executive Director, City Planning, and the City Solicitor to take required actions and use available funds to implement City Council's decision.
- City Council direct the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning to undertake a scan of the Broader Don Mills Catchment Area to determine what public and community needs exist assuming the completion of the recommended community centre at the Celestica site.
- City Council direct the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning to submit and include the results of the scan to a thorough public consultation process including but not limited to Don Mills Residents Inc. to obtain input on an appropriate public or community use for the land.

Litigation

Background

There were three parties to the 2011 OMB settlement for Shops at Don Mills, described in earlier sections of this report. Those parties were the City of Toronto, the owner of the Shops at Don Mills, Cadillac Fairview, and the local resident association, the DMRI. Upon reaching a settlement, the three parties entered into Minutes of Settlement, which detailed, among other matters, provisions requiring Cadillac Fairview to construct a community recreation centre at 966 Don Mills Road.

Pursuant to the Minutes of Settlement, in 2011, the City and Cadillac Fairview entered into a Section 37 Agreement, which was required, along with other agreements, to implement the intent of the Minutes of Settlement.

Notice of Application

On July 12, 2019, in advance of the anticipated decision of City Council to relocate the community recreation centre secured in the Section 37 Agreement for the Shops at Don Mills from 966 Don Mills Road to 844 Don Mills Road, the DMRI filed a Notice of Application at the Ontario Superior Court of Justice. The DMRI were listed as the Applicant, and the City of Toronto and C/F Realty Holdings Ltd. were listed as Respondents. The DMRI applied to the Court for three declaratory Orders and several interlocutory and permanent injunctions, among other matters, related to the Minutes of Settlement. In terms of the declaratory Orders, the DMRI applied for:

- A declaratory Order that the Minutes of Settlement entered into between the City, Cadillac Fairview and the DMRI, in February 2010, obligate Cadillac Fairview and/or the City to construct, or cause to be constructed, a publicly accessible community recreation centre with a floor area of at least 48,570 square feet at 966 Don Mills Road.
- A declaratory Order that the Minutes of Settlement require that the community recreation centre be constructed at 966 Don Mills Road, and not another location.
- A declaratory Order that the funds provided to the City by way of letters of credit from Cadillac Fairview, in the amount of \$17,000,000 (indexed annually from 2010 dollars), pursuant to the Minutes of Settlement, are to be used for the construction of the community recreation centre at 966 Don Mills Road, and for no other purpose.

Several interlocutory and permanent injunctions were also applied for, including requiring the construction of the community recreation centre at 966 Don Mills Road, and restraining the City and Cadillac Fairview from using the \$17,000,000 for any purpose other than the construction of the community recreation centre.

In July of 2020, DMRI withdrew their application against Cadillac Fairview and continued with the application against the City.

The Court proceeding took place February 16, 2021, at which the City put forth the following arguments:

- The Minutes of Settlement are not a binding and enforceable contract.
- The Minutes do not obligate the City to build the Don Mills Community Centre.
- If the Minutes are an enforceable contract, specific performance is not an appropriate remedy.
- The DMRI can seek recourse at the Ontario Land Tribunal (OLT) at the appropriate time.

Decision

On June 2, 2021, the Ontario Superior Court of Justice issued a decision which dismissed the application by the DMRI.

The Court agreed with the City's position that the Minutes of Settlement entered into at the OMB in 2011 were not a binding contract, as argued by the DMRI. The Court also agreed with the City that the Minutes of Settlement should be reviewed in light of the *Planning Act* regime in which they were made. The Court stated that in this regime, planning is amenable to change and that decision makers can propose changes in the public interest that reflect changing circumstances on the ground. The Court cited evidence that the Don Mills Corridor has seen transformational change and population growth (both current and projected). In its decision, the Court found that:

- the City should not be required to construct, maintain or operate the originally proposed Don Mills Community Centre at 966 Don Mills Road;
- City Council's July 2019 decision to proceed with the Celestica Community Recreation Centre was reasonable; and
- the Celestica CRC would better serve the Don Mills community and would be a better use of public resources than the original proposed Don Mills Community Centre.

On July 2, 2021, the DMRI appealed the decision of the Superior Court to the Court of Appeal of Ontario.

Public and Community Needs Scan

Following the direction of City Council on July 16, 17 and 18, 2019, City staff initiated a Public and Community Needs Scan of the "Broader Don Mills Catchment Area". The purpose of the Scan was to assist in finding a new public or community use for 966 Don Mills Road following the decision of City Council to adopt the Preferred Facility Option, which would relocate the previously approved community recreation centre from 966 Don Mills Road to the Celestica lands.

Staff Review

The Scan was approached collaboratively by the City Planning and Parks, Forestry and Recreation Divisions, as well as CreateTO. City Council directed that the scan be executed within the "Broader Don Mills Catchment Area", which includes the lands

bound by York Mills Road to the north, Don River East Branch to the east, CN Rail Line to the south, and Wilket Creek to the west. City staff determined this boundary by overlaying the following:

- The Don Mills Residents Inc. area boundary;
- The Don Mills Crossing Secondary Plan Study, Community Services and Facilities Study Area; and
- The Planning for Recreation Facilities for the Don Mills Communities Study Area.

Within the Broader Don Mills Catchment area, City Planning focused on community services and facilities, such as long term care facilities, schools, child care centres, and human services. Parks, Forestry and Recreation focused on assets such as parks and open spaces, pathways and trails, pools and water play areas, arenas, and community centres. Concurrently, CreateTO canvassed City Divisions and external agencies that may have an interest in operating on the Site, such as Seniors Services and Long Term Care, Toronto Public Library, and Toronto Fire Services.

Community Facility Inventory

The Community Services and Facilities team within the City Planning Division works with various City Divisions, boards and agencies to understand the long term impacts of growth and change on service facility needs and identify opportunities to enhance the provision of services through capital improvements. Staff prepared a community facility inventory based on recent planning studies, including the Don Mills Crossing Secondary Plan Study, and other available resources.

Based on the City's service target for licensed child care spaces and current capital plans, Children's Services has identified Ward 16 as a low priority area for new capital investment. There are 15 child care centres operating in the Broader Don Mills Catchment Area, with a total of 732 spaces.

Don Mills District Branch Library is located at 888 Lawrence Avenue East, which falls near the intersection of Don Mills Road and Lawrence Avenue East and services the entirety of the Broader Don Mills Catchment Area. The Toronto Public Library advised that the branch is well used and has seen increases in programs and attendance in recent years. In 2020, the library was also approved to include a Youth Hub as part of its program delivery.

The Toronto Public Library Facilities Master Plan 2019 notes that the Don Mills branch recently underwent state of good repair investment. The Facilities Master Plan identifies the branch for expansion as a long-term Horizon C Priority, meaning such expansion is neither approved nor funded, and is planned to occur between 2039 and 2048.

Six elementary schools serve the Broader Don Mills Catchment Area. Review of the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) planning documents show limited capacity within elementary schools in the near-term. Through the development of the Don Mills Crossing Secondary Plan, TDSB advised staff that any additional pupil spaces required to serve communities north of Eglinton Avenue East could be accommodated through expansions of the existing

school sites, should funding become available. TCDSB identified existing capacity within its local elementary school but growth along Eglinton Avenue East could create enrollment pressures in the future.

Three secondary schools serve the Broader Don Mills Catchment Area. The TDSB operates two facilities, and the 2020 Long Term Program and Accommodation Strategy (LTPAS) identified that both schools are full and calls for a review of the shared attendance area between these two schools when the current enrollment pressures change.

The TCDSB operates one facility, which serves as the Catholic secondary school for a large area of the city. It is currently operating well over capacity with future utilization in 2023 projected at 125%. The oversubscription of this facility has been identified by the Board in several recent Community Services and Facilities studies prepared for planning studies, including ConsumersNext and the Golden Mile Secondary Plan.

Human Services Survey

In addition to creating a Community Facility Inventory, City Planning compiled a listing of human service agencies. Sixteen programs delivered by 11 non-profit organizations were identified within the Broader Don Mills Catchment Area. Services delivered by these agencies include job training/employment support, supportive housing and homecare, seniors programs and services, settlement services, food banks and community health services.

A survey of 20 questions related to client demographics, space/facility details, capacities, and future service delivery matters, was provided to representatives of each of the 11 non-profit organizations. Responses were received from seven service providers, with findings generally as follows:

- Approximately 50% exclusively service residents of the Broader Don Mills Catchment Area, while others serve residents locally and across the City/region;
- All agencies lease space within mixed-use buildings in the Broader Don Mills Catchment Area;
- Facility sizes range from 18 square metres to 5,800 square metres;
- Many types of spaces are used, including office space, meeting rooms, counselling and treatment rooms, computer/work stations, and kitchens;
- Nearly all agencies deliver programs and services out of other sites within the Broader Don Mills Catchment Area, including the library, schools, community centres and places of worship.
- Most agencies report that they do not have waiting lists. However, their ability to respond to all service requests varies.

Recreation Facility Inventory

Parks, Forestry and Recreation is responsible for the planning, design and development of the Division's green spaces, facilities and amenities. The Parks Development and Capital Projects Section within the Parks, Forestry and Recreation Division prepared a

recreation facility inventory for the Broader Don Mills Catchment Area, which included parks and open spaces, pools and water play areas, arenas, and community centres.

In addition to the proposed community recreation centre on the Celestica lands, there are three existing community recreation centres within the Broader Don Mills Catchment Area. Banbury Community Centre provides two multipurpose spaces, a lounge and kitchen, and Flemingdon Community Centre provides five multipurpose spaces, a playground, and kitchen. These facilities are defined as mid-sized, and each cover catchment areas of 2.0 kilometres. The Dennis R. Timbrell Resource Centre, which provides an indoor pool, gymnasium, fitness room, computer/training room, four multipurpose spaces, three kitchens, and lounge, is defined as a large, multi-component community recreation centre, and covers a catchment area of 2.5 kilometres. There are five additional community recreation centres which, while located outside of the study area, capture the study area within the 2.0 kilometre catchment areas of each facility. Therefore, the Broader Don Mills Catchment Area is served by a total of eight community recreation centres offering a variety of programs and facility types. Once the Preferred Facility Option is constructed at 844 Don Mills Road, the study area will be serviced by nine community recreation centres.

In addition to the community recreation centres within and around the Broader Don Mills Catchment Area, there are two arenas, multiple outdoor sports fields, one public golf course, over a dozen parks, six proposed parks, multi-use trails, and the East and West Don Valley Ravine systems.

Divisional and Agency Interest

CreateTO, which was established by the City of Toronto to manage its real estate portfolio, works collaboratively with City stakeholders, external partners, and community members to determine the best use for a property with the goal of promoting a balance of community and economic benefits and providing solutions that are innovative and effective in their design and delivery. CreateTO contacted Seniors Services and Long Term Care, Toronto Public Library, Toronto Children's Services, Toronto Paramedics Services, Toronto Fire Services, Toronto Parking Authority, Shelter Support and Housing and the Ministry of Long Term Care to determine any interest in locating at 966 Don Mills Road.

Findings

Schools

Space constraints and capacity issues were raised by the TDSB and TCDSB. Both school boards, however, are undertaking accommodation reviews to balance enrollment and respond to growth, and TDSB advised that any additional pupil spaces required to serve the communities the Broader Don Mills Catchment Area would be accommodated through expansions of existing school sites.

Child Care

In terms of child care, Ward 16 overall is a low priority area for new capital investment based on the City's service level targets and planned capital projects. There are currently 15 child care centres operating in the Broader Don Mills Catchment Area. Two additional child care centres are approved for in the Celestica redevelopment in the northwest quadrant of Don Mills Road and Eglinton Avenue East.

Human Services

Through the human services survey, multiple agencies identified the need to improve or enlarge their kitchen facilities to allow for expanded programming. The need for upgrades to improve access to existing service spaces was also noted by several organizations. Others indicated that the community would benefit from additional indoor and outdoor programming space for seniors. Challenges related to limited, inadequate, and/or unaffordable space were raised by four agencies, as well as limited program funding, language barriers, lack of employment opportunities, and poor access to government service centres. Agencies indicating space related needs including upgrades and/or improvements, or considerations for expansion or relocation were:

- Better Living Health and Community Services (Senior's Services, Long Term Care, Hospice, Palliative Care);
- Centre for Education & Training;
- Community Share Food Bank, Church of the Ascension;
- Flemington Park Community Food Bank;
- Family Inter-Generation Link (Senior's and Youth Services); and
- Flemington Health Centre.

Long Term Care

Given the increasing demand for seniors housing, the Ministry of Health and Long Term Care and Toronto Senior Services and Long Term Care, both expressed interest in exploring options for locating a long term care facility in the area. However, after conducting a facility fit for the 966 Don Mills Rd site, Toronto Senior Services and Long Term Care indicated the site was not adequate to accommodate the size requirements of a City operated long term care facility.

The Ministry of Health and Long Term Care has indicated that the site could potentially be suitable for a non-profit seniors care facility. However, further work is required to assess site feasibility and process for proceeding with this option if deemed appropriate.

Toronto Emergency Services

Toronto Paramedic Services evaluated this site for a location to potentially accommodate a multi-function paramedic station, however, the site was deemed to be too small. Toronto Fire Services also evaluated the potential of this site, but it was deemed that this site was in close proximity to other existing stations.

Toronto Public Library

CreateTO explored options that included the idea of relocating the Toronto Public Library branch from its current site at 888 Don Mills Road to this site. The site could potentially accommodate an expanded library facility that could deliver additional services and be colocated with other community uses. However, the Toronto Public Library's recently approved Facilities Master Plan does not identify the Don Mills Library as a priority for reinvestment given the library meets the needs of the community as well as the larger district and also received recent enhancements in 2019.

Shelters

The Shelter Support and Housing Division indicated a need in area, and an interest in locating at 966 Don Mills Road, however further work is required to assess site feasibility and process for proceeding with this option if deemed appropriate.

Recreation

Nine community recreation centres service the Broader Don Mills Catchment Area. These facilities provide a wide range of uses including indoor and outdoor pools, gymnasiums, fitness services, walking tracks, and baseball diamonds. Additionally, City Council has approved one of the largest, integrated community recreation centres in the City on the Celestica lands, which will feature a twin-pad arena that can be converted to multi-use indoor sports for year-round use, a full-size gymnasium with walking track, an aquatic facility, and multi-purpose spaces. Several parks of varying classification exist throughout the area, from local parks offering playgrounds and passive recreation opportunities, to large parks such as E.T. Seton Park, offering an archery range, disc golf course, extensive trails, and picnic areas.

Upon review of this inventory and the Parks, Forestry and Recreation Facilities Master Plan 2019, City staff have determined the only recreation related service gap within the Broader Don Mills Catchment Area to be a splash pad. However, staff will continue to monitor and assess the needs of the community as it grows and respond to emerging needs as necessary.

Community Engagement

City Council directed staff to take the findings of the Scan through a community consultation process to obtain public input, as well as opinions on an appropriate public or community use for the Site. Staff executed this direction at three levels. A Local Advisory Committee was created with input from Deputy-Mayor Minnan-Wong; a meeting was held with the residential condominium corporations of the Shops at Don Mills; and a large public open house was held.

Local Advisory Committee

With input and assistance from the local Councillor's office, staff organized a Local Advisory Committee (the "**LAC**") which consisted of 10 community members within the Broader Don Mills Catchment Area. The LAC was comprised as follows:

- 2 Don Mills Residents Inc. representatives;
- 2 Flemingdon Park representatives;
- 1 Wynford neighbourhood resident;
- 1 The Donway West neighbourhood resident;
- 1 The Donway East neighbourhood resident;
- 1 Toronto District School Board representative;
- 1 Better Living Centre representative; and
- 1 Don Mills Civitan Arena representative.

The objective of the LAC was to provide a setting in which staff and Deputy-Mayor Minnan-Wong could engage a small, yet representative group of the Broader Don Mills Catchment Area to provide input into the ongoing Scan. While it is important for staff to understand the Divisional and agency needs in the community, it is also imperative to understand the needs and opinions of those residing, working, and volunteering in the community.

Deputy-Mayor Minnan-Wong, City staff and CreateTO staff met with the LAC on two occasions: December 3, 2019 and January 20, 2020. The format of both meetings began with a presentation by staff followed by a question and answer period with attendees.

The first meeting focused on providing background related to the recommendation of staff that City Council adopt the Preferred Facility Option, which effectively enlarged and relocated the community recreation centre from the Shops at Don Mills to the Celestica lands, describing the Scan process, and receiving feedback regarding public and community needs in the area generally, and specifically what the LAC would like to see at the Site. The second meeting focused on providing the LAC with the early findings of the Scan, requesting feedback on the open house meeting format that would invite the broader community to learn about and provide comments on the Scan, and explaining the Official Plan and Zoning By-law Amendment process for modifying the permissions at 966 Don Mills Road.

In terms of area needs, the LAC described the following:

- Space for seniors and youth;
- Multipurpose spaces;
- Community kitchen;
- Event/auditorium space;
- Space usable all-year around; and
- Craft/hobby space.

The general consensus was that there was a need for a safe, accessible, indoor space for residents to walk, gather, and exercise. It was also reiterated that some members believe some manner of a community recreation centre is needed at the Shops of Don Mills. In terms of the Scan findings, feedback from the LAC focussed primarily on a long term care facility or a library, both of which would be preferred with some form of multipurpose spaces accessible to the community.

Residential Condominium Corporations

In addition to the LAC, Deputy-Mayor Minnan-Wong and City staff met with the condominium corporations for 75 The Donway West, 85 The Donway West, and 99 The Donway West on December 11, 2019. These buildings form part of the residential component of the Shops at Don Mills, approved in 2010. Given the close proximity of these residents to 966 Don Mills Road, it was determined they were an appropriate group to consult directly on the needs of the community and future use of the Site.

Similar to the LAC meetings, the format of this meeting began with a presentation by staff followed by a question and answer period with attendees. Again, staff described the history of City Council's decision to relocate the community recreation centre, the resulting directions to staff, and the process and early findings of the Scan.

Feedback focused on the walking conditions from the Shops at Don Mills to the community recreation centre proposed on the Celestica lands. Members suggested a shuttle bus service operate, and that the sidewalk conditions be improved and better maintained. In terms of a future use for the Site, there was support for non-residential uses, particularly some form of community space. There were also questions about the age demographics of the three residential buildings, to assist in providing feedback for appropriate services.

Open House

On January 28, 2020, following the staff review component of the Scan, and the meetings of the Local Advisory Committee and local condominium corporations, City staff and the local Councillor's office hosted a public open house. There were two components to the open house. The first was to present the findings of the Scan to the larger Don Mills community and solicit feedback. The second was the community consultation meeting related to the Official Plan and Zoning By-law Amendment process initiated by staff, at the direction of City Council, to remove provisions for the smaller community recreation centre previously approved at 966 Don Mills Road. A detailed summary of the open house can be found at Attachment 7.

Approximately 22,800 notices were mailed to residents and businesses within the boundary of the Broader Don Mills Catchment Area. Over 100 people attended the open house. The open house was a drop-in style meeting with 23 large boards providing information about the Scan and the City-initiated Official Plan and Zoning By-law Amendment process. Staff from City Planning, Parks, Forestry and Recreation, CreateTO, and the Deputy-Mayor's office were in attendance to answer questions and record feedback.

Comment forms were provided to the attendees, along with staff contact information. There were several interactive boards, which requested opinions and feedback from attendees. Two such examples are highlighted below:

Agency Feedback: six services were identified by various agencies and City Divisions as having potential space related interests within the Broader Don Mills Catchment Area. The board requested attendees place a dot next to the use they believe the

community would benefit from, and to identify as many as apply. The following list describes the use followed by the number of dots in parentheses.

- Library (11)
- Long Term Care (9)
- Health Care (5)
- Shelter (2)
- Food Bank (5)
- Paramedic Station (6)

New Ideas: this board requested feedback from attendees on non-recreational ideas for the community that had not already been identified. Below are the most common responses. A complete list can be found at Attachment 7.

- Community gathering space (8)
- Meeting rooms/spaces (7)
- Children programs/space (6)
- Youth programs/space (6)
- Seniors programs/space (6)
- Indoor walking space (6)

Several attendees expressed concern with City Council's decision to relocate the community recreation centre to the Celestica lands, and reiterated their preference that a community recreation centre still be constructed at 966 Don Mills Road. Other common themes included the need for indoor meeting and walking space, programmable space for youth and seniors, and the opinion that 966 Don Mills Road should remain in public ownership.

Conclusion

The Public and Community Needs Scan focussed on three components: community service and facility needs, recreational needs, and Divisional and Agency needs. No gaps in services were identified from a recreational perspective, other than the need for a splash pad within Ward 16, which is anticipated to be provided through the construction of a future park.

In terms of community facilities, such as schools, some capacity issues were identified, however staff were advised that such issues would be addressed on existing sites when funding becomes available. In terms of community services, and in particular human services, a handful of agencies expressed space related needs however given the non-profit nature of the agencies, constructing new facilities is often not feasible. Locating in existing buildings is generally a requirement, however the Site is currently vacant land that requires environmental remediation.

Four City Divisions and one Provisional Ministry indicated interest in exploring opportunities for locating at 966 Don Mills Road. Of these uses, a long term care facility or a library would be the most suitable uses to co-locate with publicly accessible multipurpose space, which has been raised as a need by the local community.

The Ministry of Health and Long Term Care has indicated that the site could potentially be suitable for a facility, however further facility fit tests and partnership options require consideration.

A relocated Library facility could allow for a library expansion that could potentially accommodate additional community uses and enhanced delivery of library services. However, the capital costs related to building an expanded library in Don Mills are not identified to occur until 2039-2048. The TPL balances needs across the City based on service provision as well as the condition of its various facilities. The Don Mills library branch currently offers extensive informational and recreational collections and services that meet the needs of the immediate community as well as that of the larger district.

In terms of community feedback on non-recreational uses, there was a general consensus that publicly accessible indoor space is needed for all ages, however with an emphasis on the senior population. Multipurpose spaces, and areas to gather, walk, and exercise were other common themes. The community expressed a preference for a library or long term care facility, ideally including publicly accessible multipurpose components. Some expressed support for a health care use, while others expressed concern with a shelter use. Though staff determined there is no shortage of existing or planned recreational facilities within the Broader Don Mills Catchment Area, several members of the community expressed a desire for a community recreation centre at 966 Don Mills Road.

City staff can continue to collaborate internally and with CreateTO to find an appropriate use and user for the site that meets the needs of the City and the community, as the Site is to remain in public ownership following completion of the land swap for the Don Mills Civitan Arena lands.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "**PPS**") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;

- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Section 1.0 of the PPS is about building strong and healthy communities. Section 1.1 speaks to managing and directing land uses in a manner that achieves efficient and resilient development and land use patterns. Policy 1.1.1 states:

Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

Section 1.5 speaks to public spaces, recreation, parks, trails and open spaces. Policy 1.5.1.b states healthy, active communities should be promoted by planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

Section 1.6 speaks to infrastructure and public service facilities. The PPS defines public services facilities as land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Policy 1.6.1 states:

Infrastructure and public service facilities shall be provided in an efficient and cost-effective manner that prepares for the impacts of a changing climate while accommodating projected needs.

Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:

a) financially viable over their life cycle, which may be demonstrated through asset management planning; and

b) available to meet current and projected needs.

Policy 1.6.5 states that public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "**Growth Plan**") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (the "**GGH**") region, of which the City forms an integral part.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Section 1.2.2 outlines the guiding principles of the Growth Plan, including supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime, as well as improving the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government. The Growth Plan utilizes the PPS definition of public service facilities.

Section 2.2.1 speaks to managing growth. Policy 2.2.1.3.b states:

Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term.

Policy 2.2.1.4.d states:

Applying the policies of this Plan will support the achievement of complete communities that expand convenient access to public service facilities, co-located and integrated in community hubs.

Section 3 speaks to infrastructure to support growth, stating:

Investment in public service facilities – such as hospitals, long-term care facilities, libraries and schools – should be planned and located to keep pace with changing needs, maximize existing infrastructure and to support the achievement of complete communities, co-locating services in community hubs and prioritizing strategic growth areas as appropriate.

Section 3.2.8 speaks specifically to public service facilities, providing six policies which, among other matters, emphasize the co-location of such facilities in community hubs in order to promote cost-effectiveness, and the locating of public service facilities and community hubs where they can be accessed easily by public transit.

Former North York Official Plan

The lands comprising the Shops at Don Mills, including the Site, are subject to the North York Official Plan, as the Shops at Don Mills residential redevelopment process began in 2001 when the North York Official Plan was the primary planning policy document for the area. It is anticipated that these lands will be incorporated into the Toronto Official Plan in the near future.

The Shops at Don Mills is within the Residential Community of Don Mills of the former North York Official Plan. The Plan designates the majority of the Shops at Don Mills as Commercial with the Site designated as Local Open Space (LOS) (Attachment 2). Lands designated as LOS are permitted to accommodate recreational uses, community centres, libraries, day nurseries, parks, fire and ambulance stations, police stations, essential public utilities, and horticultural uses such as nurseries and allotment gardens. The Plan also states that parks are to be protected and enhanced.

Central Don Mills Secondary Plan

The site is also subject to the Central Don Mills Secondary Plan, which also designates the Site as Local Open Space (LOS) (Attachment 3). The general goal of this Secondary Plan is to manage change in the community in a manner that retains and enhances the existing character of the area, including strengthening the function of the

Don Mills Centre as a community centre, and cultivating a continuous park system linked by walkways and cycling paths that form an important part of the open space network in Central Don Mills.

The Shops at Don Mills, including the subject site, form part of the Don Mills Centre as defined by the Secondary Plan. Development in the Don Mills Centre, which will provide for outdoor and/or indoor activities where public access is available, will be encouraged. It is recognized that these activities will be provided by private commercial entities and the City may consider establishment of some form of publicly operated activity within the Centre.

Through the redevelopment of Shops at Don Mills, approved in 2011, Official Plan Amendment 587 was adopted, which modified the Secondary Plan. Key changes relevant to this City-initiated Official Plan Amendment are outlined below.

Part D.7, Section 4.4.0(i) states:

Land Exchange

The redevelopment of the Don Mills Centre lands includes the planned relocation of the existing Don Mills Civitan Arena site that has an area of 5,060.3 square metres to another site within Don Mills and the redevelopment of the arena site for mixed residential and commercial purposes. In exchange, a parcel of 4,363.1 square metres located at the northwest corner of Don Mills Road and The Donway West [966 Don Mills Road] will be conveyed to the City, which shall be developed with a publicly accessible community centre, which may include retail and commercial uses (including medical service uses) and underground parking garage and loading facilities. Upon the completion of the land exchange, the City may lease back the community centre lands to the transferor or an entity designated by the transferor. In addition, at least 697.2 square metres will be conveyed to the City as part of the Local Park shown on Map D7.3.

Section 4.4.0(j) states:

Park Dedication

In addition to the lands to be conveyed to the City as described in Section 4.4.0(i), the dedication of 4,711.6 square metres as part of the Local Park shown on Map D7.3 will satisfy the applicable Alternative Parkland Dedication requirements, in addition to cash-in-lieu to cover the deficit of 2,438.93 square metres.

Section 6.1.2 states:

Local Parkland

The uses permitted on the lands identified as Local Park on Map D7.3 include local parkland, as well as a publicly accessible community centre, which may include retail and commercial uses (including medical service uses) and

underground parking garage and loading facilities, on the parcel located at the northwest corner of Don Mills Road and The Donway West [966 Don Mills Road], as described in Section 4.4.0(i). Pending construction of the community centre and the park, the lands may be used for the existing commercial uses, parking and construction staging associated with adjacent development within the Don Mills Centre.

Toronto Official Plan

Though the lands have not yet been incorporated into the Toronto Official Plan, the application has been reviewed against this document. When the lands are incorporated into the Toronto Official Plan, they will be designated Parks.

Chapter 2 - Shaping the City

Chapter 2 speaks to shaping the City as a livable urban region. This chapter provides direction for creating a connected city, stating among other matters, that City services are to be delivered efficiently through a growth-supportive infrastructure system.

Policy 2.3.1.7 speaks to healthy neighbourhoods, stating:

Community and neighbourhood amenities will be enhanced where needed by:

- a) improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and streetcar services and other community services; and
- b) creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

Chapter 3 - Building a Successful City

Section 3.2.2 speaks to Community Services and Facilities. Policy 3.2.2.1.c states:

Adequate and equitable access to community services and local institutions will be encouraged by ensuring that an appropriate range of community services and facilities and local institutions are provided in areas of major or incremental physical growth.

Policy 3.2.2.3 states:

Shared use of multi-service facilities will be encouraged. Shared use of municipal and/or school facilities, places of worship and lands for community service purposes will be particularly encouraged.

Policy 3.2.2.5 states:

Strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change and will be informed through the preparation of a community services strategy, which will include:

- a) a demographic profile of area residents;
- b) an inventory of existing services within the area, or readily accessible to area residents;
- c) identification of existing capacity and service gaps in local facilities;
- d) identification of local priorities;
- e) recommended range of services and co-location opportunities; and
- f) identification of funding strategies including, but not limited to, funds secured through the development approval process, the City's capital and operating budgets and public/private partnerships.

Section 3.3 speaks to new neighbourhoods, with Policy 3.3.2 stating that new neighbourhoods will be viable as communities that have:

- d) high quality parks, community recreation centres, open space and public buildings; and
- e) services and facilities that meet the needs of residents, workers and visitors.

Chapter 4 - Land Use Designations

Chapter 4 outlines land use designation, and provides development criteria. Policy 4.3.2 states:

Development is generally prohibited within Parks and Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment.

Policy 4.3.6 states:

Any development provided for in Parks and Open Space Areas will:

- a) protect, enhance or restore trees, vegetation and other natural heritage features and maintain or improve connectivity between natural heritage features;
- b) preserve or improve public visibility and access, except where access will damage sensitive natural heritage features or areas, or unreasonably restrict private property rights;

- c) maintain, and where possible create linkages between parks and open spaces to create continuous recreational corridors;
- d) maintain or expand the size and improve the usability of publicly owned Parks and Open Space Areas for public parks, recreational and cultural purposes;
- e) respect the physical form, design, character and function of Parks and Open Space Areas; and
- f) provide comfortable and safe pedestrian conditions.

Chapter 5 - Implementation

Chapter 5.1.1 of the Toronto Official Plan speaks to height and density incentives. Section 37 of the *Planning Act* allows the City to pass a zoning by-law to grant a height and density increase for a particular project in return for community benefits such as: additional parkland, non-profit arts, cultural facilities, community facilities, or child care facilities, public art, conservation of heritage buildings, transit improvements and purpose built rental housing.

Policy 5.1.1.1 states that such community benefits that are provided in the form of capital facilities are subject to the following:

- a) the capital facilities must bear a reasonable planning relationship to the increase in the height and/or density of a proposed development including, at a minimum, having an appropriate geographic relationship to the development and addressing planning issues associated with the development;
- b) the development must constitute good planning, be consistent with the objectives and policies of this Plan, and comply with the built form policies and all applicable neighbourhood protection polices; and
- c) the use of Section 37 must be contingent upon adequate infrastructure to support the development.

The Central Don Mills Secondary Plan

The Central Don Mills Secondary Plan has been carried forward in the Toronto Official Plan. The goals referenced in the Secondary Plan section above currently apply in the context of the Toronto Official Plan.

Zoning

The site is subject to North York Zoning By-law No. 342-2011(OMB), and zoned Open Space Zone O1(44) (Attachment 4), which permits the following uses:

- Temporary surface parking lots, including but not limited to parking areas servicing buildings located on lands zoned C3(8), and construction staging;

- All uses permitted in the Open Space Zone (O1):
 - public park, including therein athletic fields, field houses, community centres, bleachers, open or closed swimming and wading pools, greenhouses, botanical gardens, zoological gardens, band stands, skating rinks, tennis courts, bowling greens, boat liveries and bathing stations;
 - public playground;
 - playlot;
 - golf courses but not driving tees or ranges, miniature courses and similar uses operated for commercial purposes;
 - refreshment pavilion or booth when owned and operated by a public authority;
 - school; and
 - day nursery.
- Underground commercial and residential parking garages; and
- All uses permitted in the District Shopping Centre Zone (C3):
 - regional shopping centre;
 - car rental agencies;
 - public library;
 - car washing establishment;
 - parking lots;
 - all uses permitted in the C2 Zone, which includes all commercial uses permitted in the C1 Zone.

The zoning by-law also details various provisions secured in the Section 37 Agreement, in particular the provision of a community recreation centre on the subject site. Section 2(jj) of North York Zoning By-law No. 342-2011(OMB) states:

Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on Parcels 1, 2, 3 and 4 is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:

(i) prior to the earlier of the issuance of a building permit to construct Buildings E or G as shown on Schedule RM6(197), the owner shall:

(a) commence construction of the Community Centre referred to in clause (ii)(b)(i) noted below; and

(b) submit to the City a letter of credit or letters of credit for the balance of the \$17,000,000.00, indexed annually from 2010 dollars to reflect changes in the Construction Price Index, to secure the achievement of substantial completion of the Community Centre referred to in clause (ii)(b)(i) noted below; and

(ii) the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to Parcels 1, 2, 3 and 4 by the City to secure:

(a) the matters provided for in clause (jj)(i) above, namely the commencement of construction of the Community Centre and the submission of the letter of credit or letters of credit; and

(b) the provision and maintenance by the owner of the following:

(i) the construction of a publicly accessible community centre on the lands zoned O1(44) on Schedule 1 (the "**Community Centre**") that has a floor space area of at least 48,570 square feet, the value of which shall be based on the City's 2010 benchmark value of \$350.00 per square foot multiplied by the floor space area of 48,570 square feet for a total of \$17,000,000.00, and the per square foot benchmark value of \$350.00 and the total value of \$17,000,000.00 shall be indexed annually based on 2010 dollars to reflect changes in the Construction Price Index;

(ii) the City's continued use of the arena, located on Parcel 4, until October 31, 2020;

(iii) above base park improvements to the lands zoned O1(43) on Schedule 1 hereto (the "**Local Park**");

(iv) the maintenance of the Local Park for a long term period; (v) the granting of a public easement over a corridor from the Community Centre to the Local Park;

(vi) the provision of adequate unreserved parking spaces to service the needs of the staff and patrons of the Community Centre on a shared basis; and

(vii) a sublease for the long term operation of the Community Centre on a fully net and carefree basis to the City.

This site specific by-law can be viewed here:

<https://www.toronto.ca/legdocs/bylaws/2011/law0342.pdf>

The Site is not subject to Toronto Zoning By-law 569-2013.

COMMENTS

Provincial Policy Statement and Provincial Plans

PPS provides policy direction on matters of provincial interest that relate to municipal land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The proposal has been reviewed and evaluated against the PPS and the Growth Plan in their entirety, and in particular

policies detailed in the Policy Consideration section of this report, which promote efficient development patterns and use of resources, cost-effective allocation of public services facilities, and ensuring that public service facilities are planned and located to keep pace with changing population demographics and needs.

The City is shifting away from smaller, single use community recreation facilities, and focusing its resources on spaces that promote greater public access and inclusive programming, as well as providing more efficient use of staff, land, funding, and other resources. This shift aligns with the policies of the PPS and the Growth Plan, which seek to ensure that public service facilities, including community recreation centres, are provided in an efficient and cost-effective manner, are co-located with other public service facilities and community hubs, and where feasible, are easily accessible by transit.

While this application would remove the existing requirement to construct a community recreation centre of a specific size at 966 Don Mills Road, it would not remove the use permission to build a community recreation centre, or another community facility on the site in the future, as it is to remain in public ownership. The intent of the zoning by-law amendment is to respond to City Council's adoption of a larger, multi-component community recreation centre, co-located with a public park, approximately one kilometre from the Site.

Constructing one large, multi-component, community recreation centre with a service area that captures 966 Don Mills Road, is within 500 metres of Science Centre LRT station, a higher-order transit station, and high density mixed use development, would contribute to a complete community, service a greater population, and ensure the more efficient use of City resources. Likewise, maintaining a broad range of public and community use permissions at 966 Don Mills Road ensures sufficient opportunity exists to construct a public service facility in the future, as the area continues to redevelop. Accordingly, staff have determined that the proposal is consistent with the PPS (2020), and conforms to the Growth Plan (2020).

Land Use

As noted, 966 Don Mills Road is subject to the former North York Official Plan, therefore, this application has been reviewed against the North York Official Plan policies and the Central Don Mills Secondary Plan policies described in the Policy Consideration Section of the Report. The application has also been reviewed against the policies of the Toronto Official Plan.

The Shops at Don Mills is within the Residential Community of Don Mills of the former North York Official Plan. The Plan designates the Shops at Don Mills as Commercial with the subject site designated as Local Open Space (LOS). Once incorporated into the Toronto Official Plan, the site will be designated Parks.

Lands designated as LOS are permitted to accommodate recreational uses, community centres, libraries, day nurseries, parks, fire and ambulance stations, police stations, essential public utilities, and horticultural uses such as nurseries and allotment gardens.

Likewise, lands designated Parks permit recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities.

Through this Official Plan Amendment (OPA), the requirement to build a community recreation centre of a specific size on the site would be removed, however the site would continue to be designated Local Open Space and once part of the Toronto Official Plan, designated Parks. Though the ultimate use of the site has not yet been determined, it's intended that the lands will accommodate a park, public and/or community use.

The Central Don Mills Secondary Plan seeks to strengthen the function of the Don Mills Centre as a community centre. By maintaining the LOS and Parks designations on the site, a land use structure is maintained that would both ensure the site accommodates a public or community use, and continues to contribute to the function of the Don Mills Centre as the heart of the community. Enlarging the community recreation centre, and relocating it one kilometre south situates it within a higher density area, and closer to higher order transit, however still capturing the Don Mills Centre and the Shops at Don Mills development well within the new service radius of 2.5 kilometres. These changes result in more equitable access to community services and local institutions, including recreational opportunities, to meet the needs of existing and planned communities along Don Mills Road. It's further ensured that the future use at 966 Don Mills Road continues to be of a public or community nature. Accordingly, staff are of the opinion that the draft Official Plan Amendment, found at Attachment 5, is in keeping with the general intent of the North York Official Plan and conforms with Toronto Official Plan.

Zoning

The subject site is currently zoned O1(44), which as outlined in the Policy Considerations Section, permits a range of uses related to both open space zones and commercial zones. The purpose of permitting a range of commercial uses at 966 Don Mills Road was to allow for the lands to be used for the existing commercial uses, parking and construction staging associated with the adjacent shopping centre of the same ownership, pending conveyance of the lands to the City. Staff recommend that these open space and commercial uses be maintained through this rezoning.

Amendments to the existing site specific zoning are related to the Section 37 conditions included in the by-law, which are detailed in the following section. In terms of site specific provisions, staff recommend that the O1(44) zone remain unchanged. As described in the Public and Community Needs Scan section of this report, other needs identified by the community included community gathering and activity spaces, multipurpose spaces, parkland, and recreation uses such as a pool, walking track, and fitness facility. This uses are permitted by the existing zoning on the site, therefore no amendments are required to respond to these potential needs.

Through the staff-executed component of the Scan, four City Divisions, one Provincial Ministry and multiple human agencies indicated interest in exploring opportunities for relocating or expanding within the Ward. Several of the uses identified are already permitted on the Site, such as library, medical office, emergency services. Those that are not currently permitted are long term care facility, municipal shelter, and food bank.

None of the agencies or governing Divisions or Ministries currently have the required funding or partnerships in place to move forward with the development of the Site. Staff are of the opinion that any necessary amendments to the official plan policies or zoning by-law provisions required to accommodate a future use should be explored at the time that such user is prepared to move forward with a specific development proposal for the Site, clearly identifying built form, height, density, parking rate and other development standards. Until that time, the current site specific provisions of O1(44) continue to be appropriate.

Accordingly, staff are of the opinion that the draft Zoning By-law Amendment, found at Attachment 6, conforms to the North York Official Plan and Toronto Official Plan.

Section 37

On February 25, 2011, a Section 37 Agreement between the City of Toronto and Cadillac Fairview was registered as Instrument No. AT2629811, implementing the Minutes of Settlement related to the 2011 approval of the Shops at Don Mills residential redevelopment application. The lands generally bound by Lawrence Avenue East, Don Mills Road and The Donway West, which include 966 Don Mills Road, are subject to this agreement.

Along with amendments to OPA 587 and Zoning By-law No. 342-2011(OMB), described above, modifications to the Section 37 Agreement are required. The Section 37 Agreement secured, among other matters, the following:

- Cadillac Fairview will construct, or cause to be constructed, a publicly accessible Community Centre with a floor area of at least 48,570 square feet at 966 Don Mills Road;
- The Value of the Community Centre will be based on the 2010 benchmark value of \$350 per square foot, for a total construction cost of \$17 million, indexed annually (from 2010) to reflect changes in the Construction Price Index;
- Financial securities for the construction of the Community Centre will be required in the form of phased letters of credit (LCs) in the aggregate amount of \$17 million, to be provided prior to condominium registration for each of Buildings B2 and D. The total value will be indexed annually (from 2010), to the dates the LCs are submitted to the City of Toronto, to reflect changes in the Construction Price Index.
- The Community Centre will provide programming that provides universal public access at affordable fees, and will include a competition-size swimming pool, fitness area, running/walking track, meeting rooms, gymnasium and auditorium;
- The lands on which the community centre are to be constructed are to be conveyed to the City, and therefore will be in an environmental condition suitable for use as a community centre, as evidenced by a Record of Site Condition and in accordance with the Environmental Policies. "Environmental Policies" in this case is a defined term in the Section 37 Agreement which states that the term means "the City's (i) Harmonized Peer Review Process, and (ii) Policies and Conditions for the

Acceptance for Risk Assessed Lands for Conveyance to the City, both as amended from time to time";

- The Community Centre will begin construction prior to first Building Permit issuance for the earlier of Block E or Block G, and will be substantially complete no later than October 12, 2020;
- The community centre, though owned by the City of Toronto, will be leased back to Cadillac Fairview, or an entity it designates, for a period of 49 years; and
- As part of this lease agreement, the community centre will be operated by a not-for-profit community centre operator, selected by Cadillac Fairview, acceptable to the General Manager of Parks, Forestry, and Recreation, and in consultation with the Don Mills Residents Inc.

The following changes are required to the Section 37 Agreement in order to remove the community centre requirements, as also agreed to by Cadillac Fairview:

- The indexed \$17 million provided for in the Don Mills Centre Section 37 Agreement shall be utilized for the construction and outfitting of the Celestica community recreation centre at 844 Don Mills Road. The money shall be paid to the City prior to the earlier of:
 - Condominium registration for building B2 or D at the Shops of Don Mills;
 - The issuance of any building permit for 169 the Donway West;
 - The issuance of any building permit for Buildings E or G at the Shops at Don Mills; or
 - the "Land Exchange" as described below.
- Cadillac Fairview will be entitled to convey the lands at 966 Don Mills to the City in exchange for the Civitan Arena lands (the "**Land Exchange**"). In the event Cadillac Fairview triggers the Land Exchange, the lands at 966 Don Mills shall be cleaned by Cadillac Fairview at its sole expense prior to completion of the Land Exchange in accordance with the City's Policy for Accepting Potentially Contaminated Lands, in its then current form.
- The Land Exchange may be triggered by Cadillac Fairview at its sole discretion provided that Cadillac Fairview provides the City with 12 months' notice. In any event, the Land Exchange shall occur no more than 12 years after the registration of the revised s. 37 agreement for the Don Mills Centre development unless otherwise agreed to between the parties. In the event that Cadillac Fairview triggers the Land Exchange prior to the end of the 2022-2023 winter hockey season, Cadillac Fairview will continue to permit the City to operate the Civitan Arena for ice hockey purposes following the Land Exchange, until May 15, 2023, in order to accommodate the completion of the 2022-2023 winter hockey season.
- At any time prior to the Land Exchange and after May 15, 2023 the City may give the Owner 12 months' notice and the owner will be required CF/Realty will be required to

demolish the Civitan Arena, remove all the demolition debris, restore the site to a safe condition to the City's satisfaction and enclose the site with fencing, all at no cost to the City. If the City requires the demolition prior to the Land Exchange, then following demolition, CF/Realty may be entitled to use the site for parking and/or construction staging upon execution of any lease or licence required by the City which will require, among other things, market value fees to be paid.

- Until the completion of the Land Exchange, the Civitan Arena will be utilized by the City at its discretion, for the purposes of a hockey arena, or other community oriented uses, such as arts, crafts, social, charitable and educational activities, as well as recreational purposes and recreational programming, seniors services, and other community uses as agreed to by the Parties.
- In the event the Land Exchange is exercised, Cadillac Fairview shall have a right of first refusal to purchase the 966 Don Mills Road lands in the event the City elects to dispose of the lands within 20 years of acquiring them (the "**ROFR**"). The ROFR will not apply to any transfer or leasing of the 966 Don Mills Road lands to any federal, provincial or municipal governmental or quasi-governmental agency, board, commission or other body or the transfer of small amounts of the 966 Don Mills Road lands for road widenings, easements, or similar transactions.

As noted, Policy 5.1.1.1 states that such community benefits that are provided in the form of capital facilities, such as a community recreation centre, are subject to the following:

- a) the capital facilities must bear a reasonable planning relationship to the increase in the height and/or density of a proposed development including, at a minimum, having an appropriate geographic relationship to the development and addressing planning issues associated with the development;
- b) the development must constitute good planning, be consistent with the objectives and policies of this Plan, and comply with the built form policies and all applicable neighbourhood protection polices; and
- c) the use of Section 37 must be contingent upon adequate infrastructure to support the development.

As part of the Shops at Don Mills 2011 settlement, and as outlined above, the applicant had agreed to construct a publicly accessible community recreation centre with a floor area of at least 48,570 square feet (4,512 square metres), having a value of \$17,000,000 (2010 dollars) at 966 Don Mills Road. It was further agreed that the facility would include a competition-size swimming pool, fitness area, running/walking track, meeting rooms, gymnasium and auditorium.

Through its decision of July 16, 2019, City Council approved the Preferred Facility Option, resulting in the relocation of the facility approximately 1 kilometre south, as well as the expansion of the facility to provide a floor area of approximately 12,000 square metres which would accommodate a twin-pad arena/multi-sport indoor courts, gymnasium with walking track, aquatic centre having two pools, and community and

program space, co-located with the large community park. Further, the Preferred Facility Option will now be delivered by the City as a capital project. It will be the largest community recreation centre in the City and will serve the rapidly growing population in the Don Mills Corridor and along the Eglinton Crosstown LRT. Initial funding for the design and construction of the facility has been identified as part of Parks, Forestry and Recreation's 2021 Council Approved Capital Budget and 2022-2030 Capital Plan, with \$6,200,000 allocated for design work starting in 2021 and a further \$79,000,000 allocated in future years to support the construction phase. Additional funding will be required to support the total anticipated cost of the facility.

Accordingly, staff recommend that the \$17,000,000 (indexed) secured for the Shops at Don Mills community recreation centre be redirected to the construction of the Preferred Facility Option on the Celestica lands. Staff find this to be an appropriate use of the funding, as the Preferred Facility Option would continue to have an appropriate geographic relationship to the Shops at Don Mills development and will continue to serve the Shops of Don Mills development, as required by Policy 5.1.1.1. As noted, the new site is approximately 1 kilometre south of the Shops at Don Mills development, which represents a 12 to 15 minute walk, or two bus stops. As shown on Attachment 9 the service radius for the Preferred Facility Option is 2.5 kilometres, the north boundary of which is approximately half way between Lawrence Avenue East and York Mills Road. The Shops at Don Mills development is well within this radius.

The community benefit secured through the Shops at Don Mills 2011 settlement, which was a capital facility in the form of a community recreation centre having a competition-size swimming pool, fitness area, running/walking track, meeting rooms, gymnasium and auditorium, would continue to be provided, however relocated to the Celestica lands. The facility would be larger in scale and with greater capacity, programming options, uses, and service radius. Further, 966 Don Mills Road, located within the Shops at Don Mills development, would continue to be developed with another public or community use intended to serve the community and cultivate the Don Mills Centre as a focal point of the community.

Community Consultation

On January 28, 2020, a community consultation meeting in relation to these City-initiated Official Plan and Zoning By-law Amendments was held in tandem with the Open House in relation to the Scan. Additional consultations took place with the Don Mills Residents Inc., and the condominium boards of 75, 85 and 99 The Donway West in December 2019 and January 2020, in relation to the Scan, and Planning Recreation Facilities for the Don Mills Communities.

Approximately 100 people attended the January 28, 2020 community consultation meeting. Attendees expressed a preference that the ultimate use of the Site be publicly accessible, such as a library, or include a publicly accessible component, such as multipurpose space, and/or youth and seniors targeted programming. Some attendees also expressed concerns with City Council's decision to relocate the community recreation centre to 844 Don Mills Road.

Conclusion

The proposed revisions to the Official Plan, Zoning By-law and Section 37 agreement would remove the existing requirement to construct a community recreation centre of a specific size at 966 Don Mills Road, and allow for Section 37 funds to be redirected to the larger, integrated community recreation centre at 844 Don Mills Road, thus serving a greater population. The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the North York Official Plan, and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms to the Toronto Official Plan and is in keeping with the intent of the North York Official Plan. Staff recommend that Council support approval of this City-initiated Official Plan and Zoning By-law Amendment.

CONTACT

Michelle Corcoran, Senior Planner
Tel. No. (416) 395-7130
E-mail: Michelle.Corcoran@toronto.ca

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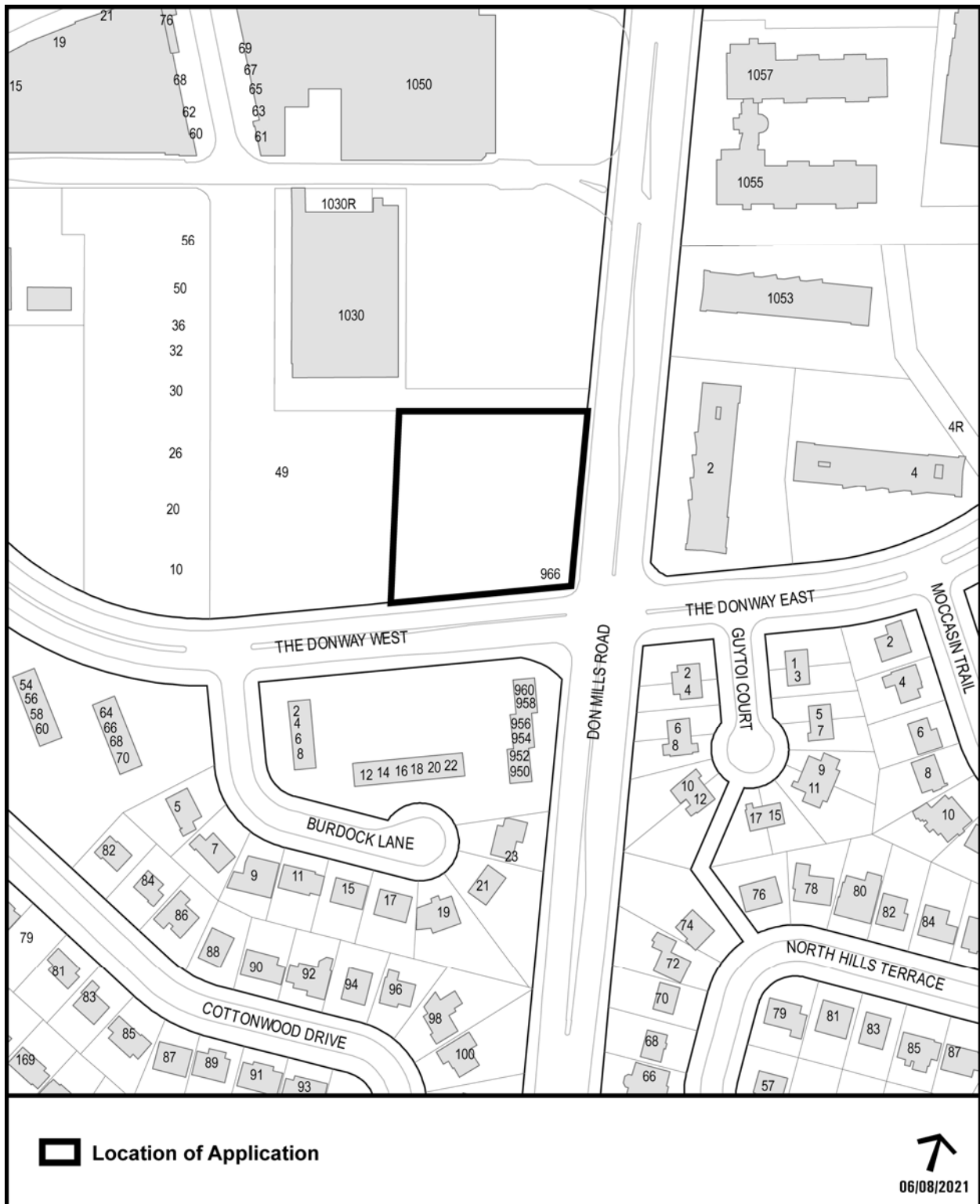
John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

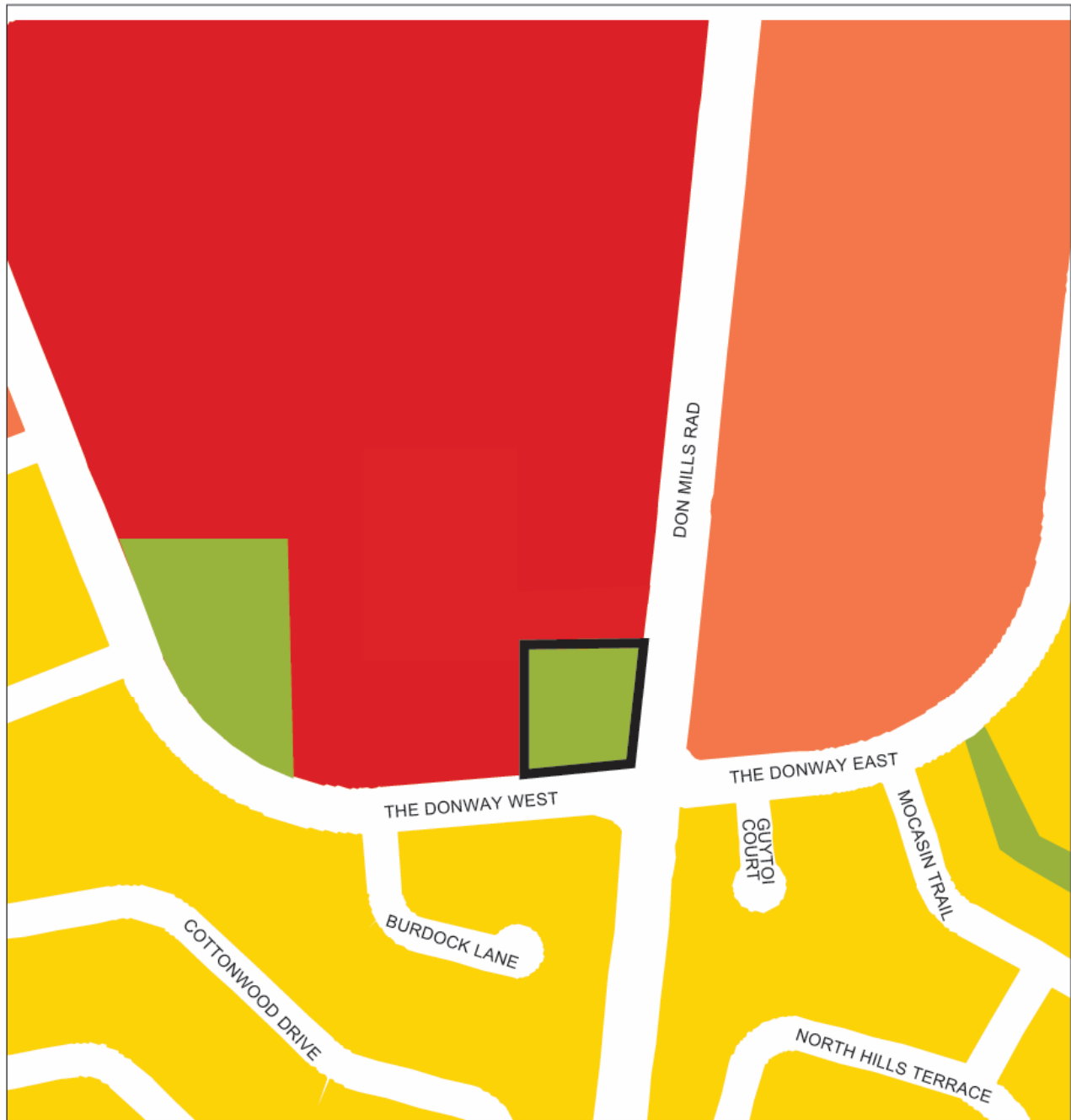
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Existing Land Use Map
- Attachment 3: Central Don Mills Secondary Plan Map D.7.3
- Attachment 4: Existing North York Zoning By-law No. 7625 Map
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment
- Attachment 7: Summary of Public and Community Needs Scan Consultation
- Attachment 8: Shops at Don Mills Conceptual Site Plan
- Attachment 9: Community Recreation Centre Service Area Radii

Attachment 1: Location Map



Attachment 2: Existing Land Use Map



966 Don Mills Rd.

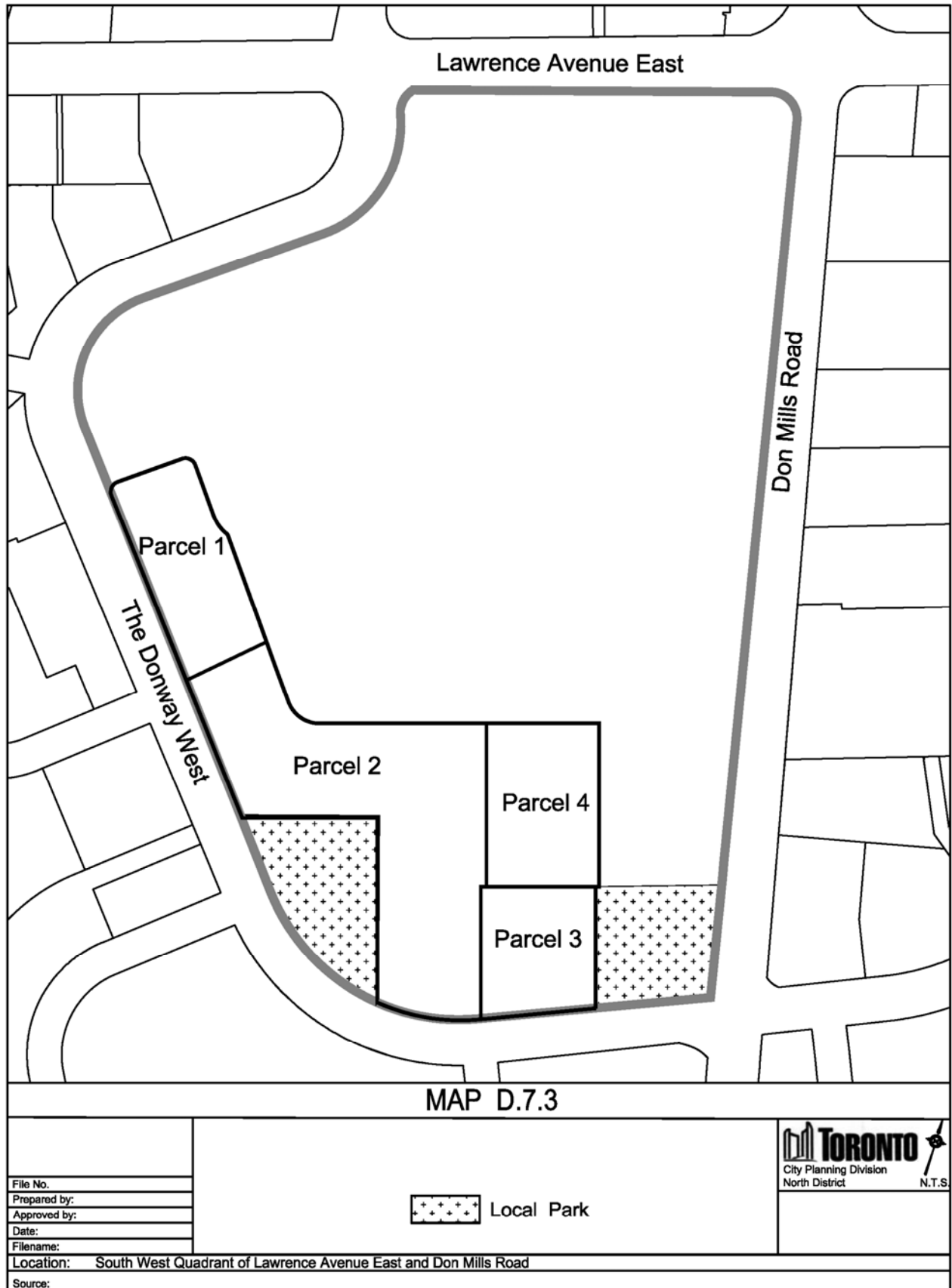
Official Plan Land Use

File # 19 255599 NNY 16 02




Not to Scale
06/08/2021

Attachment 3: Central Don Mills Secondary Plan Map D.7.3




Attachment 4: Existing North York Zoning By-law No. 7625 Map



Zoning By-law 7625

966 Don Mills Rd.

File # 19 255599 NNY 16 0Z

 Location of Application

R5 One-Family Detached Dwelling Fifth Density Zone
RM1 Multiple-Family Dwellings First Density Zone
RM2 Multiple-Family Dwellings Second Density Zone

RM5 Multiple-Family Dwellings Fifth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C3 District Shopping Centre Zone
O1 Open Space Zone



Not to Scale
 Extracted: 06/08/2021

Attachment 5: Draft Official Plan Amendment

Authority: North York Community Council Item NY##.##, as adopted by Toronto City Council on XXX, 2021.

CITY OF TORONTO

By-Law –2021

To adopt Amendment ### to the Official Plan for the former City of North York with respect to lands municipally known in the year 2020 as 966 Don Mills Road.

Whereas authority is given to Council by Section 17 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Official Plan of the former City of North York, as amended, is further amended as follows:

1. The attached Amendment ### to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on XXX, 2021.

AMENDMENT ### TO THE OFFICIAL PLAN OF THE FORMER CITY OF NORTH YORK

Lands municipally known in the year 2020 as 966 Don Mills Road.

The Official Plan of the former City of North York is amended as follows:

1. Part D.7, Central Don Mills Secondary Plan, is amended by replacing Section 4.4.0(i) with the following:

"Land Exchange

The redevelopment of the Don Mills Centre lands includes the planned relocation of the existing Don Mills Civitan Arena site that has an area of 5,060.3 square metres to another site within Don Mills, and the redevelopment of the arena site for mixed residential and commercial purposes. In exchange, a parcel of 4,363.1 square metres located at the northwest corner of Don Mills Road and The Donway West (shown as Local Park on Map D.7.3) will be conveyed to the City. In addition, at least 697.2 square metres will be conveyed to the City as part of the Local Park along the Donway West, as shown on Map D.7.3."

2. Part D.7, Central Don Mills Secondary Plan, is amended by replacing Section 6.1.2 with the following:

"Local Parkland

In addition to the uses permitted by the former City of North York Official Plan on lands identified as Local Park, medical office, retail and commercial uses are also permitted on the parcel located at the northwest corner of Don Mills Road and The Donway West, as described in Section 4.4.0(i). Pending conveyance of these lands to the City, the lands may be used for the existing commercial uses, parking and construction staging associated with adjacent development within the Don Mills Centre."

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item NY##.##, as adopted by Toronto City Council on XXX, 2021.

CITY OF TORONTO

By-Law –2021

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known in 2020 as 939 Lawrence Avenue East, 966, 1030 and 1090 Don Mills Road and 49 and 75 The Donway West.

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the former City of North York Zoning By-law No. 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner and the land and the City of Toronto;

The former City of North York Zoning By-law No. 7625, as amended, is further amended as follows:

1. Replacing Section 64.20-A(197), subsection (jj) with the following:

"Section 37 Agreement

Pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and density of development on Parcels 1, 2, 3 and 4 is permitted in return for a cash contribution in the amount of \$17,000,000 (2010 dollars). Such contribution will be:

(i) subject to upward indexing in accordance with the Statistics Canada Apartment Construction Price Index for Toronto Census Metropolitan Area from the year 2010;

(ii) utilized toward the construction and outfitting of the City-owned community recreation centre at 844 Don Mills Road; and

(iii) provided to the City prior to the earlier of:

(a) Condominium registration for the earlier of Building B2 or Building D;

(b) The issuance of any building permit for 169 The Donway West;

(c) The issuance of any building permit for the earlier of Building E or Building G; or

(d) The conveyance of 966 Don Mills Road to the City.

2. Deleting Section 64.37(44), subsection (b).

Attachment 7: Summary of Public and Community Needs Scan Consultation

Presentation Boards

<ul style="list-style-type: none">• Welcome• Land Acknowledgement• Background: Location Map• Background: Growth and Demographics• Background: Facility Planning• Background: Site Comparisons• Background: 844 Facility Anchors Uses• Council Decision – Scan• Scan Study Area Criteria• Scan Study Area• Collaborative Approach	<ul style="list-style-type: none">• Demographics Mapping Census• Demographic Charts Study Area• Facilities Mapping• CRC Catchment Mapping• Agencies Surveyed• Community Feedback• Agency Feedback – Dotmocracy• New Ideas – Post-its• Council Decision – OPA/ZBA/s37• OP/Zoning Maps and Uses• Purpose OPA/ZBA Application• Flow Chart
--	---

Notice

22,870 notices were provided to Canada Post at 70 Wynford Drive on January 13, 2020 for delivery to residences within the Study Area.

Attendance

109 attendees signed-in at the Open House. These names were added as "Interested Parties" in relation to the OPA/ZBA at 966 Don Mills Road (19 255599 NNY 16 OZ) to be notified of the statutory public meeting.

Main Takeaways

- Non-recreational desires for the area include:
 - space to gather, hold meetings, hobby groups
 - indoor space to walk
 - spaces and programming available to youth and seniors
 - larger library
 - auditorium/theatre space
 - outdoor open space
- Many commented on the need for spaces that are safe.
- There was concern that more residential will be constructed at 966 Don Mills Road, which is not desired.
- There was concern that there will not be sufficient funds to build anything at 966 Don Mills Road.
- Despite the intention of this meeting to focus on alternative community uses for the area and for 966 Don Mills Road, some thought that the Open House was an

opportunity to contest the decision of City Council to adopt the "Preferred Facility", or continue to push for a CRC at 966 Don Mills Road.

- Many attendees voiced the opinion that the currently approved and agreed to CRC at 966 Don Mills Road should be built.
- It was the opinion of some that the Celestica lands are not part of Don Mills, and that Central Don Mills (i.e. Don Mills Road and Lawrence Avenue East) needs a CRC of its own.
- Several people commented that the Celestica CRC is too far, and they will not use it.
- Recreational desires for the area primarily include swimming, walking track, exercise.

Detailed Feedback: Boards

Agency Feedback – Dotmocracy (Board #18)

Six services that were identified by various agencies and City Divisions as having potential space related interests in the scan area. This board requested attendees to place a dot next to the use they believe the community would benefit from, and to identify as many as apply. The numbers in parentheses represent the number of votes that use received.

Reponses:

- Library (11)
- Long Term Care (9)
- Heath Care (5)
- Shelter (2)
- Food Bank (5)
- Paramedic Station (6)

Several notes were eft on this board stating preference for a "community centre".

New Ideas – Post-its (Board #19)

This board requested feedback from attendees on non-recreational ideas for the community that had not already been identified. The numbers in parentheses represent the number of times that use was identified.

Responses:

<ul style="list-style-type: none">• theatre space (3)• parking (3)• coffee/snack vendor (2)• heritage/history of Don Mills museum (2)• event space• lounge area• tool library• dog park• pop-up space – vendors/food trucks• childcare	<ul style="list-style-type: none">• no building – too much here already• community gathering space (8)• meeting rooms/spaces (7)• community activity space• dancing• clubs (2)• children programs/space (6)• youth programs/space (6)• seniors programs/space (6)• indoor walking space (6)• meditation space (4)• outdoor space (4)
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Despite the request for non-recreational uses, responses also included recreational uses:

- walking track
- swimming
- exercise rooms
- pickle ball
- skating
- basketball
- bowling

Several notes were also left on this board stating preference for a "community centre".

Comment Forms

30 comment forms were received. 22 focused on constructing a community recreation centre (CRC) at 966 Don Mills Road, many referring specifically to maintaining the existing agreement between the City of Toronto and Cadillac Fairview.

Detailed Feedback: Staff Conversations and Comment Forms

Area Interests

- Several people wanted more certainty that 966 Don Mills Road would remain in public ownership/use.
- There was some interest in having 966 Don Mills Road function as a park/open space that caters to all ages.
- Broad support for meeting and event space of various sizes.
- Some support for a library with common spaces/facilities.
- There was a concern that youth tend to hangout in the ravine, so a dedicated space for them would be a good idea.
- Desire for a facility/space available for use year-round.

- Desire for some form of "seniors centre" which would include flexible meeting space and kitchen amenities - reference to Stephen Leacock Seniors Community Centre.
- Consistent aversion to repurposing the site for residential uses.
- Many references to the Overland Adult Learning Centre as an example of a good use:
 - Well used
 - Inexpensive
 - Many seniors options – exercise programs, computer courses
- Some suggested a need for agencies for newcomer and low-income residents - skills training, ESL, employment services.
- Mental health services.
- Desire for more seniors services/long-term care in the area.
- Large meeting rooms that fit 200 people, available for rental.

844 Don Mills Road Facility

- Several attendees were supportive of the larger facility at 844 Don Mills Road – a few even stated they preferred one larger facility, and thought the construction of two facilities in such close proximity was wasteful.
- Concern for sufficient parking, and where it will be provided – many happy with below-grade.
- Concerns about cost of parking – PF&Rs "sliding scale" was explained (lower rates for 2 hour use, much higher for all-day use, to deter commuter parking).
- There was concern about how long the facility at 844 Don Mills Road will take to be constructed.
- Anchor facilities were discussed, staff noting that programming for the multipurpose rooms would be discussed through the design process, and could change over the years with demographics.
- People were generally happy with the proposed CRC at 844 Don Mills.
- Free shuttle services should be provided from the Shops at Don Mills and the 844 Don Mills Road facility.

Civitan

- Don Mills Civitan Arena board members concerned about the viability of the next hockey season.
- They need information on the plan moving forward so that they can inform their members and be able to plan - registration starts in April.
- They have already lost 10% of the families due to this uncertainty. They fear that more families will leave and find other leagues.
- What will the arena gap be between the old and new? People fear that the change will be given without notice (staff explained that the details of any Civitan extension/closure will be negotiated through the ongoing OPA/ZBA application).

966 Don Mills Road Facility

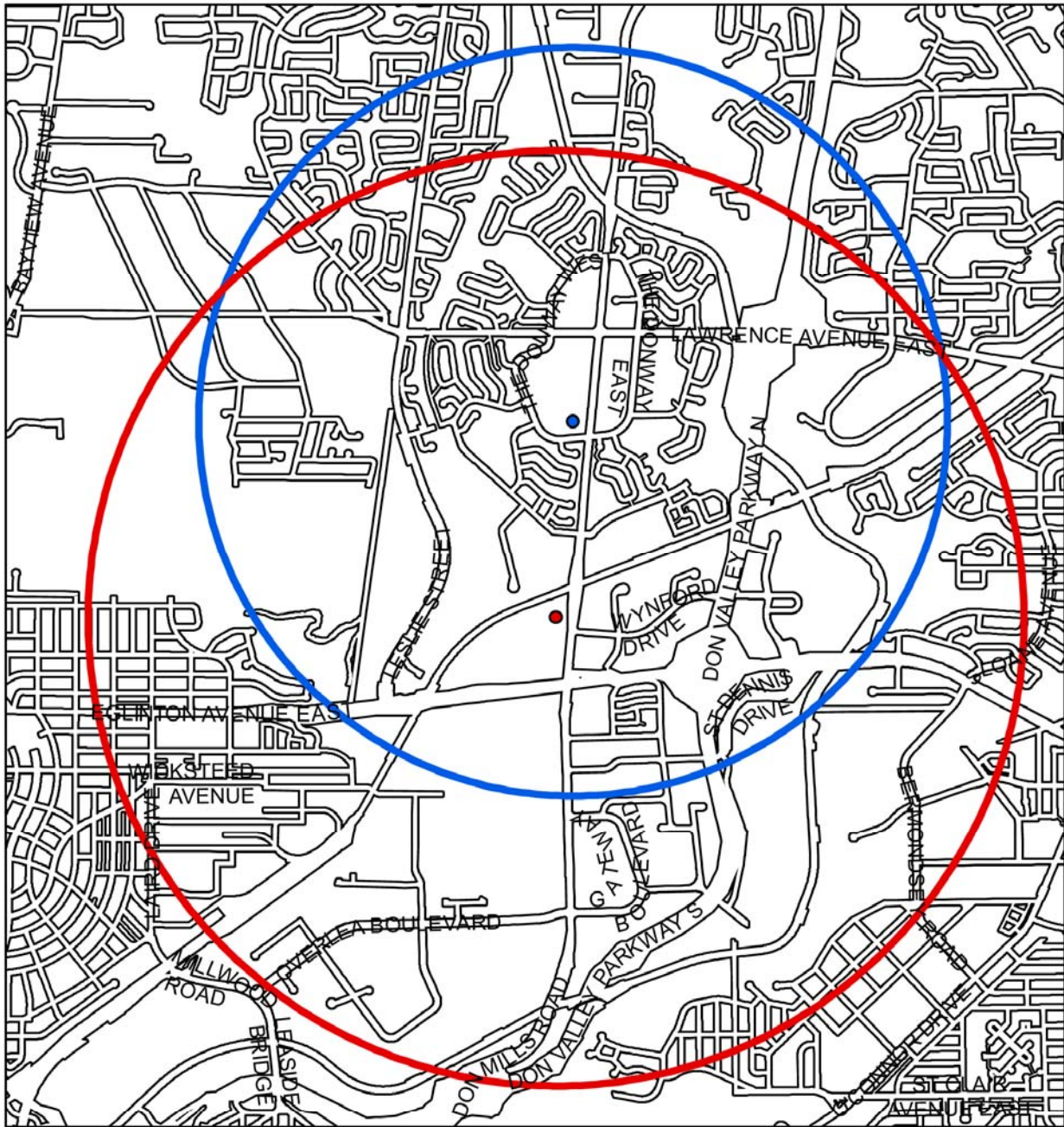
- The majority of attendees voiced the opinion that the currently approved and agreed to facility at 966 Don Mills Road should be built.

- Disappointment related to time – perception of a lot of energy was spent on negotiating the Shops at Don Mills development, with many years passing and no action on CRC.
- Some said they were willing to give up the pool.
- Whether supportive or not of the "preferred facility", most people wanted the full value of the existing s37 agreement to remain in "their community" (Shops at Don Mills).
- Perception that the City is "deliberately breaking" the current agreement for 966 Don Mills Road.

Attachment 8: Shops at Don Mills Conceptual Site Plan



Attachment 9: Community Recreation Centre Service Area Radii



Community Recreation Centre Service Area Radii

966 Don Mills Road

File # 19 255599 NNY 16 0Z

-  966 Don Mills Road Facility - 2.0 km Radius
-  844 Don Mills Road Facility - 2.5 km Radius



Not to Scale
Extracted: 07/19/2021