

## **Housing Now – 805 Don Mills Road – City Initiated Zoning By-Law Amendment and Draft Plan of Subdivision - Final Report**

Date: May 16, 2022

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning Division

Wards: 16 - Don Valley East

**Planning Application Number:** 21 190993 NNY 16 OZ and 21 191009 NNY 16 SB

### **SUMMARY**

---

The City-owned property located at 805 Don Mills Road is one of 21 sites approved by City Council for redevelopment through the Housing Now Initiative. This report recommends approval of a City-initiated Zoning By-law Amendment to Zoning By-law 569-2013 to permit the proposed development concept. The report also outlines the proposed Draft Plan of Subdivision for the site, which prepares the site for development of two mixed use development blocks, parkland, a new public street and the realignment of Ferrand Drive. An associated Housing Now site to the west of this site at 770 Don Mills Road is subject of a separate report also being considered at the May 31, 2022 Planning and Housing Committee meeting.

The recommended Zoning By-law Amendment implements and conforms to the Don Mills Crossing Secondary Plan (Official Plan Amendment 404), which sets the foundation and guiding principles for implementation of the development vision for these lands, including the provision of new affordable housing, community facilities and parkland. The proposed development concept is for two mixed-use buildings at 48-storeys and 27-storeys, with frontage on Eglinton Avenue East. The development will deliver approximately 840 new residential units, of which 33 percent (277 units), will be provided as new affordable rental through the Housing Now Initiative. The site also includes a new public park, a new public street and the realignment of an existing public right-of-way. The development will provide space for retail and other non-residential uses, and a new non-profit child care. The net development density on the site has a floor space index of 7.85 on the mixed-used development blocks.

Redevelopment of 805 Don Mills Road will provide homes for Torontonians, located on two new transit lines linking the site with the rest of the City. The recommended Zoning By-law Amendment provides for elements of a complete community, while the Design

Brief and the policy foundation of the Secondary Plan provide direction for high quality design in new buildings and the public realm. The mixed-use blocks will be leased to a selected development partner for a 99 year term. The selected partner will be responsible for detailed design and construction of the required municipal infrastructure, including streets and services, based on the initial work undertaken as outlined in this report and its attachments.

The recommended Zoning By-law Amendment and Draft Plan of Subdivision is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2020), the City's Official Plan including the Don Mills Crossing Secondary Plan.

## **RECOMMENDATIONS**

---

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend Zoning By-law 569-2013, as amended, for the lands at 805 Don Mills Road and the lands shown as Block 6 on the Draft Plan of Subdivision, substantially in accordance with the recommended Zoning By-law Amendment attached as Attachment 4.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the recommended Zoning By-law Amendment as may be required.
3. In accordance with the delegated authority under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision for the lands at 805 Don Mills Road as generally illustrated on Attachment 5 subject to:
  - a. The City obtaining a fee simple interest in the lands shown as Block 6 and Block 7 in the Draft Plan of Subdivision, currently the northeast portion of the property municipally addressed as 24 Ferrand Drive.
  - b. The condition that a Lease Agreement has been entered into between the City and the development partner that includes, to the satisfaction of the Chief Planner and Executive Director, City Planning, standard subdivision obligations as applicable and with necessary modifications for implementation of the proposed plan as well as site specific subdivision requirements generally outlined in Attachment 6 on such terms including details and timing, as are set out in the Lease Agreement, and;
  - c. Revisions to the proposed Draft Plan of Subdivision and addition or modified subdivision requirements for inclusion in the Lease Agreement with the development partner as the Chief Planner and Executive Director, City Planning, may deem appropriate to address matters arising from the ongoing technical review of this development.

4. City Council request the Chief Executive Officer, CreateTO, in consultation with the Chief Planner and Executive Director, City Planning and the City Solicitor, to engage City partners and the development partner to advance the detailed design of development requirements identified in Attachment 7 to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor and to secure the delivery of the development requirements on terms, including details and timing, in a Lease Agreement with the development partner.
5. City Council direct that any future planning applications for 805 Don Mills Road, including an application for Site Plan Control, be reviewed in the context of the 805 Don Mills Road Design Brief (April 2022), provided as Attachment 8 to this report.
6. City Council authorize, as a component of the Registration of the M-Plan, a Transfer of Operational Management is to occur from Corporate Real Estate Management to Parks, Forestry and Recreation for those lands comprising of the Parkland, having a minimum size of 992 square metres, to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR).
7. City Council authorize the General Manager, Parks, Forestry & Recreation, to sign on behalf of the City, the City's standard form agreements, including insurance, release and indemnity in favor of the City with the development partner for tieback installations and crane swings, for the future park located at 805 Don Mills Road, on terms and conditions satisfactory to the General Manager Parks, Forestry & Recreation, including the payment of compensation to the City, in an amount as determined by the Executive Director, Corporate Real Estate Management.
8. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the development partner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation. The development charge credit shall be in the amount that is the lesser of the cost to the applicant of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry & Recreation, and the Parks and Recreation component of the development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
9. City Council authorize the installation of traffic control signals at the intersection of Eglinton Avenue East and Ferrand Drive

## **FINANCIAL IMPACT**

---

There are no immediate financial impacts resulting from the recommendations contained in this report. The redevelopment of 805 Don Mills Road may however result in future financial impacts to be determined through the design and planning approval processes. Anticipated impacts to the City will be presented for City Council's consideration through the budget process or a subsequent stand-alone report.

Funding to support the implementation of the Housing Now Initiative is included the 2022 - 2031 Approved Capital Budget and Plan for the Housing Secretariat. Further, at its meeting of November 9, 2021, City Council approved the exemption of an additional 485 affordable housing units to be realized on Phase One sites (which includes 805 Don Mills Road), from taxation for municipal and school purposes and to extend Open Door incentives for these units as well as exemptions from development charges and parkland dedication fees.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the financial impact section.

## **EQUITY IMPACT**

---

The Housing Now Initiative is part of the HousingTO 2020-2030 Action Plan and advances a number of City of Toronto's equity strategies and commitments including: Social Procurement Policy, Strong Neighbourhoods Strategy, Toronto Newcomer Strategy, Toronto Poverty Reductions Strategy and the Toronto Seniors Strategy. Through the incorporation of social procurement principles in the market offering process for Housing Now sites, the implementation of the Housing Now Initiative will encourage local hiring and create employment, training and apprenticeship opportunities for people experiencing economic disadvantage, including those from equity-deserving communities.

The new affordable rental units will remain affordable for 99 years, providing quality housing for future generations. Safe, secure, affordable housing is an important social determinant of health. It improves the social and economic status of individuals, families and communities. Good quality, affordable housing is also the cornerstone of vibrant, healthy neighbourhoods and supports the environmental and economic health of the city, region and country as a whole.

An intersectional analysis reveals that women, seniors, newcomers and low income residents who require access to affordable housing, access to affordable child care, access to city spaces, access to public transit, safety and security will be positively impacted. The proposed development concept for 805 Don Mills Road calls for a mix of retail and community uses which includes a new non-profit child care. At least 33% of units will be rented below the City-wide average market rent, providing households with lower incomes with the opportunity to access safer, quality housing near high-order transit. The site is located in close proximity to the Science Centre Station on the Eglinton Crosstown LRT, a future public elementary school at 770 Don Mills Road, and is located south of the future Science Centre TTC Bus Terminal and station on the Ontario Line, which is planned to be constructed by Metrolinx north of the site.

## **DECISION HISTORY**

---

On July 4, 2018, North York Community Council adopted NY32.25 "Preliminary Report – Official Plan Amendment and Zoning By-law Amendment Application – 770 Don Mills

Road and 805 Don Mills Road" with amendments. This report provided preliminary information and an early opportunity to raise issues for follow-up with regard to the application submitted by Build Toronto Inc. (now CreateTO).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.25>

On April 16, 2019, City Council adopted Official Plan Amendment No. 404 covering lands generally bounded by the CP Rail Corridor, Don Mills Road, Wynford Drive, Gervais Drive, Ferrand Drive, Rochefort Drive and a portion of the west branch of the Don River Valley. OPA 404 provides a comprehensive planning framework to guide the redevelopment around the Don Mills Road and Eglinton Avenue East intersection as a complete community with varied levels of intensification and land uses, create opportunities to connect with nature, enhance mobility choice and support inclusive city building.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH4.1>

OPA 404 was appealed to the Local Planning Appeal Tribunal (LPAT) (now continued as the Ontario Land Tribunal) (LPAT Case No. PL190242) by two land owners. The Tribunal allowed the appeals in part and modified and approved the OPA following a settlement between the appellants and the City. The Council report from the City Solicitor can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC24.12>

City Council initiated Housing Now in December 2018 to accelerate the development of affordable housing and mixed-income, mixed-use, transit oriented communities on 11 City-owned properties. In May 2020, City Council initiated Phase Two of Housing Now, including six additional sites, and in November 2021 City Council initiated Phase Three adding four additional sites. More detail on the Housing Now Decision History, including links to relevant reports can be found in Attachment 10: Housing Now Decision History.

## **ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION SUMMARY**

---

### **Re-zoning to Support Market Offering**

The recommended Zoning By-law Amendment and Draft Plan of Subdivision represents critical milestones in the Housing Now process as they provide the foundation for the business case for the site. This process is detailed through EX1.1 "Implementing the Housing Now Initiative". This work establishes a market-ready development concept and advances projects through key stages of the approval process, reducing project and approvals risks for selected development partners, and charting an expedited route to construction and occupancy.

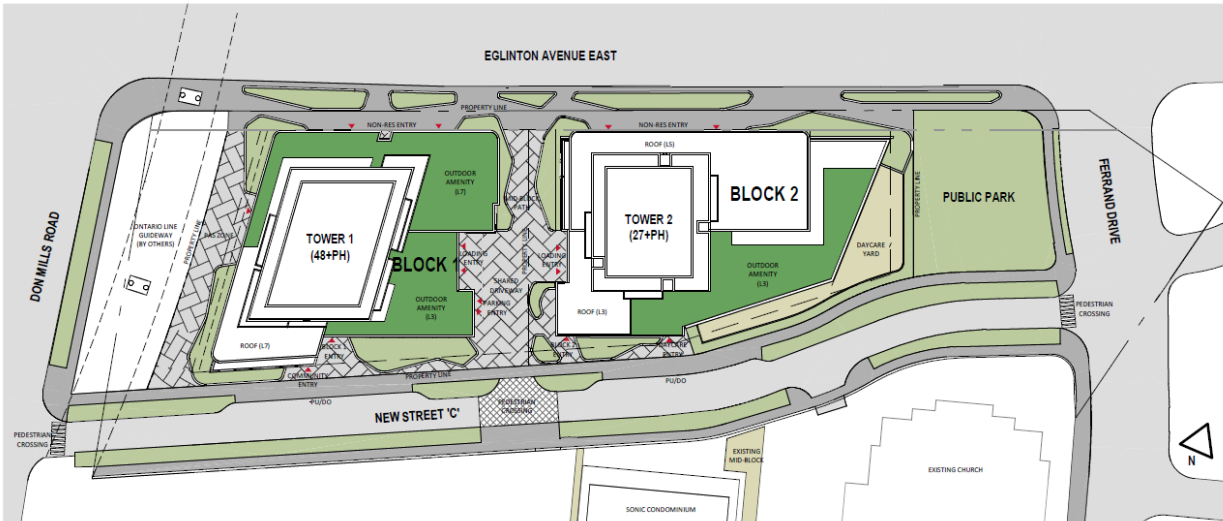
This approach to achieving up-front approvals strengthens the City's ability to leverage its contributions and partnerships with experienced housing developers and operators to deliver affordable housing and complete communities at key locations in Toronto. Through the City's contributions and land value incentives, the Housing Now Initiative will leverage millions of dollars in third party investment and create thousands of new rental units.

# Recommended Zoning By-law Amendment

The recommended Zoning By-law amendment implements the Don Mills Crossing Secondary Plan and is based on a proposed development concept refined through community engagement and City staff review. The recommended Zoning By-law Amendment will permit a mixed-use development consisting of two tall buildings atop podiums and a new 992 square metre public park.

Through the Don Mills Crossing Secondary Plan, one new public street was approved at the site, linking Don Mills Road with the 'Core Connector' – which is a network of secondary streets designed to provide alternative routes through the Secondary Plan area for a range of road users. The Secondary Plan also approved the realignment of the existing Ferrand Drive, to create a regular intersection with Eglinton Avenue East. The realignment occupies the eastern portion of the site. This is illustrated on Figure 1: Proposed 805 Don Mills Road Conceptual Site Plan.

**Figure 1: Proposed 805 Don Mills Road Conceptual Site Plan**



The recommended Zoning By-law Amendment will permit a maximum of 64,557 square metres of gross floor area (GFA), and require a minimum of 4,130 square metres of non-residential gross floor area, which will include retail, and a new non-profit child care. The proposed development concept includes an area that can be leased for a community use or office space. The policies of the Secondary Plan exclude the GFA of City-owned and non-profit community facilities from the site's Floor Space Index. The provision of non-residential area is consistent with the Secondary Plan, which emphasizes supporting the employment function of the Don Mills Road corridor as new transit is constructed. The recommended Zoning By-law Amendment will facilitate the creation of approximately 840 residential units on site, of which a minimum of 33% of units (approximately 277) will be provided as new affordable rental units.

The recommended Zoning By-law Amendment identifies locations for the development of two tall buildings on site, which both front onto Eglinton Avenue East. A 48-storey building is proposed at Don Mills and Eglinton with a building of approximately 27-storeys located mid-block. The mid-block building will have a base building of three-six

storeys in height providing a transition in scale to the new public park and existing *Neighbourhood* further east in accordance with the policies of the Don Mills Crossing Secondary Plan. The developable areas (indicated on Diagram 7 of Attachment 4: Draft Zoning By-law Amendment) demonstrate the required setbacks from the property lines and other built form considerations.

The recommended Zoning By-law Amendment establishes a maximum floorplate of 870 square metres for the 48 storey tower adjacent to the future Ontario Line and a maximum floorplate of 750 square metres for the mid-block tower. The recommended Zoning By-law Amendment sets out the location of each tower in order to mitigate impacts on the pedestrian realm, a new public park and new outdoor spaces located on the development site. The recommended Zoning By-law Amendment requires podium heights to meet the Don Mills Crossing Secondary Plan's policy of 6 storeys (25 metres). The recommended Zoning By-law Amendment sets the stage for a number of improvements to the public realm along Eglinton Avenue East, the new public street and a north-south mid-block connection (as shown on Diagram 7 of Attachment 4: Draft Zoning by-law Amendment).

The recommended Zoning By-law Amendment reflects City Council's recent decision on By-law 89-2022 regarding parking requirement for new development, and does not set minimum parking requirements for residents. Minimum requirements for accessible spaces, visitors, non-residential uses are provided. The recommended Zoning By-law Amendment includes a provision that will permit the sharing of a portion of parking spaces in the mixed-use buildings between visitors and the users of the non-residential uses on site.

As part of the Housing Now Initiative, the elements of the development that will support a complete community and the implementation of the Don Mills Crossing Secondary Plan 'Housing and Community Services & Facilities' policies will be secured through the lease agreement with the development partner. These requirements are summarized in Attachment 7: Development Requirements.

Detailed project information is provided on the City's Application Information Centre at: [toronto.ca/805DonMillsRd](https://toronto.ca/805DonMillsRd). Attachment 9 of this report provides a three-dimensional representation of the proposed development.

## **Plan of Subdivision**

The subdivision is proposed to be registered to facilitate the orderly development of the site in accordance with the structure set out in the Don Mills Crossing Secondary Plan. The blocks of the subdivision are identified in Attachment 5: Draft Plan of Subdivision, and comprise the following:

- Block 1 to accommodate mixed-use development
- Block 2 to accommodate mixed-use development
- Block 3 to accommodate a new public park
- Block 4 to accommodate the Ontario Line (under future ownership of Metrolinx)
- Block 5 to accommodate a new public street
- Block 6 to accommodate a new public street

- Block 7 to facilitate the realignment of Ferrand Drive in accordance with the Don Mills Crossing Secondary Plan

Construction of the street, services and infrastructure will be the responsibility of the development partner and will be coordinated with the development to be approved on these lands.

As the City will retain ownership of the lands, implementation obligations that would normally be secured in a standard subdivision agreement, with an owner and that are determined applicable in this context by the Chief Planner and Executive Director, City Planning, will be secured through the lease agreement with the City's development partner. Such standard obligations would include for example, matters relating to retention of a consulting engineer, release for construction of services, servicing requirements, construction management, inspections, insurance, indemnity, financial security and fees, permit requirements, acceptance and assumption. Standard requirements relating to plan registration, permit and construction timing, land conveyance and environmental matters in particular will be modified to reflect preliminary work prepared in support of this submission in the context of the Housing Now Initiative process as set out through EX1.1. The proposed new public street will be illustrated as blocks on the plan rather than a street in order to facilitate the leasing arrangement. Upon completion and acceptance of the infrastructure work, the blocks will then be dedicated as a public street by by-law to the City.

In addition to standard obligations, the site specific obligations identified through circulation of the Draft Plan of Subdivision (as outlined in Attachment 6: Subdivision Requirements) will also be secured with additional details, including appropriate timing of obligations, through the lease agreement with the development partner to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor. Subdivision obligations that relate to the City lands that are not part of the future mixed-use development blocks will be facilitated through temporary lease agreements and licensing requirements during construction and implementation.

### **Supporting a Complete Community at Don Mills and Eglinton**

Across the Housing Now portfolio, City Planning has worked with different City Divisions and CreateTO to bring forward development concepts for the Housing Now Initiative that reflect the importance of optimizing the use of public lands to achieve Council's priorities for new affordable housing and other components that create complete communities. In the case of 805 Don Mills Road, this includes investments in new community services and facilities, parkland and expansion of the mobility network adopted by City Council through the Don Mills Crossing Secondary Plan. When considered together, the Housing Now developments at 770 and 805 Don Mills will deliver the following:

- Two new public parks and two new non-profit child cares
- New Toronto District School Board elementary school and school yard;
- Three new public streets, new connections to the existing road network and expansion of cycling infrastructure;
- New non-residential space, with a focus on community use; and



- Expansion of the public realm, including publicly accessible spaces, creating pedestrian-oriented routes and plazas connecting to new transit infrastructure.

## **Site and Surrounding Area**

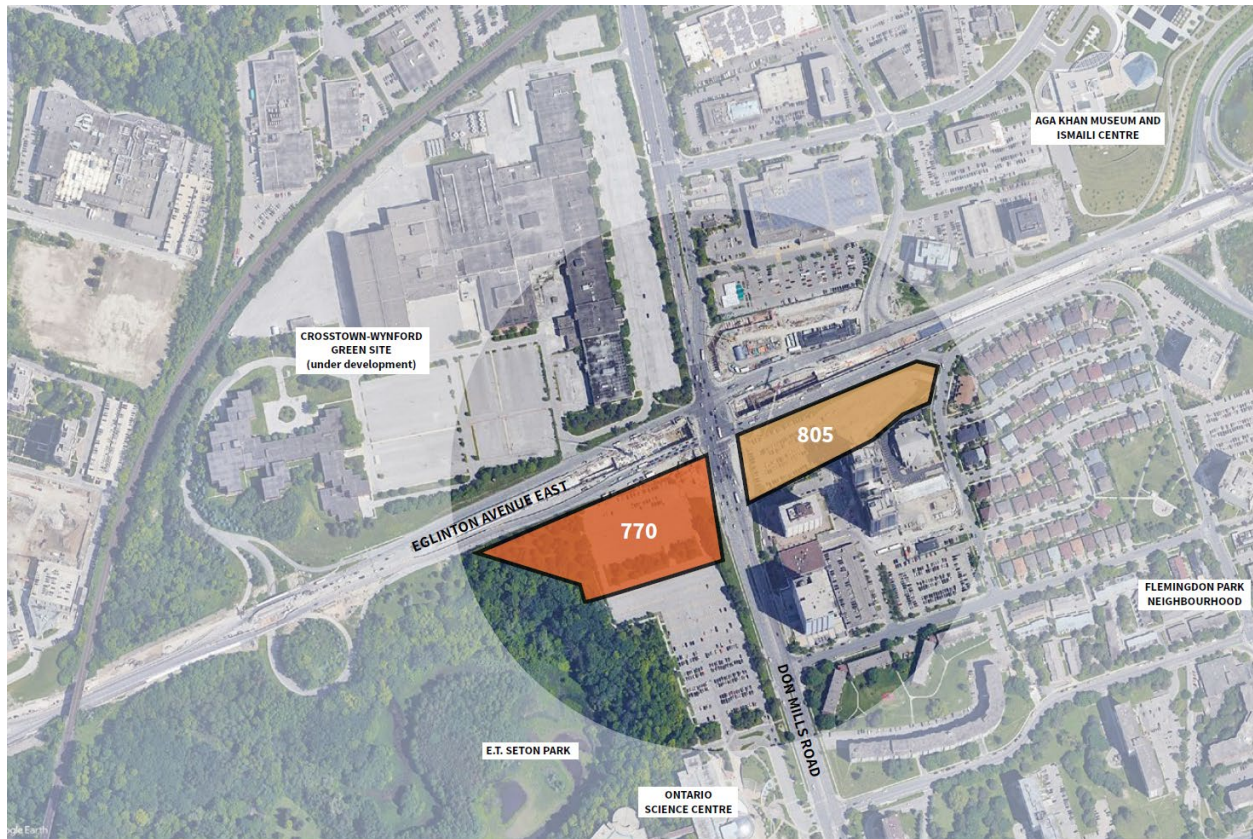
The site is located at the southeast corner of Don Mills Road and Eglinton Avenue East (see Attachment 1 – Location Map). The site has an irregular shape due to the current alignment of Ferrand Drive, with a total area of approximately 14,346 square metres and 185 metres of frontage along Eglinton Avenue East, frontage on new public street 'C' and Ferrand Drive. The site is currently under licence to Metrolinx for staging purposes associated with the construction of the Eglinton Crosstown LRT.

The following summarizes the built form and land uses of the surrounding area:

- North: To the north of the site is the west-bound Science Centre LRT Station and a mix of non-residential uses, including a large format grocery store located at 825 Don Mills Road such as the Real Canadian Superstore.
- East: To the east of the site is a low-density residential subdivision across from Ferrand Drive, comprised of single semi-detached and detached dwellings, and taller office buildings further east adjacent to the Don Valley Parkway.
- South: Immediately south of the site is a mix of residential uses including the Sonic development (30 storeys) and Tribeca Lofts (17 storeys). Non-residential uses immediately south of the site include the Church of Latter Day Saints. The head office of Foresters Financial is located at 789 Don Mills Road. Apartment buildings in Flemingdon Park are located further south.
- West: The east-bound Science Centre LRT station and 770 Don Mills Road are located west of the site.

Figure 2, below provides an aerial view of the site and the immediate surroundings. Visible in the image are the two Housing Now sites located at 770 Don Mills Road and at 805 Don Mills Road, the Eglinton Crosstown infrastructure, current built-form and street network, and the Don River East Branch and ravine lands.

**Figure 2: 805 Don Mills Road and Area context**



## **BACKGROUND**

### **Housing Now Overview**

City Council initiated Housing Now in December 2018 to accelerate the development of affordable housing and mixed-income, mixed-use, transit oriented communities on 11 City-owned properties. In May 2020, City Council initiated Phase Two of Housing Now, including six additional sites, and in November 2021 City Council initiated Phase Three adding four additional sites. The Housing Now Initiative is an approach to city-building whereby City-owned lands are used to build affordable housing within mixed-use, mixed-income, transit-oriented communities.

Across the growing portfolio of sites identified and adopted by City Council for inclusion in the Housing Now Initiative, City-owned properties will be the location for a mix of affordable rental, market rental and ownership housing options to serve Toronto residents. The new affordable rental homes will remain affordable for 99 years, providing quality housing opportunities for future generations. Housing Now will provide access to affordable rental units for households earning up to approximately \$68,000 per year (based on 2021 average market rents).

The creation of new housing on City-owned lands will provide Toronto residents with opportunities to live affordably near transit hubs and close to places of work, education

and services. Investment in these well-located sites will also contribute to the broader community by delivering new amenities, revitalized public spaces and improved access to transit.

The development of new housing through Toronto's Housing Now Initiative are guided by the following principles adopted by City Council:

- Activate sites to achieve the highest possible public benefits;
- Optimize the development of market and affordable rental housing with a mix of unit types and sizes;
- Create energy efficient homes that are affordable for a diverse range of incomes, including deeply affordable homes;
- Appropriately address and accommodate existing City and other operations and uses which increase city-building opportunities to create complete communities;
- Prioritize the public retention of sites, including long-term land leases;
- Support participation by the non-profit and co-op housing sectors and help build capacity in the sectors; and,
- Actively engage with City Councillors and local communities in the planning and development of each site.

### **Inter-Divisional Review**

The City-initiated re-zoning and draft plan of subdivision entailed formal submissions of plans and technical reports for the review of City Planning staff and other commenting divisions and agencies. City staff provided comments and City Planning led inter-divisional workshops to refine the development concept, confirm the obligations of the eventual developer of the site, City divisions and expedite planning approvals.

The following plans, reports and studies were submitted as part of the inter-divisional review:

- Architectural Plans
- Civil Plans
- Design Brief
- Draft Plan of Subdivision
- Functional Servicing Report and Stormwater Management Report
- Geotechnical Investigation
- Hydrogeological Report
- Landscape Plan
- Pedestrian Wind Study
- Phase One ESA
- Phase Two ESA
- Soil Volume Plan
- Topographic Survey
- Toronto Green Standard Statistics Template
- Transportation Impact Study

The recommended Zoning By-law Amendment, draft Plan of Subdivision and other recommendations in this report address the comments received through the review process. The proposal was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the proposal and to formulate staff's recommendations.

## **Community Engagement**

Initial engagement with the public commenced in 2016 with the Don Mills Crossing Study with regard to the potential redevelopment of the sites. When the preliminary applications were made for 770 and 805 Don Mills in 2018, Don Mills Crossing consultation events included specific reference to the development concepts. Over 1,150 people engaged in the study through more than 20 public meetings, pop up consultation events and online. City staff met with landowners, key stakeholders, local residents associations and community groups. All study materials, including public meeting summaries, can be found on the Don Mills Crossing website:

<http://www.toronto.ca/donmillscrossing>

Once identified as a Housing Now site, the City and CreateTO re-engaged with the community to share the preliminary development concept and receive feedback. Community engagement for 805 Don Mills Road was a combination of in-person and online meetings as a result of Covid-19 and the City's Medical Office of Health and Provincial requirements. City staff and CreateTO have developed a set of engagement tools for Housing Now projects to support opportunities for feedback and discussion in the absence of in-person consultation. This included the following:

- Creation of a 'site reel', a short video orienting people to the development sites at 770 and 805 Don Mills, acknowledging that both local and city-wide audiences are interested in development concepts supporting the Housing Now Initiative;
- Meeting notices mailed to households provided a postage-paid option to enable households to request hard-copy meeting materials to eliminate electronic barriers to participation and information on the project;
- Enhanced project information that included an information sheet on the proposed development concepts for 770 and 805 Don Mills, a general Housing Now information sheet, and written summaries of all Community Consultation Meetings; and
- Posting of recordings of the online Community Consultation Meetings for viewing by the public. All material prepared for public consultation is available on the project website, hosted by CreateTO, at <https://createto.ca/805donmills>

On September 14, 2021, City Planning and CreateTO led an online community consultation meeting regarding the proposed development concepts at 770 and 805 Don Mills. Staff introduced the project, preliminary development concept, project schedule and hosted a facilitated discussion with the participants in attendance.

## **Areas of Support**

- The proposed density;
- The incorporation of a school (at 770 Don Mills Road);

- Affordable housing; and
- The proximity to transit.

### **Areas of Concern**

- Proposed heights, and the potential wind and shadow impacts; and
- Increased density and the impacts on existing infrastructure, community service facilities and green space.

The project team circulated summaries of all feedback received at and after the event to attendees and posted final summaries on the CreateTO website:

<https://createto.ca/housingnow>

### **Community Engagement - Outcomes**

Input from members of the public through the consultation process has shaped the development concept and recommendations in this report. Revisions to the development concept have been made to include more affordable housing units within the Secondary Plan height limits, and adjusting the buildings massing and articulation to minimize potential wind and shadow impacts. Further consultation and project updates are planned throughout the marketing, Site Plan Control and construction management process.

### **Design Review Panel**

Staff presented preliminary plans for 805 Don Mills Road to the City's Design Review Panel on September 16, 2021. The purpose of presenting the development concept at the zoning stage is to receive feedback and comments to refine the recommended Zoning By-law Amendment presented in this report as well as establish criteria for the development partner through the procurement process.

Through the Housing Now Initiative, the City-selected Housing provider will present the updated plans to the Design Review Panel as part of the Site Plan Control process.

## **POLICY CONSIDERATIONS**

---

### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

Provincial Policy Statement 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 clean and healthy environment, and long-term economic growth.

The PPS includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and
- Transportation choices that increase the use of active transportation and transit.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 4.6 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."

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

The Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. Policies include:

- Support 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;

- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households;
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability;
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource based sectors;
- Improve 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;
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH; and
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The Growth Plan 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 take precedence over the policies of the PPS in the event of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act*, all decisions of Council with respect to the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **Planning for Major Transit Station Areas**

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. As required by the Growth Plan (2020), the City is currently undertaking a Municipal Comprehensive Review to update the Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

### **Official Plan**

The Official Plan is a comprehensive policy document that guides development in Toronto, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Official Plan policies related to building complete communities include the priority of providing a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Toronto Official Plan policies can be found via the following link:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

## **Chapter 2 - Shaping the City**

Chapter 2 describes how the City will manage growth and sets out policies for building a more liveable urban region and integrating land use and transportation. Policy 2.1.1 states that Toronto will strive to provide a full range of housing types in terms of form, tenure and affordability and encourage the construction of rental housing. Policy 2.2.2 (2)(e) "supports residential development with the aim of creating a quality living environment" and "a full range of housing opportunities in terms of type, tenure, unit size and affordability". Policy 2.2.2(2)(h) supports the use of municipal assets and to "create strong pedestrian and cycling linkages to transit stations".

### **Transportation**

Transportation Section 2.2.3 of the Official Plan speaks to the City's transportation network being maintained and developed to support the growth management objectives of the Plan by protecting and developing the network rights-of-way as shown on Map 3 of the Official Plan. Policies also require that: streets are not closed to public use and stay within the public realm where they provide present and future access for vehicles, pedestrians and bicycles, space for utilities and services, building address, view corridors and sight lines.

The Official Plan's transportation policies make provisions for the protection and development of the City's street, rapid transit and inter-regional rail networks. The Official Plan provides complementary policies to make more efficient use of this infrastructure and to increase opportunities for walking, cycling, and transit use and support the goal of reducing car dependency.

Policy 2.4.7 states that for sites in areas well-served by transit, that consideration will be given for the establishment of minimum density requirements as well as maximum density limits and minimum and maximum parking requirements. Policy 2.4.8 states that better use will be made of off-street parking by encouraging the shared use of parking and developing parking standards for mixed-use developments which reflect the potential for shared parking among uses that have different peak demand characteristics.

These are also policies to ensure that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes and users throughout the City and acts as a fundamental organizing element of the City's physical structure.

## **Chapter 3 - Building a Successful City**

Chapter 3 of the Official Plan contains policies to guide decision making based on the Plan's goals for the human, built, economic and natural environments.

### **Public Realm**

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in layout, organization and massing of private developments to ensure that the public realm is



beautiful, comfortable, safe and accessible. Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into.

### **Built Form**

The Built Form policies provide principles on key relationships of the location and organization of development, its shape, scale and massing, and the provision of appropriate amenity within the existing and planned context to inform building design and ensure each new building will promote and contribute to a high quality of life. The policies require development to enhance and extend, where appropriate, a public realm that supports the creation of complete communities inclusive of public streets, parks and open spaces. Section 3.1.2 Built Form requires new development to be located, organized and massed to fit with the existing and planned context, frame and define comfortable public spaces, and ensure access to direct sunlight and daylight on the public realm by providing good street proportion and transition in scale to neighbouring properties. Section 3.1.3 Built Form – Building Types provides additional guidance for townhouse and low-rise apartments, mid-rise buildings, and tall buildings. It states that tall buildings should be designed to reduce physical and visual impacts of the tower on the public realm and surrounding properties, including limiting shadows and pedestrian level wind impacts and maximizing access to sunlight and open views of the sky from the public realm.

### **Affordable Housing**

Section 3.2.1 of the Official Plan states that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The City's quality of life, economic competitiveness, social cohesion, as well as its balance and diversity depend on it. Policy 3.2.1.1 requires that a full range of housing, in terms of form, tenure and affordability be provided. Policy 3.2.1.3 encourages investment in new rental housing, particularly affordable rental housing. The creation of affordable housing is addressed in Policy 3.2.1.4. It states that where appropriate, assistance will be provided to encourage the production of affordable housing. In the case of affordable rental housing, and in order to achieve a range of affordability, municipal assistance may include: loans and grants, land at or below market rates, fees and property tax exemptions, rent supplement and other appropriate assistance.

### **Community Services and Facilities**

CS&F policies in Section 3.2.2 state that 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. Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, and so forth. The timely provision of CS&F is as important to the livability of Toronto's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in CS&Fs supports healthy, safe, liveable, and accessible communities. Providing for a full range

of CS&Fs in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

### **Parks and Open Spaces**

The Parks and Open Spaces policies in Section 3.2.3 promote the expansion of Toronto's parks and open space system. The measures for maintaining, enhancing and expanding the system identified in Policy 3.2.3.1 include:

- adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks; and
- designing high quality parks and their amenities to promote user comfort, safety, accessibility and year-round use and to enhance the experience of “place”, providing experiential and educational opportunities to interact with the natural world.

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

## **Chapter 4 - Land Use Designations**

### **Don Mills Crossing Secondary Plan**

The Don Mills Secondary Plan provides a 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 (Crosstown LRT) by directing development to appropriate locations and securing the public realm amenities and facilities necessary to meet the existing and future needs of residents and workers.

The Secondary Plan identifies three Character Areas, with each Character Area having its own identity outlined in the public realm and built form policies which will direct growth and public investment. The lands at 805 Don Mills Road are within the Core Area as identified on Map 40-2 of the Secondary Plan. The Core Area is the primary area for intensification where the greatest building heights and densities are located; development density will include employment uses; tall buildings will be directed to the intersection of Don Mills Road and Eglinton Avenue East; and the public realm will be designed to accommodate the movement of a significant number of pedestrians and cyclists, with active uses at grade to enliven the pedestrian experience.

The lands are designated *Mixed Use Areas A* and *Mixed Use Areas B* on Map 40-5 of the Secondary Plan. The Plan identifies that significant residential intensification combined with non-residential development will occur within the lands designated *Mixed Use Area*.

The western portion of the site at 805 Don Mills Road is designated *Mixed Use Areas 'A'*. The Secondary Plan identifies that lands designated *Mixed Use Areas 'A'* that front Don Mills Road and/or Eglinton Avenue East:

- a. will contain a minimum of 1.0 FSI Floor Space Index (FSI) of non-residential uses within the base of mixed use developments;

- b. will provide non-residential uses that may include but are not limited to, office, retail, restaurants, medical offices, cultural uses and/or community services and facilities;
- c. will include design features to animate the public realm through multiple entrances and built form articulation; and
- d. may achieve the requirement for 1.0 FSI of non-residential uses across *Mixed Use Areas 'A'* and *Mixed Use Areas 'B'* if the development parcel straddles the boundary across both designations.

The eastern portion of the site at 805 Don Mills Road is designated *Mixed Use Areas 'B'*. The Secondary Plan identifies that development in *Mixed Use Areas 'B'*:

- a. will provide a transition in scale to *Neighbourhoods* adjacent to the Secondary Plan Area; and
- b. will include design features to animate the public realm through multiple entrances and built form articulation

The Secondary Plan contains Built Form policies which identify that the scale and form of development within *Mixed Use Areas* will be contextually appropriate through its relationship with adjacent sites. In addition, development is to frame streets, parks, open space and mid-block connections with good proportion.

The Secondary Plan identifies maximum densities for development on Map 40-6. These maximum densities are subject to meeting the built form policies set out in the Secondary Plan as well as the Official Plan. The Secondary Plan provides for tall buildings within the Core Area. In addition, tall building potential heights and locations are shown on Map 40-7 of the Secondary Plan. The Secondary Plan identifies that on sites where multiple towers can be accommodated, one tower is permitted to achieve the maximum height with other towers on the site at noticeably lower heights to create articulation and variability in the skyline. The lands at 805 Don Mills Road are permitted a maximum density of 4.5 FSI with a maximum height of 48-storeys.

Under the Don Mills Crossing Secondary Plan, the eastern portion of the site is designated *Parks*. The Official Plan land use policies related to *Parks and Open Space Areas* apply. Within these areas 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.

## Zoning

The lands at 805 Don Mills Road are currently zoned Industrial Business Park MO(43), Multiple-Family Dwellings Sixth Density RM6(219) and Industrial Business Park MO(37) as part of Zoning By-law No. 7625, as amended, of the former City of North York, as the zoning for the properties to the south extend across the site to the centreline of Eglinton Avenue East. The new City-wide Zoning By-law No. 569-2013, as amended, does not apply to the lands at 805 Don Mills Road, but per Recommendation 1, of this report, will be brought into By-law 569-2013, as amended with the recommended Zoning By-law Amendment.

## Site Plan Control

The development is subject to Site Plan Control. A Site Plan Control application will be submitted once the development partner has been selected.

Through the Site Plan Control application, matters such as building access, façade treatment and materiality, the locations of doors and windows, landscaping, paving materials, fencing, solid waste collection, servicing connections, and stormwater management will be further reviewed and secured.

## Design Guidelines

The following design guidelines have been used in the evaluation of this proposal:

- Tall Building Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities
- Urban Design Guidelines for Privately-Owned Publicly Accessible Spaces
- Bird-Friendly Design Guidelines
- Pet Friendly Design Guidelines
- Accessibility Design Guidelines
- Toronto Green Standards (TGS) Version 4.0
- Guidelines for the Design and Management of Bicycle Parking Facilities

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## Toronto Green Standard (Climate Change and Resilience)

Climate change adaptation, mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. The City's TransformTO Net Zero Strategy, which outlines a pathway to achieve net zero emissions in Toronto by 2040, was adopted by City Council on December 15, 2021. The Council decision on TransformTO can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE26.16>

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate adaptation, mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2040, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other city-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

## Agency Circulation Outcomes

The application, together with supporting reports and studies, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

## COMMENTS

---

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the Provincial Policy Statement (PPS) (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the overall policies of the PPS and conforms to the Growth Plan (2020).

The proposed development concept is consistent with Policy 1.1.1 of the PPS, which requires the efficient development and land use patterns to sustain the financial well-being of the Province and municipalities over the long term, and the accommodation of an appropriate range and mix of residential units, including affordable housing. The recommended Zoning By-law Amendment advances a density and land use mix including residential, retail, parkland and community facility uses that are consistent with the directions of Policy 1.1.3.2 of the PPS. The proposal represents an efficient use of land and resources; is appropriate for and efficiently uses available and planned infrastructure and public service facilities; and is transit supportive. The recommended development concept is within an area identified by the City as appropriate for intensification, consistent with Policy 1.1.3.3.

By providing a new public park, a new street, community facilities, setbacks and improved pedestrian connections, the proposed development concept is consistent with Policy 1.5.1 of the PPS, which states that healthy, active communities should be promoted by planning public streets, spaces and facilities, and parkland to facilitate active transportation and community connectivity.

Policy 1.4.3 of the PPS requires a full range of housing types and densities to meet projected requirements of current and future residents. The proposed mix of unit types and tenures, including market rental and a 99-year term of the affordable rental housing is consistent with the PPS.

With regard to the Growth Plan, the recommended Zoning By-law Amendment and Draft Plan of Subdivision conforms to and implements, the policies of the Growth Plan. By redeveloping underutilized lands adjacent to transit the proposed development concept supports the creation of complete communities by making more efficient use of land and infrastructure, and supporting transit viability. The proposed development concept also promotes a mix of land uses and provides for a diverse range and mix of housing options. The recommended Zoning By-law Amendment provides for a compact built form, facilitates an improved public realm, new parkland, integrated community facilities, and supports safe, convenient active transportation and transit use in accordance with Policy 2.2.1(4).

### **Affordable Housing and Housing Issues**

As part of the Housing Now Initiative, development at 805 Don Mills Road will include a minimum of 33% of units as affordable rental. The recommended Zoning By-law Amendment permits 61,010 square metres of residential gross floor area, which is estimated to provide for approximately 840 new residential units, of which approximately 277 would be affordable rental units.

The affordable rental units are planned to be rented for an average cost equivalent to 80% of Toronto's Average Market Rent, as defined by the Canada Mortgage and Housing Corporation (CMHC). The Housing Now Initiative will require the inclusion of deeply affordable rental units within this mix (rental at approximately 40% of Toronto's Average Market Rent). This mix of units would serve households earning up to approximately \$68,000 per year. The units' affordability will be secured for 99 years through the Lease and Contribution agreement with the development partner. The City's criteria for developers participating in Housing Now will require approximately 20% of units to be designed to CMHC's accessibility standards.

The City's development partner will construct and operate the mixed-use blocks on a 99 year lease. The City will ensure that prospective tenants meet the eligibility criteria. Together with the City, the development partner will advertise housing opportunities, including affordable rental opportunities, approximately one year prior to the completion of construction.

## Density

The Secondary Plan prescribes maximum densities for lands within the Secondary Plan boundary, but identifies that the maximum densities are subject to meeting the built form policies set out in the Secondary Plan as well as the Official Plan.

Map 40-6 in the Secondary Plan identifies that the lands at 805 Don Mills Road are within an area that have a permitted maximum density of 4.5 Floor Space Index. The policies of the Don Mills Crossing Secondary Plan permit the exclusion of City-owned and non-profit community uses, which includes child care, from gross floor area calculations. This generates a permitted GFA of 64,557 square metres. Based on the statistics provided by the architect, the proposed development at 805 Don Mills Road will have a gross floor area of 64,211 square metres (based on the Secondary Plan policies) which results in a gross density of 4.48 FSI based on the plan of subdivision area (excluding the future Metrolinx block and the eastern portion of the site located outside of the Secondary Plan area). The site has a net density of 7.85 when calculated based on the area of the mixed-use development blocks alone.

Within the permitted overall site density, the Secondary Plan requires that for lands within *Mixed Use Area 'A'* a minimum of 1.0 FSI of non-residential uses will be within the base of mixed use developments. The Secondary Plan also permits development to achieve the requirement for 1.0 FSI of non-residential uses across *Mixed Use Areas 'A'* and *Mixed Use Areas 'B'* if the development parcel straddles the boundary across both designations.

In the case of 805 Don Mills Road, development is required to provide 4,130 square metres of non-residential gross floor area at grade. This number is set out in the recommended Zoning By-law Amendment. The proposed development concept includes a number of non-residential uses at grade including non-residential space that is appropriate for a community use with a proposed gross floor area of 1,156 square metres, a new non-profit child care with a proposed gross floor area of 1,020 square metres, and 1,703 square metres of non-residential space anticipated to be used for retail uses. As proposed, a total of 3,879 square metres of non-residential gross floor

area at grade is included in the proposed development concept, which is 251 square metres below the required 4,130 square metres of non-residential gross floor area. The development is required to meet non-residential gross floor area of 4,130 square metres, which is set out in the Attachment 4: recommended Zoning By-law Amendment when detailed design is undertaken and the development partner submits the Site Plan Application.

Staff are of the opinion that the density proposed for the lands at 805 Don Mills Road is appropriate, and is consistent with the policies of the Secondary Plan and meets the requirements of the recommended Zoning By-law Amendment.

## **Height and Massing**

The Secondary Plan contains Built Form policies that identify the scale and form of development within *Mixed Use Areas* to ensure that development will be contextually appropriate through its relationship with adjacent sites. The Built Form policies direct development to frame streets, parks, open space and mid-block connections with good proportion. For developments along the Don Mills Crossing and Eglinton Crossing, they are to be massed and articulated to support adjacent public streets and open spaces. Development is intended to be high quality buildings with a range of built forms, massing and setbacks that will frame the public realm with good proportion ensuring a comfortable and positive pedestrian experience.

The recommended Zoning By-law Amendment for 805 Don Mills Road identifies the location of two tall buildings on the site, with the tallest building located at the corner of Don Mills Road and Eglinton Avenue East. The maximum building height permitted by the recommended Zoning By-law Amendment is 48-storeys, per the Secondary Plan, with the other tower's height at approximately 27-storeys. The building heights proposed for the site, and the proposed tower locations, conform to the policies of the Secondary Plan and are appropriate for the site context.

Figure 3, below, provides a view looking west toward Don Mills Road. The conceptual rendering of the guideway for the Ontario line, the development's two towers are shown and the child care and new public park are shown in the foreground.

**Figure 3: 805 Don Mills Road Proposed Massing**



The Secondary Plan contains policies that require new buildings along Eglinton Avenue East, within the Core Area, to be set back a minimum of 3 metres from the property line in order to provide space for pedestrians, landscape and amenity including high quality pedestrian walkways, weather protection, trees with understory planting, patios and seating to support non-residential uses on the ground floor. The recommended Zoning By-law provides for a minimum building setback of 3 metres as per the Secondary Plan policies.

Policy 5.8 of the Secondary Plan identifies that on lands designated *Mixed Use Areas* and *Apartment Neighbourhood "A"*, a streetwall of up to 6 storeys (25 metres) for new development along Eglinton Avenue East, Don Mills Road, the Wynford Drive Extension and Gervais Drive is permitted. On sites containing tall buildings, the maximum height of the base building will be 6 storeys (25 metres). The Secondary Plan requires that the height above the base building step back a minimum of 5 metres to the tower component of the building. The base building height, tower heights and tower setbacks above the base building as identified in the Secondary Plan have been secured in the recommended Zoning By-law Amendment.



## **Ontario Line - Housing Now Site**

In 2019, the Province announced the alignment of the Ontario Line. This new transit infrastructure will terminate north of Eglinton Avenue East, on Don Mills Road at Science Centre Station. The segment of the Ontario Line between the Don Valley and Science Centre Station is above grade. The elevated guideway crosses to the east side of Don Mills Road north of Flemington Park, occupying the western portion (approximately 811 square metres) of the 805 Don Mills Road site.

The impact of the Ontario Line's infrastructure location eliminates the opportunity to deliver three separate towers at 805 Don Mills Road, as envisaged by the Secondary Plan, forming the basis of the original targets for the delivery of new affordable housing on the site. The outcome is a reduction of approximately 140 housing units. The transit infrastructure also removed all development frontage on Don Mills Road.

As the detailed alignment, design and engineering requirements of the guideway have not been finalized, it was not possible to advance expedited approvals for the Housing Now mixed-use building that would meet the requirements (such as structural, noise/vibration) of containing the guideway within the building. Nonetheless, Metrolinx has worked with CreateTO staff to minimize the size of the developable area affected by the Ontario Line, resulting in the setback requirements contained in the recommended Zoning By-law, which is 9 metres from the property line with the Ontario Line parcel.

To deliver on the objectives of the Housing Now Initiative, staff have worked closely with CreateTO to propose a concept for the 48 storey tower that has an acceptable design, but that exceeds a 750 square metre floor plate. This has enabled the project to recoup approximately 40 units, minimizing the loss of units due to the Ontario Line alignment. The Design Brief sets out the articulation and orientation that should be further developed through the detailed design process to minimize the mass of the tower component of the western building on site. Through the Site Plan process, and ongoing work with Metrolinx, City Planning staff will use the Transit Design Guidelines in the review of the Ontario Line to promote a public realm beneath the guideway that is a safe, welcoming and cohesive space to support pedestrian movements, and at-grade uses in 805 Don Mills Road.

## **Sun, Shadow and Wind**

The Secondary Plan contains policies regarding Sun, Shadow and Wind Conditions in the Public Realm. Sun Shadow studies were submitted for review. The proposed massing of the base building at the maximum height of 25 metres (6-storeys) with the locations and floorplates ensures that the proposal has been massed in a manner that minimizes shadows on the parks and public realm while complying with the policies of the Secondary Plan. The submitted shadow studies illustrate that shadowing of the north sidewalk occurs during the morning hours, but the building massing and tower siting ensures that at least 50% of the north sidewalk has continuous sunlight for seven hours during the March/September equinoxes.

Policy 5.19 of the Secondary Plan contains policies regarding wind impacts in the area which emphasize creating public spaces that are suitable for walking or standing.

Staff have reviewed the submitted Pedestrian Wind Study which concludes that the wind conditions along the public realm are generally acceptable for leisurely walking or better, year round. The Pedestrian Wind Study does find that there are uncomfortable wind conditions in the winter at the southwest corner of Block 1, this includes a safety concern related to wind gusts. The Wind consultant recommends rounding the podium corner, chamfering the main floor, including street art or other hard architectural features in the vicinity of the corner to deflect the wind flows. The hard architectural features would be required to have a height of at least 4 metres and/or a width of 3 metres. The Wind Study also identifies uncomfortable wind conditions between Blocks 1 and 2 at 805 Don Mills Road. The consultants recommend hard landscape features, such as art, wind screens, etc., to disrupt the channeling of winds between the two buildings. Considerations for wind mitigation measures are also included in the Design Brief, Attachment 8.

The Pedestrian Wind Study also identified the need for wind screens around the perimeter of the amenity areas of both buildings. The wind screens should have a minimum height of 2.2 metres. The consultant also recommends that horizontal elements such as canopies, pergolas, trellises be provided at the northeast corner of Tower 1, in addition throughout the Level 7 amenity space. These features should be a minimum of 3 metres of height on the terrace. The consultant has also provided the opinion that wind conditions will improve over time with the build-out of the Wynford-Crosstown development on the north side of Eglinton Avenue East, which will redirect or block many of the prevailing winds coming from the northeast.

Staff have reviewed the wind consultant's recommendations regarding mitigating design features such as rounding the corner, canopies, wind screens, and landscaping for the areas where winds are conducive for fast walking and/or uncomfortable. The recommended Zoning By-law Amendment will allow for both horizontal and vertical projections that are sufficient in height and depth to accommodate the wind mitigation design features. These mitigating design features are required to be assessed through a Pedestrian Wind Study to be prepared by the future development partner at the detailed design stage and will be secured through the Site Plan Control application.

## **Streetscape and Public Realm**

The Official Plan states that city streets are significant public open spaces which connect people and places and support development of sustainable, economically vibrant and complete communities. All streets are to be designed as Complete Streets which will accommodate the safe and efficient movement of pedestrians, space for trees and landscaping, as well as space for other street elements such as utilities and services, street furniture, and boulevard cafés.

The Don Mills Crossing Secondary Plan builds on the Official Plan policies with a series of area specific Public Realm policies. The 805 Don Mills Road site is subject to the Eglinton Crossing, Don Mills Crossing, and Core Connector public realm policies of the Secondary Plan.

The Eglinton Crossing public realm is intended to be designed to ensure pedestrian comfort and safety through generous landscaped boulevards, wide sidewalks, multi-use

trails and dedicated cycling facilities. Within the Core Area, the Eglinton Crossing public realm is to include an appropriate mix of hard and soft landscape treatments with boulevards, plazas, and building setbacks that will accommodate the pedestrian and cyclist movements to and around the transit stations. The proposed development concept at 805 Don Mills Road has been setback 3 metres along Eglinton Avenue East, in addition to a 10.5 metre boulevard to the street curb provided. The building setback, along with the generous boulevard, provides for an enhanced public realm along Eglinton Avenue East which can accommodate the needs and volumes of anticipated users of this area, and meets the policies of the Secondary Plan.

The Secondary Plan identifies that the streetscape treatment of Don Mills Crossing will emphasize Don Mills Road as the most important north-south street in the area through improved pedestrian circulation patterns, well landscaped setbacks and strategically placed open spaces to enhance its identity and character through the Core Area. The Secondary Plan identifies that new buildings on Don Mills Road will be setback a minimum of 5 metres to provide space to animate Don Mills Crossing with high quality pedestrian walkways, weather protection, trees, patios and seating to support non-residential uses on the ground floor. The Don Mills frontage of 805 Don Mills Road will be adjacent to the elevated guideway for the Ontario Line. Although the elevated guideway will eliminate a direct connection to Don Mills Road, a 13 metre separation distance between the guideway and the west elevation of the base building is being provided. A publicly accessible space will be located within the 13 metre separation above the storm sewer easement. This will provide a combination of pedestrian walkways and areas for respite and should be reviewed with reference to the City's Transit Design Guide's guidance on objectives for elevated guideways being considered for the design of the Ontario Line. This is a unique condition to the 805 Don Mills Road site and should be a focus for the Design Review Panel when the project is at the detailed design stage.

The Secondary Plan's Core Connector is a loop of public streets that form the boundary of the Core Area. Each street of the Core Connector will be designed to improve mobility while providing opportunities to cross Eglinton Avenue East and Don Mills Road. The public streets that form the Core Connector will be designed to have consistent streetscape treatment including lighting, paving and street furniture that is integrated with the design of adjacent setbacks, adjacent parks and natural spaces to reinforce the interconnected character of the public realm. This streetscape treatment will include high-branching deciduous trees planted in a landscaped boulevard. The policies also identify that new buildings containing residential amenity space, lobbies, and non-residential uses at grade will be setback 2 metres. The buildings are setback a minimum of 3 metres along the Core Connector, which is also secured in the recommended Zoning By-law Amendment.

The proposed building locations and setbacks meet the Secondary Plan objectives as it relates to streetscape and public realm. Design, materiality, and plantings of the streetscape and public realm will be refined at the Site Plan Control stage.

## **Design Brief**

The submission package for Housing Now proposals includes a Design Brief. The Design Brief is a document prepared for the re-zoning submission, and provides enhanced direction on built form, landscape treatments, materiality, and other factors related to the future application for Site Plan Control by the selected development partner. The rezoning submission included the proposed development concept which was prepared to test the zoning envelope and confirm the ability to accommodate the Design Brief's key design elements, such as locations for public realm expansions and opportunities for enhanced sustainability measures to be achieved through the design of the building envelope.

The City-selected development partner will be provided with the Design Brief that specifies the key design objectives to be met on the site. Preparation of an application for Site Plan Control that addresses the Design Brief will be a condition of the Lease Agreement, as set out in Recommendation 5 of this report. The requirement will be to demonstrate consistency with the design direction for 805 Don Mills Road for review and acceptance by City Planning in the context of the Site Plan Approval. The requirement is set out in Attachment 7 - Development Requirements and the Design Brief is provided as Attachment 8.

## **Community Services and Facilities**

In addition to the Official Plan policies, the Don Mills Crossing Secondary Plan identifies that new community facilities will be established within the Secondary Plan Area to achieve the amount and range of CS&F necessary to serve the future growth provided for by the Secondary Plan. One of the CS&F priorities identified includes the provision of a minimum of four new non-profit child care facilities with one located in each quadrant of the Core Area. The development concept for 805 Don Mills Road includes the provision of a 1,020 square metre non-profit childcare facility at grade, fronting onto the new Street 'C', adjacent to the new public park. This childcare facility will be able to accommodate 62 children. The provision of this new childcare facility meets the objectives of the Secondary Plan.

In addition to the childcare facility, the proposed development concept demonstrates the potential for 1,156 square metres of non-residential space that is appropriate for a community use on the ground and second floor of Tower 1. This space does not currently have secured funding to enable it to be leased through the City's Community Space Tenancy Program; however, through the market offering process, the City and CreateTO will seek proposals that are able to demonstrate a viable approach to activating the space for community use. Securing a community use in this location would address one of the CS&F priorities listed for this area: to include a flexible, multi-purposes non-profit community agency space to provide a range of programs for people of all ages and abilities. The space provided in Tower 1 is suitable space to meet this Secondary Plan objective.

## **Parkland**

The Official Plan identifies that Toronto's system of parks and open spaces is an important element of city-building as Toronto grows and changes. Maintaining,

enhancing and expanding the system requires adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks; designing high quality parks and their amenities to promote user comfort, safety, accessibility and year-round use and to enhance the experience of “place”, providing experiential and educational opportunities to interact with the natural world; protecting access to existing publicly accessible open spaces, as well as expanding the system of open spaces and developing open space linkages; and promoting and using private open space and recreation facilities, including areas suitable for community or allotment gardening, to supplement the City’s parks, facilities and amenities.

The Secondary Plan identifies the locations of planned parks within its boundaries. Map 40-3 of the Secondary Plan identifies a future park location at 805 Don Mills Road.

The future park will form part of the temporary leased premises during the construction period, after which time the development partner will return the park to the City in base park condition. Parks, Forestry & Recreation have indicated that a development partner led process to design and deliver the above base park improvements may be acceptable. In this instance, as identified in Recommendation 6 of this report, City staff are recommending that City Council approve the development charge credit against the Parks and Recreation component of the applicable Development Charges. The design of the park will be undertaken in consultation with the Ward Councillor and the local community at a later date.

Any proposal for additional market housing units, delivered in residential gross floor area in excess of what is included in the recommended Zoning By-law Amendment will require a cash-in-lieu payment Council's Recommendation 12 through EX 1.1 waives parkland dedication fees for affordable units provided through the Housing Now Initiative.

## **Transportation Network and Mobility**

In addition to the Official Plan and Secondary Plan policies, Don Mills Crossing identifies a planned public street network which is intended to provide a fine grain of public streets and a high level of permeability for a variety of modes of travel by creating new blocks that will be appropriately scaled for redevelopment. The new public street network will provide for vehicular, pedestrian and bicycle connections into and through the Block, and creating permeability through the block to the larger community. All new public streets will be designed in accordance with the City’s design standards.

A Transportation Impact Study (TIS) was submitted for review and acceptance by the General Manager, Engineering and Construction Services. The consultant concludes that the site traffic can be accommodated with the planned future transportation network. As part of the lease agreement with the City, the future development partner will also be required to undertake off-site improvements to complete the realignment of Ferrand Drive and reconstruction of the intersection of Ferrand Drive and Eglinton Avenue East. This project was first identified through the Don Mills Crossing Mobility Study, and endorsed by City Council in 2019. The purpose of the reconstruction and realignment is to connect with the widened Gervais Drive north of Eglinton Avenue East, and complete the creation of the ‘Core Connector’ mobility route. This work supports

surface transit improvements, to provide enhanced active transportation connections to the wider neighbourhood, and to facilitate access to the planned development in the southeast quadrant, which is the location of 805 Don Mills Road. Recommendation 8 of this report is for City Council to approve the traffic signal for Ferrand Drive at Eglinton Avenue East.

Street 'C' is a new east-west public street that extends from Don Mills Road to Ferrand Drive. The right-of-way width is proposed to be 18.5 metres and will include one lane for vehicular traffic in each direction, cycling "sharerrows", a pick-up/drop-off zone on the north side of the street. The new public street network will provide for vehicular, pedestrian and bicycle connections into the development blocks, and creating permeability through the blocks to the larger community. All new public streets will be designed in accordance with the City's design standards. To support mobility options in the area, Bike Share Toronto has assigned a new bike share station at 805 Don Mills Road for a new bike share station as part of the planned four-year capital expansion of the Bike Share network.

### **Access, Traffic and Parking**

A new vehicular access to the block will be provided from Street 'C'. This parking/loading access will service both development blocks at 805 Don Mills Road. The parking/loading access will provide ingress and egress to the underground parking garage that will serve the new buildings and all uses proposed on the site.

The recommended Zoning By-law Amendment permits visitor parking spaces to be provided on a shared basis for the non-residential uses associated with 805 Don Mills Road. Parking rates are reflective of the site's proximity to transit, the required Transportation Demand Management Strategy.

The recommended Zoning By-law Amendment does not set a minimum residential parking requirement. As a reference, and to demonstrate feasibility, the proposed development concept illustrates a total of 253 parking spaces within a two level underground parking facility. This includes 210 parking spaces for residential occupants, 38 for residential visitors and non-residential uses, two for the non-profit childcare, and three car share parking spaces. 13 spaces for Pick-up Drop-off (PUDO) activity are located on the north side of Future Street 'C', three of which are prioritized for the non-profit child care.

Accessible parking spaces will be required in accordance with the standards established by By-law 89-2022. Seven accessible parking spaces are required based on the number of effective parking spaces. The current proposed development concept includes a total of 10 accessible parking spaces within the two level underground parking facility.

The proposed development concept provides bicycle parking spaces in accordance with Zoning By-law 569-2013, as required by the Toronto Green Standard.

## **Travel Demand Management**

Prior to City Council's adoption of the Recommended Parking Requirements for New Development (PH29.3), the TDM Framework was developed to justify the reduction of vehicular parking on site and to reduce single occupancy vehicle use and provide options for residents to find alternative ways to travel to and from the area. As the City's direction on parking requirements has evolved, the TDM Framework will still play a central role in facilitating a development that can successfully support multiple modes of travel. The TDM program and active transportation strategy will be secured through the lease agreement and Site Plan Control, to the satisfaction of the Chief Planner, and Executive Director, City Planning Division.

The Housing Now TDM Framework contains initiatives that can be undertaken to reduce the number of vehicle trips generated by Housing Now developments.

## **Servicing**

As part of the inter-divisional review of the proposed development concept, City staff reviewed a number of reports and studies related to servicing including a Functional Servicing and Stormwater Management Report, Hydrogeological Report, and an Expanded Hydraulic Water Model Analysis.

As per City of Toronto requirements, each tower and the shared podium will be required to have its own set of water, sanitary and storm service connections to the municipal system. The private stormwater management facilities for the mid-block building are proposed to run in a westerly direction, parallel with the frontage on Eglinton Avenue, in the development blocks, within a 4 metre setback. These private facilities will connect with the municipal system north of the western building on the site. Maintenance of the private stormwater facilities located in the setback will be a requirement included in the Lease Agreement, and secured through the Site Plan Agreement with the development partner. Maintenance of these private facilities will not be the responsibility of the City.

The submission of the development concept does not include structural sign-off letters to confirm a water tight foundation design. However, the analysis provided in the Functional Servicing Report (FSR) is based on compliance with the City's Foundation Drainage Policy and Guidelines, which prohibit discharge of private water directly or indirectly into the City's sewers. Compliance with this policy is required and will be confirmed through the appropriate components of the application for Site Plan approval.

Stormwater from Street 'C' will be directed north towards Eglinton Avenue East through a pipe located in the 9 metre setback on the west side of Tower 1. This 9 metre strip will be secured as a 'right in nature of an easement' and will remain in City ownership. All other new infrastructure, including water, storm and sanitary, will be constructed within the new rights-of-way.

There is an existing 750mm watermain located within the development site. This watermain will be relocated by Metrolinx to within the right-of-way on Don Mills Road as part of the works required for the construction of the Ontario Line. Metrolinx is coordinating the design of the watermain relocation with through the Transit Expansion Office, Development Engineering and Toronto Water. Relocation of this infrastructure is

expected to commence in Q1 2023, and must be complete and accepted by the City prior to construction start of the Housing Now development.

As set out in Attachment 6, Subdivision Requirements, the development partner will be responsible for the design and construction of roads and services required for the Plan of Subdivision, and will be required to submit financial securities to guarantee the completion of all proposed municipal infrastructure in accordance with the terms and conditions set out in the Lease Agreement.

## **Real Estate**

The City and CreateTO are engaging with an adjacent land owner to purchase 243 square metres of land in order to complete the road network at the intersection of Street 'C' and Ferrand Drive (Blocks 6 and 7 on the Draft Plan of Subdivision, included as Attachment 5 to this report). As part of the transaction, the City has declared 58 square metres of land (part of the existing parking lot) as surplus for transfer to the adjacent land owner. This transaction is being led by the Corporate Real Estate Management Division and will be required to be complete prior to registration of the Plan of Subdivision, to facilitate the construction of new municipal services and public streets.

## **Toronto Green Standard**

Council adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. City Council direction requires the City's Agencies, Corporations and Divisions apply the Toronto Green Standard Tier 2 Core performance measures to all new buildings. The development at 805 Don Mills Road will be designed to meet Tier 2 Version 4 of the Toronto Green Standard.

A Toronto Green Standard Checklist has been submitted, which indicates the performance measures incorporated as part of the proposed rezoning. Where possible and appropriate, these measures, such as the number of bicycle parking spaces, have been secured in the recommended Zoning By-law Amendment. Implementation of TGS requirements will be confirmed as part of the forthcoming Site Plan Control application and will be secured on site plan drawings and through a Site Plan Agreement with the selected development partner.

## **Draft Plan of Subdivision**

The Chief Planner has delegated authority for Plans of Subdivision under By-law 229-2000, as amended. The Plan of Subdivision application has been reviewed against the policies of the *Planning Act*, and staff have determined that the proposal has regard for a number of matters identified in Section 51(24) of the *Planning Act*, including, but not limited to:

- (a) whether the proposed subdivision is premature or in the public interest;
- (b) whether the plan conforms to the official plan and adjacent plans of subdivision;
- (c) the suitability of the land for the purposes for which it is to be subdivided;
- (d) the dimensions and shapes of the proposed lots;
- (e) conservation of natural resources and flood control;



- (f) the adequacy of utilities and municipal services;
- (g) the adequacy of school sites; and
- (h) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes

The proposed Draft Plan of Subdivision conforms with provincial policies, the Official Plan and Secondary Plan policies. The proposed uses are appropriate and the development can be adequately serviced through the use of existing infrastructure, and the proposed block layout is appropriate for this site and the surrounding context. The owner of the property at 24 Ferrand Drive, provided signed authorization on January 5, 2022 for the lands to be included in the draft plan of subdivision application.

### **Next Steps**

In parallel with City Council's consideration of the recommended Zoning By-law Amendment, the City and CreateTO are advancing marketing of the project to experienced housing developers and operators. City and CreateTO staff aim to procure a development partner later in 2022.

The development partner will be required to enter into a long-term lease and other applicable contracts for the site and submit a Site Plan Control application to confirm detailed design prior to the construction. Staff propose to continue public consultation and project updates in these phases of work.

### **Conclusion**

The recommended Zoning By-law Amendment and Draft Plan of Subdivision have been reviewed against the policies of the PPS, the Growth Plan, the Official Plan and the Don Mills Crossing Secondary Plan. Staff are of the opinion that the recommended Zoning By-law Amendment and Draft Plan of Subdivision are consistent with the PPS, and conform to the Growth Plan. Furthermore, the recommended Zoning By-law Amendment conforms to the Official Plan and the Don Mills Crossing Secondary Plan.

The planning framework for 805 Don Mills Road will permit the redevelopment of underutilized land, contributing to the continued urbanization of the area, in lock-step with the development of new transit infrastructure. Through the Housing Now Initiative, the site will deliver approximately 840 units, including the creation of at least 277 new affordable rental units, secured for 99 years.

The local community has been engaged with the vision for redevelopment and intensification at Don Mills and Eglinton through their involvement in the Secondary Plan consultation program. That engagement continued on a site specific basis with the presentation of the draft development concepts for 770 and 805 Don Mills Road, which provided opportunities for the community to provide input on the various ways in which their feedback on the Secondary Plan has taken shape in the proposed development concept.

The recommended Zoning By-law Amendment, Draft Plan of Subdivision and related development requirements create a framework that clearly establishes the City's

expectations for the development at 805 Don Mills Road, while permitting creativity and design excellence on the part of the development partner to be retained in 2022.

## **CONTACT**

---

Marian Prejel, Senior Planner, Community Planning, 416-392-9337,  
[Marian.Prejel@toronto.ca](mailto:Marian.Prejel@toronto.ca)

Annelly Zonena, Project Manager, Strategic Initiatives, 416-338-3105,  
[Annelly.Zonena@toronto.ca](mailto:Annelly.Zonena@toronto.ca)

## **SIGNATURE**

---

Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

---

Attachment 1: Location Map  
Attachment 2: Official Plan Land Use Map  
Attachment 3: Existing Zoning By-law Map  
Attachment 4: Draft Zoning By-law Amendment  
Attachment 5: Draft Plan of Subdivision  
Attachment 6: Subdivision Requirements  
Attachment 7: Development Requirements  
Attachment 8: Design Brief  
Attachment 9: Development Concept Drawings  
Attachment 10: Housing Now Decision History

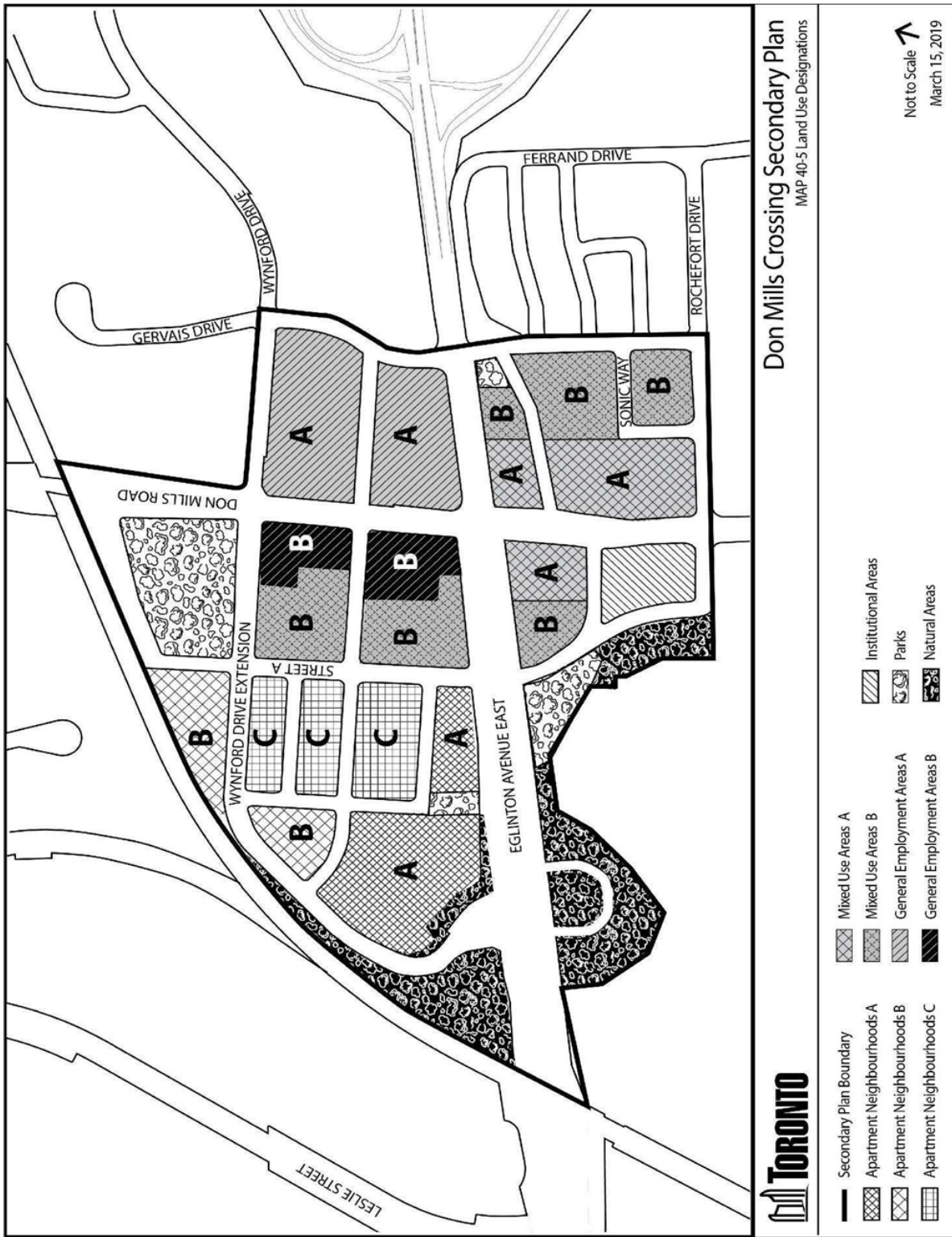
**Attachment 1: Location Map**



# Attachment 2: Official Plan Land Use Map

45

City of Toronto By-law 589-2019



# Attachment 3: Existing Zoning By-law Map



**Zoning By-law 7625**

**770 and 805 Don Mills Road**

File # 18 131430 NNY 26 0Z

 Location of Application

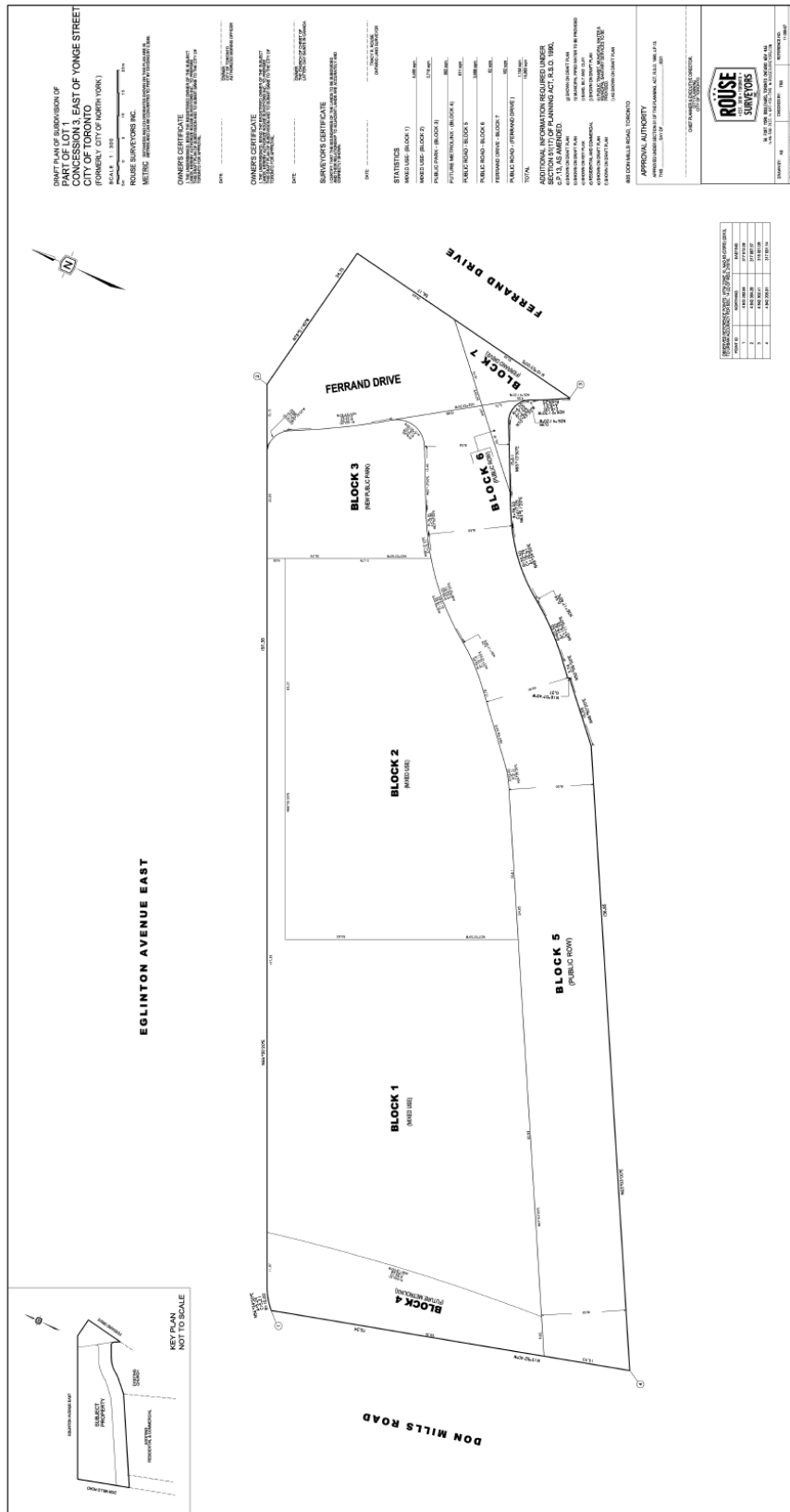
**RM1** Multiple-Family Dwellings First Density Zone  
**RM4** Multiple-Family Dwellings Fourth Density Zone

**RM6** Multiple-Family Dwellings Sixth Density Zone  
**MO** Industrial-Office Business Park Zone  
**O3** Semi-Public Open Space Zone

  
 Not to Scale  
 Extracted: 04/18/2018

**Attachment 4: Draft Zoning By-law Amendment**  
(Provided Separately)

# Attachment 5: Draft Plan of Subdivision



## **Attachment 6: Subdivision Requirements**

In addition to the applicable standard obligations relating to implementation of a Plan of Subdivision, the development of 805 Don Mills Road as part of the Housing Now Initiative will include, but not be limited to, project-specific subdivision requirements which are outlined below and the terms including details and timing, will be incorporated into the Lease Agreement with the Development Partner to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the applicable commenting Division or agency:

### **CITY PLANNING**

1. The Development Partner shall construct the development in accordance with Tier 2 Version 4 core performance measures of the Toronto Green Standard, as adopted by City Council
2. If the Lease Agreement is not entered into and the Plan of Subdivision is not registered within five (5) years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval

### **ENGINEERING AND CONSTRUCTION SERVICES (ECS)**

3. The Development Partner shall, at its own expense and as may be required, prepare and submit a Composite and Utilities Plan (CUP) to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and acceptance.
4. The Development Partner shall, at its own expense prepare and submit a Construction Management Plan to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and acceptance.
5. The Development Partner shall facilitate such rights in nature of easements satisfactory to the City Solicitor as may be required by the Chief Engineer and Executive Director, Engineering and Construction Services within and external to the Plan of Subdivision for existing and proposed municipal services, as applicable.
6. The Development Partner shall apply stormwater management techniques in the development of this subdivision, on future roads and blocks, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. Prior to the release for construction of services a Functional Servicing Report shall have been submitted and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.
7. Prior to release for construction of services, the Development Partner shall confirm that any existing infrastructure within the Plan of Subdivision has been relocated or has a phasing plan for infrastructure accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water. If a phasing plan is required, the Development Partner shall specify any cost-sharing with a third-party for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services.



8. The Development Partner shall provide space within the development for installation of maintenance access holes and sampling ports as close to the property line as possible, for both the storm and sanitary service connections in accordance with the Sewers By-law Chapter 681.10.

9. The Development Partner shall pay engineering and inspection fees in accordance with the terms set out in the Lease Agreement.

10. The Development Partner shall be responsible for design and construction of roads and services required for the Plan of Subdivision and shall submit financial security in accordance with the terms and conditions set out in the Lease Agreement to guarantee satisfactory performance of its subdivision obligations and completion of all proposed municipal infrastructure in accordance with the terms and conditions set out in the Lease Agreement.

11. The Development Partner shall satisfy environmental obligations relating to the development of the Plan of Subdivision and municipal infrastructure in accordance with the terms and conditions set out in the Lease Agreement.

12. If required, the Development Partner shall be responsible for applicable municipal infrastructure works and improvements determined to be required that are external to the Plan of Subdivision and shall design and financially secure such improvements in accordance with the terms and conditions set out in the Lease Agreement.

13. The proposed public streets and corner roundings identified on the Draft Plan of Subdivision will be constructed and dedicated as public streets to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in accordance with terms and conditions set out in the Lease Agreement.

14. Prior to seeking the issuance of below-grade building permits for any Block within the Plan of Subdivision, the Development Partner shall have made all necessary submissions and obtained release for construction of services. The issuance of below-grade permits will be subject to providing and maintaining safe access for emergency vehicles and all applicable requirements of the Chief building Official and Chief Engineer and Executive Director, Engineering and Construction Services. Construction of roads to base course and services shall be completed prior to any request for issuance of above-grade building permits for any Blocks within the Plan of Subdivision.

15. All new proposed roads for the site must be designed according to the latest Transportation Association of Canada, Geometric Design Guide for Canadian Roads, 2017 and all sidewalks and walkways must be designed based on the City of Toronto Requirements for AODA & accessibility compliance.

16. The Development Partner shall follow the City of Toronto's Street Naming Policy. It should be noted that all public streets, private access roads and private walkways should be named in order to facilitate access to the units fronting these streets, roads and walkways.

17. In the event that installation of a Traffic Control Signal is determined to be required at the intersection of Ferrand Drive and Eglinton Avenue East, the Development Partner shall submit financial security to guarantee performance of its obligations in accordance with the terms and conditions set out in the Lease Agreement.

18. The Development Partner shall use asphalt mixes to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the public streets.

## **PARKS, FORESTRY AND RECREATION**

19. As a component of the Registration of the M-Plan, a Transfer of Operational Management is to occur from Corporate Real Estate Management to Parks, Forestry and Recreation for those lands comprising of the Parkland, having an approximate size of 903 square metres, to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR).

20. The construction of the Base Park Improvements to the park block shall be completed within (2) years after the issuance of the first above grade building permit to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised delivery date for the park block.

21. Should the applicant undertake Base Park Improvements on the park block following conveyance of the park block to the City, the applicant must obtain a Park Access Agreement (PAA) from the local Park Supervisor and Landscape Architecture Unit. The PAA will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The applicant will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

22. Prior to the acceptance of the parkland, the Development Partner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

23. Prior to the acceptance of the parkland (Block 3), the Development Partner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR)

## **URBAN FORESTRY – TREE PROTECTION AND PLANS REVIEW (TPPR)**

24. The Development Partner shall submit all necessary reports, plans and submissions in connection with the Plan of Subdivision to the satisfaction of the General Manager of Parks, Forestry and Recreation. This includes arborist report, tree preservation plan, landscape plan and street tree planting plans co-ordinated with a composite utility plan, tree protection strategies and, as applicable, resident information booklets.

25. The Development Partner shall submit applicable applications and pay any required fees relating to proposed tree removal to the satisfaction of the General Manager, Parks Forestry and Recreation.

26. The Development Partner shall post financial security to guarantee the planting and maintenance of new street trees, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

27. The Development Partner shall implement and maintain all tree protection measures as may be required respecting the development of the Plan of Subdivision to the satisfaction of the General Manager, Parks, Forestry and Recreation and shall notify all builders, contractors and agents of tree protection requirements.

28. The Development Partner shall plant street trees in accordance with the approved Landscape Plan and Composite Utility Plan, and shall provide follow up documentation upon completion, all to the satisfaction of the General Manager of Parks, Forestry and Recreation.

29. Upon written request from the Development Partner, Parks, Forestry and Recreation agrees to inspect the newly planted trees and will advise the Development Partner if the trees are satisfactory. The Development Partner acknowledges and agrees to maintain the trees for a period of two (2) years after being advised in writing that Parks, Forestry and Recreation is satisfied with the newly planted trees. The Development Partner acknowledges that, should any newly planted tree require replacement during this guarantee period, the tree shall be replaced immediately and shall have an additional two (2) year maintenance period placed on this new planting. Provided the City is satisfied with the tree planting at the end of the (2) two year maintenance period, the City will assume responsibility for the maintenance of the trees and release the Letter of Credit.

30. The Development Partner agrees, prior to planting any trees, to submit a watering schedule acceptable to Parks, Forestry and Recreation. The Development Partner further agrees to adhere to the watering schedule during the (2) two year maintenance period.

31. The Development Partner agrees that no wording will be included in any agreement of purchase and sale that states or creates an expectation that there will be a tree in front of each property.

32. Where tree planting is not possible, the Development Partner agrees to make a cash contribution if required, to the City in lieu thereof in an amount to be determined by Parks, Forestry and Recreation.

### **CANADA POST**

33. The Development Partner shall satisfy the requirements of Canada Post with respect to suitable permanent locations for the placement of Community Mailboxes and shall indicate these locations on appropriate servicing plans.

### **TORONTO LANDS CORPORATION (TORONTO DISTRICT SCHOOL BOARD)**

34. The Development Partner shall satisfy the requirements of the Toronto District School Board with respect to matters relating to where prospective students residing within the subdivision lands will attend school.

### **TORONTO CATHOLIC DISTRICT SCHOOL BOARD**

35. The Development Partner shall satisfy the requirements of the Toronto Catholic District School Board with respect to matters relating to where prospective students residing within the subdivision lands will attend school.

### **METROLINX**

36. The Development Partner shall be responsible for all costs associated with the preparation and registration of agreements/ undertakings/ easement/ warning clauses, as determined appropriate by, and to the satisfaction of Metrolinx.

### **UTILITIES**

37. The Development Partner shall facilitate such easements or rights in nature of easements to the satisfaction of the City Solicitor as may be required for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada/Rogers facilities or easements, the Development Partner shall be responsible for the relocation of such facilities or easements.

## Attachment 7: Development Requirements

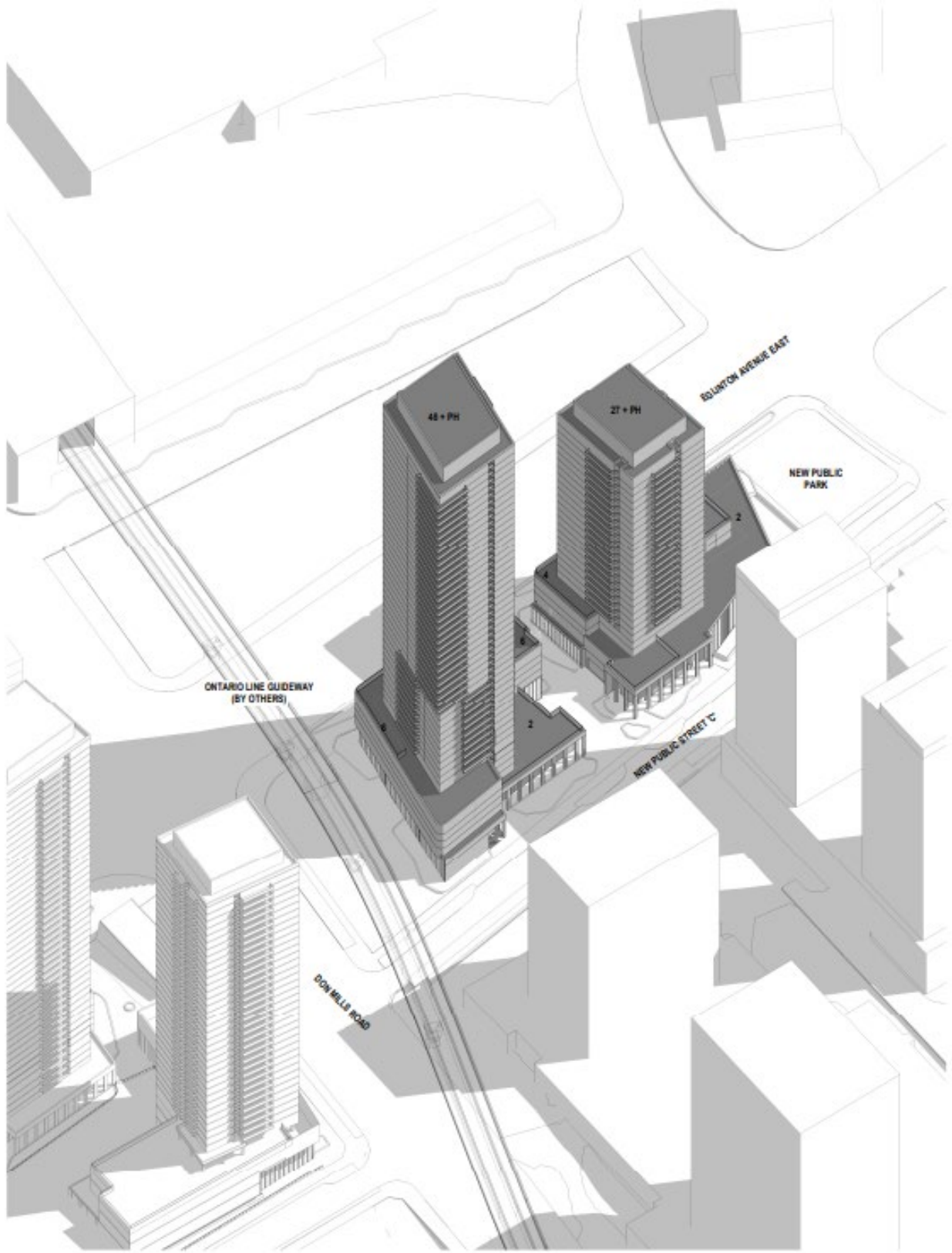
In addition to the subdivision requirements, the development of 805 Don Mills Road as part of the Housing Now Initiative will be subject to the provisions of the improvements set out below on terms secured in the Lease Agreement between the City and the Development Partner, satisfactory to the Chief Planner and Executive Director, City Planning, the City Solicitor, in consultation with the City Divisions involved. Where applicable, terms will include that the final detailed scope and design will be confirmed in the Site Plan Approval process:

- publicly-accessible open space and pedestrian connection (design, construction, maintenance and public access) comprising a mid-block connection between Eglinton Avenue East and the new public street;
- provision of a new public street and the reconfiguration of Ferrand Drive, including the south side of the intersection with Eglinton Avenue East;
- provision of a 62 space child care facility, including exterior space requirements, three prioritized PUDO spaces for the non-profit child care on the new public street and two dedicated spaces in the development's parking facility;
- provision of a public park;
- base park improvements and other matters as may be described in the Lease Agreement;
- engagement with Metrolinx to obtain a Corridor Development Permit;
- provision of Transportation Demand Management measures to be determined through the Site Plan Control process and allocation of space for a Bike Share station;
- achievement of Tier 2 Version 4 of the Toronto Green Standard; and
- architectural drawings as part of the Site Plan Application that address the Design Brief, April 2022, for review and acceptance in the context of Site Plan Approval.

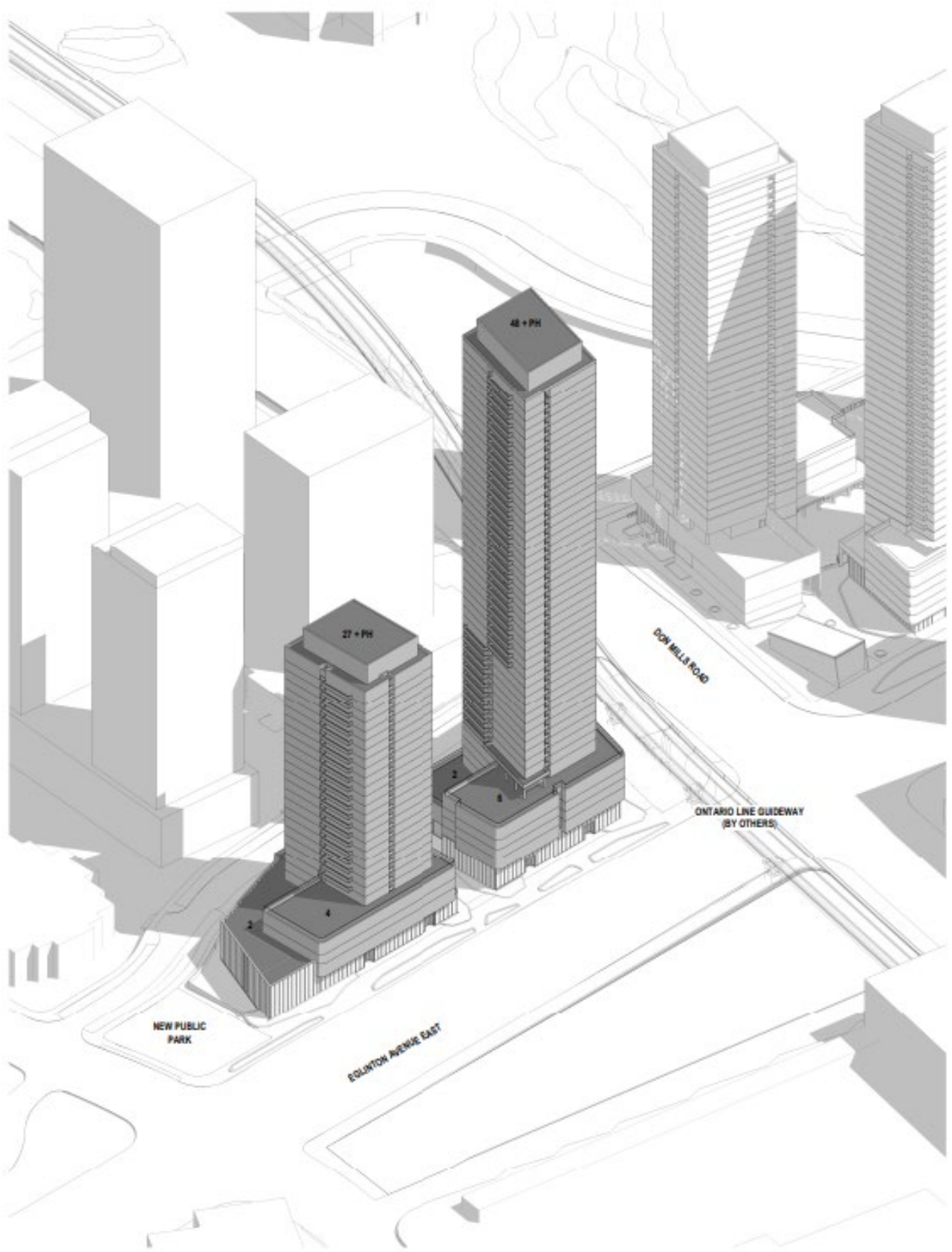
**Attachment 8: Design Brief**

(Provided Separately)

# Attachment 9: Development Concept Drawings

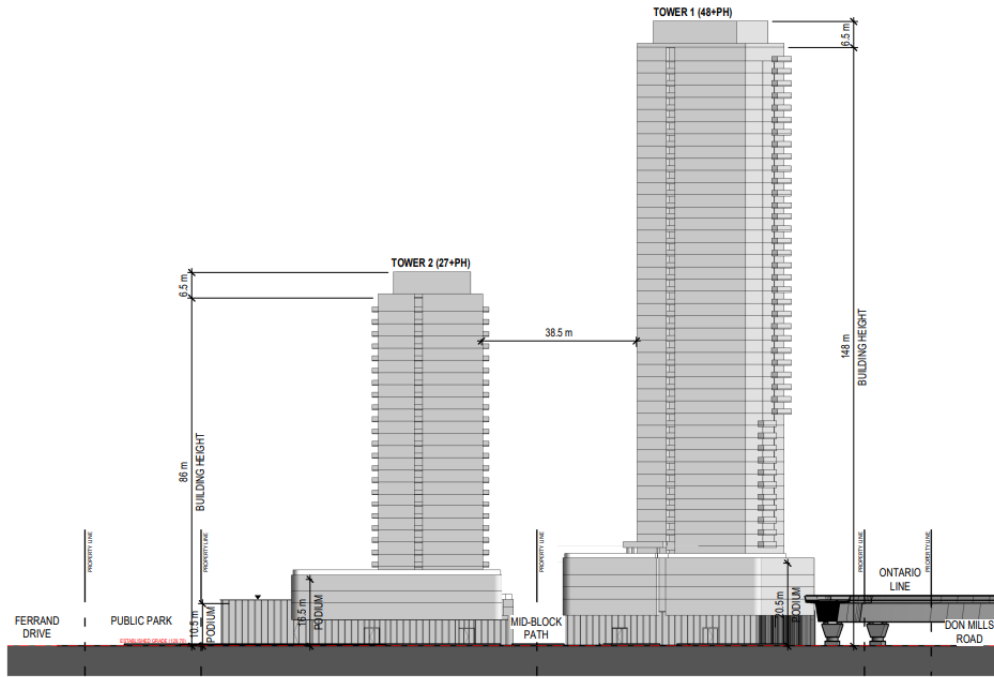


1 AXD - LOOKING NORTH-EAST

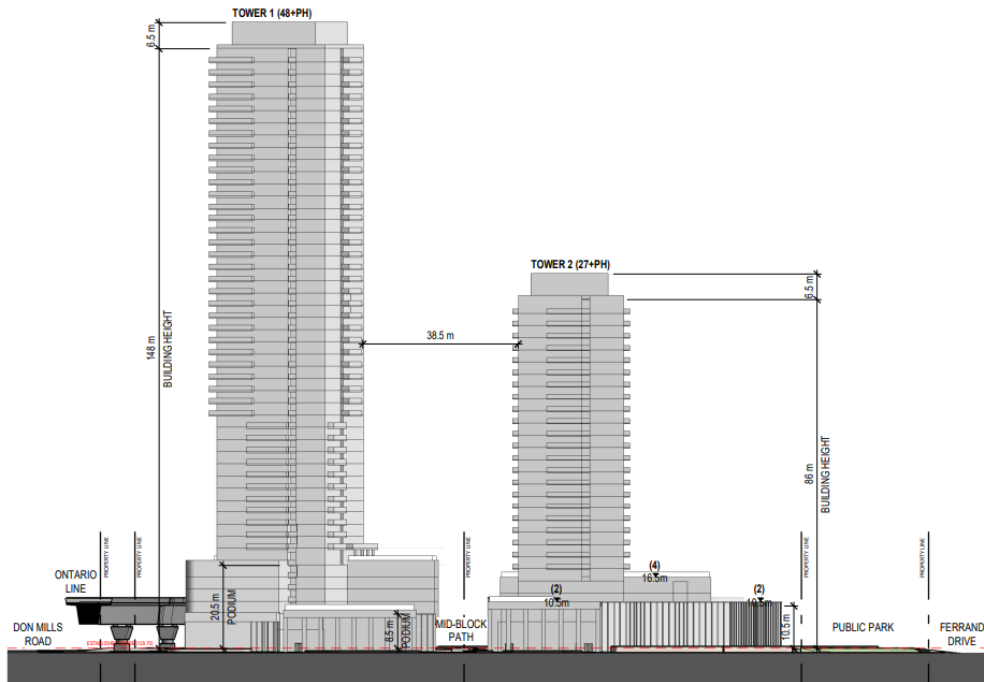


1 AXID - LOOKING SOUTH-WEST

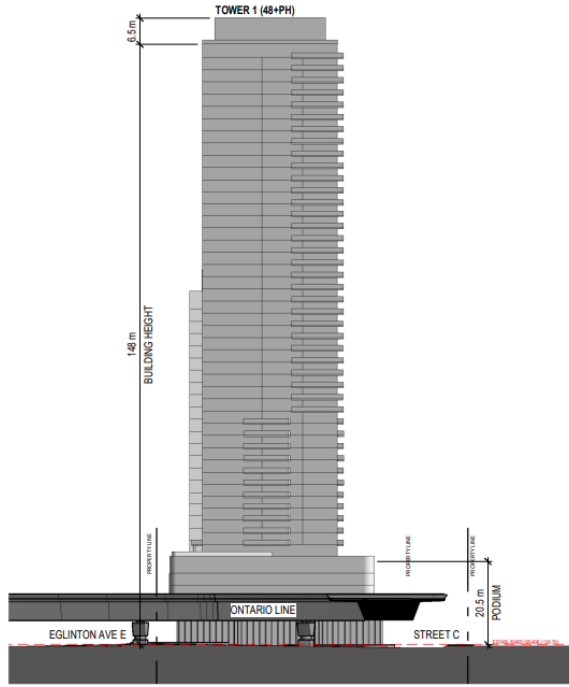




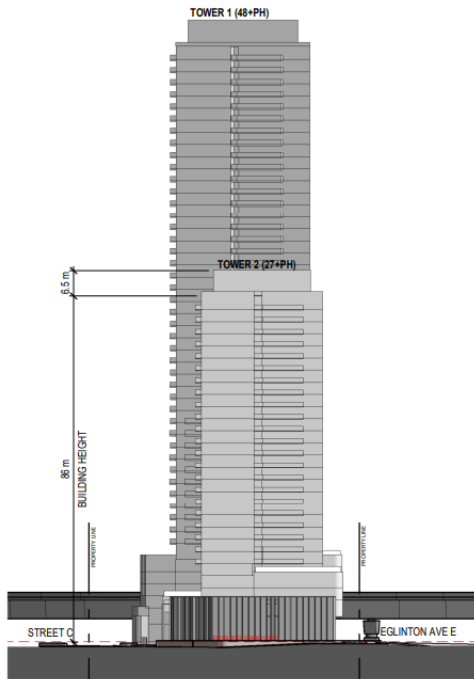
1 ELEVATION NORTH\_SIMPLE  
A1.11 1: 1000



1 ELEVATION SOUTH\_SIMPLE  
A1.12 1: 1000



1 ELEVATION WEST\_SIMPLE  
A1.13 1: 1000



1 ELEVATION EAST\_SIMPLE  
A1.14 1: 1000

## Attachment 10: Housing Now Decision History

On December 13, 2018, City Council adopted CC1.3 "Housing Now" which approved the activation of 11 City-owned sites for the development of affordable housing as part of creating mixed-income, mixed-use and transit oriented communities. 770 Don Mills Road was identified as one of the 11 sites. The City Council decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.3>

On January 31, 2019, City Council adopted EX1.1 Implementing the "Housing Now" Initiative. This report provided recommendations on the organizational structure and processes to deliver the Housing Now Initiative, the proposed affordable housing program, and the overall financial implications of the program. The City Council decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX1.1>

On July 16, 2019, City Council adopted GL6.17 "Land Exchange with the Toronto District School Board – City Acquisition of 200 Poplar Road in Exchange for Stratified Ownership at 770 Don Mills Road" which provided authority to enter into a land exchange with the Toronto District School Board for the exchange of fee simple interest of the property located at 200 Poplar Road, known as Sir Robert L. Borden Business and Technical School, in exchange for stratified ownership at the future City of Toronto mixed-use development site located at 770 Don Mills Road. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL6.17>

On June 29 and 30, 2020, City Council adopted PH14.3 "Housing Now Initiative – Annual Progress Report. The Report provided Council with the first annual update on the Housing Now Initiative and added enhancements to the Housing Now Initiative including limiting annual rent increases on market rental homes, maximizing the involvement of non-profit organizations to increase affordability, and through the market offering process, increasing the number of accessible homes plus incorporating universal design features to create housing that is suitable for everyone. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.3>

On November 9, 2021, City Council adopted the recommendations in Item PH28.2, Housing Now Initiative – Annual Progress Update and Launch of Phase Three Sites. The report provided Council with an update on the Housing Now Initiative including progress to-date on advancing the 17 sites. It also provided updated authorities for the Affordable Housing Program component of Housing Now and recommended Council approval to expand the program to add four additional sites as part of 'Phase Three' of the Initiative. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH28.2>