

789-793 Don Mills Road and 10 Ferrand Drive – Official Plan Amendment and Zoning By-law Amendment and Site Plan Control Applications– Appeal Report

Date: August 15, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 16- Don-Valley East

Planning Application Number: 22 184087 NNY 16 OZ; 22 184086 NNY 16 SA

SUMMARY

On July 29, 2022, an Official Plan and Zoning By-law Amendment application was submitted to permit the redevelopment of the lands with four residential towers having proposed heights of 56, 49, 45, and 22 storeys, an on-site privately-owned publicly accessible space (POPs), and a public park at the corner of Ferrand Drive and Rochefort Drive. The applicant proposes to redevelop the lands in three phases. The application was deemed complete as of September 16, 2022.

On February 21, 2023, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame in the Planning Act. A Case Management Conference was held on June 16, 2023. No hearing dates have been set to date. A second case management conference has not yet been scheduled. It is anticipated that a procedural order would be established to determine the sequencing of the various appeals to resolve the Official Plan and Zoning amendment matters prior to the Site Plan Control matters.

Since the time of the appeal, the applicant has revised their proposal and is now seeking to redevelop the lands with four residential towers having heights of 60, 57, 50, and 45-storeys. The public park has been relocated from the corner of Rochefort Drive and Ferrand Drive and is now proposed to front onto Don Mills Road, with an on-site privately-owned publicly accessible space (POPs) adjacent to the proposed public park. The existing office building would remain on the site.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 789-793 Don Mills Road and 10 Ferrand Drive and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

c) the owner has provided a revised Traffic Impact Study, including acceptable Transportation Demand Measures (TDM), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning Division;

d) the owner has provided a Functional Servicing Report and Stormwater Management Report, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;

e) the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;

f) the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;

g) the applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;

h) the owner has submitted a revised Heritage Impact Assessment that includes a conservation strategy for the on-site heritage resource at 789-793 Don Mills Road, to the satisfaction of the Chief Planner and Executive Director, City Planning;

i) the owner has submitted a Heritage Permit application to alter the property at 789-793 Don Mills Road, in accordance with Section 33 of the Ontario Heritage Act, to the satisfaction of the Chief Planner and Executive Director, City Planning;

j) the owner has entered into a Heritage Easement Agreement with the City for the property at 789-793 Don Mills Road to the satisfaction of the Chief Planner and Executive Director, City Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor; and

k) the owner has provided a detailed Conservation Plan for the subject heritage property, prepared by a qualified heritage consultant, that is substantially in accordance with the conservation strategy set out in the revised Heritage Impact Assessment, to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City, for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

4. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

On April 16, 2019, City Council adopted Official Plan Amendment No. 404 representing the Don Mills Crossing area covering lands generally bound 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) (LPAT Case No. PL190242) by two land owners. The Tribunal ordered that the appeals were allowed in part and that the OPA was modified and approved following a settlement between the appellants and the City.

In June 2020, the City Planning Division initiated the Growth Plan Conformity and Municipal Comprehensive Review ("MCR"), which includes the delineation of approximately 180 potential Major Transit Station Areas (MTSAs) to meet Provincial minimum intensification requirements. A subset of MTSAs will be identified as Protected Major Transit Station Areas (PMTSAs), where the Council-approved inclusionary zoning policy framework can be implemented. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

On March 25, 2022, the Planning and Housing Committee approved for consultation 97 MTSA/PMTSAs, of which Aga Khan Park & Museum station was identified as a MTSA with a proposed minimum density target of 200 people and jobs per hectare. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.7>

A pre-application consultation meeting for the proposed Official Plan Amendment and Zoning By-law Amendment application was held on March 2, 2022. The application was submitted on July 29, 2022 and deemed complete on September 16, 2022.

The application was appealed to the Ontario Land Tribunal on February 21, 2023 due to Council not making a decision within the 120-day time frame in the *Planning Act*. A Case Management Conference was held on June 16, 2023. No hearing dates have been set to date.

On May 10, 2023 City Council stated their intent to designate the property at 789-793 Don Mills Road (including entrance address at 793 Don Mills Road) under Part IV, Section 29 of the Ontario Heritage Act. The applicant objected to the notice of intent to designate the site. On July 19, 2023 City Council considered the objection and affirmed their decision to state its intention to designate. The link can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.33>

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located at the northeast corner of Don Mills Road and Rochefort drive. The irregularly shaped site is approximately 20,660 square metres in size, with approximately 59 metres of frontage on Ferrand Drive, 220 metres of frontage along Rochefort Drive, and 113 metres along Don Mills Road.

Existing Use: An existing 22-storey office building (789 Don Mills Road), conference facility (793 Don Mills Road), and a surface parking lot (10 Ferrand Drive). The existing office building at 789 Don Mills will remain.

Surrounding uses include:

North: of the site is a 17-storey residential building. Further north are two sites that are part of the City's Housing Now Initiative which will provide affordable housing on the site. These sites are currently vacant.

East: of the site is a low density subdivision consisting of residential dwellings.

South: of the site are two, 4-storey rental apartment buildings with surface parking.

West: of the site is the Ontario Science Centre, and surface parking.

THE APPLICATION

Description:

The following table shows the changes between the original proposal and the most recent submission.

	Original Submission – July 2022	Revised Submission – July 2023
Site Area - Gross	20,660 m ²	20,660 m ²
Parkland	1,607 m ²	1,520 m ²
Site Area- Net	19, 053 m ²	19,140 m ²
Gross Floor Area - Existing	32,497 m ²	32,497 m ²
Gross Floor Area- Residential	138,450 m ²	162,530 m ²
Total Gross Floor Area	170,947 m ²	195,024 m ²
Density	8.97x	9.4x
Tower A Height	56-storeys (171 metres, excluding mechanical penthouse)	60-storeys (194 metres, excluding 8 metre mechanical penthouse)

	Original Submission – July 2022	Revised Submission – July 2023
Tower B Height	49-storeys (150 metres, excluding mechanical penthouse)	57-storeys (185 metres, excluding 8 metre mechanical penthouse)
Tower C Height	45-storeys (138 metres, excluding mechanical penthouse)	50-storeys (160 metres, excluding 8 metre mechanical penthouse)
Tower D Height	22-storeys (68 metres, excluding mechanical penthouse)	45-storeys (145 metres, excluding 8 metre mechanical penthouse)
Overall Unit Count	2,263 dwelling units	2,655 dwelling units
Studio dwelling units	129 units (6%)	65 units (2%)
One-bedroom dwelling units	1,608 units (71%)	1,919 units (72%)
Two-bedroom dwelling units	318 units (14%)	399 units (15%)
Three-bedroom dwelling units	208 units (9%)	272 units (10%)
Vehicular Parking	1,214 parking spaces (574 residential, 640 visitor/non-residential)	1,103 parking spaces (472 residential, 631 visitor/non-residential)
Bicycle Parking	2,264 bicycle parking spaces total (2,037 long term spaces, 227 short term spaces)	2,665 bicycle parking spaces total (2,390 long term spaces, 275 short term spaces)

Additional Information

See Attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Reasons for Application

An Official Plan Amendment is required to permit amendments to the Don Mills Crossing Secondary Plan, including amendments to the policies regarding heights, density, the provision of a public street, various built form policies, and housing policies contained within the Secondary Plan.

The Zoning By-law Amendment application proposes to amend Zoning By-law 7625, as amended, to vary performance standards including, but not limited to: permitting residential uses, building heights; building setbacks; floor space index; amenity space and parking space requirements.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application (File No. 22 184094 NNY 16 SA) has been submitted. The Site Plan Control Application was appealed to the OLT and is consolidated with the Official Plan and Zoning By-law Amendment appeals.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

Official Plan Designation: The site is designated Mixed Use Areas in the Official Plan and Mixed Use Areas A and Mixed Use Areas B in the Don Mills Crossing Secondary Plan.

Zoning: The site is subject to Zoning By-law 7625, as amended. The site is zoned Industrial Office Business Park Zone – MO(11) and MO (22). The Industrial Office Business Park Zone permits a range of non-residential uses. Residential uses are not permitted in this zoning category. The site is not subject to Zoning By-law 569-2013

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on April 11, 2023, after the applicant's appeal to the Ontario Land Tribunal.

Approximately 26 members of the public participated in the community consultation meeting, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Comments regarding the overall appropriateness of the project design, concerns over the proposed heights, and questions about the proposed unit mix;
- Concerns with increased traffic in the area due to new development proposals in the area;
- Questions regarding transit capacity to accommodate new residents;
- Concerns with the lack of affordable housing proposed as part of this proposal;
- Concerns with negative shadows impacts and wind conditions on adjacent properties;
- Comments regarding the proposed location of proposed parkland;
- Concerns with access to the existing POPs space to the north being fenced off;
- General questions regarding City's hard and soft infrastructure (water, sewers, schools) to accommodate all the development in the area and the proposed increased population in the area;
- Concerns with the proposed tree removal; and
- Questions regarding what types of construction management plans will be used (hours of construction, street parking, etc).

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

The PPS requires planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing and planned infrastructure and public service facilities to meet projected needs. These locations and areas are to be identified in the official plan and zoning by-laws in accordance with policies of the PPS. The Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. The policies encourage a range and mix of housing options to serve all sizes, incomes, and ages of households.

The proposal is not consistent with PPS policies and does not conform to Growth Plan policies relating to cultural heritage, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

Official Plan Amendment

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 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 proposed Official Plan Amendment cannot be supported as currently proposed. The applicant's proposal requires a number of amendments that are not consistent with the general intent of the Don Mills Crossing Secondary Plan, as further discussed in this report below.

Density

The Don Mills Crossing Secondary Plan identifies the maximum densities for development on Map 40-6. The Secondary Plan assigns a maximum density of 3.5 times the lot area to the subject site. The Plan also identifies that the maximum densities are subject to meeting the built form policies set out in the Secondary Plan as well as in the Official Plan.

The proposed density at 9.4 times the lot area exceeds the permitted density as prescribed by the Secondary Plan. The density as currently proposed by this application cannot be supported and should be reduced to be in keeping with the density prescribed by the Secondary Plan, subject to meeting the built form policies of the Secondary Plan and Official Plan.

Height

The site is located within the Core Area of the Secondary Plan. The Secondary Plan identifies that tall buildings will be directed to the intersection of Don Mills Road and Eglinton Avenue East and will provide transition in scale to lower scaled development. Recent approvals for development at the intersection of Don Mills Road and Eglinton Avenue East are 48, 39, 37, and 21-storeys in height. The subject site is not at the intersection, and the application is proposing heights that exceed the maximum heights which are located at the intersection of Don Mills Road and Eglinton Avenue East, the area that the Secondary Plan identifies as having the tallest buildings.

The Secondary Plan identifies that on sites where tall buildings are permitted on Map 40-7, one tower is permitted to achieve the maximum height with other towers on site at noticeably lower heights to create articulation and variability in the skyline. For the subject lands, Map 40-7 of the Secondary Plan identifies maximum building heights of 23-storeys and 28-storeys for the subject site. The applicants proposed heights of 60, 57, 50, and 45-storeys exceed the heights contemplated by the Secondary Plan, cannot be supported, and will require overall reductions in proposed building heights.

Built Form

The built form policies of the Official Plan speak to the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure that each new building promotes and achieves the overall objectives of the Official Plan. Planning staff have reviewed the proposed built form against the policies of the Official Plan, the Don Mills Crossing Secondary Plan, and relevant design guidelines. Planning staff have concerns with the proposed built form in relation to the site as well as the surrounding context.

The proposal does not meet the built form policies contained within the Secondary Plan. The Don Mills Crossing Secondary Plan identifies that the maximum base building height for residential buildings along the Core Connector will not exceed 6-storeys, or otherwise must be articulated with setback and stepbacks and comply with sun-shadow policies in this plan to minimize their impact on the public realm. The Secondary Plan requires that above the height of the base building, a minimum setback of 5 metres is required to the tower component of the building. The tower setback allows for a more human scale base building form adjacent to the public realm and aids with down wind downwashing from the tower elements of the proposal. The application as proposed has towers that do not meet the minimum setback requirement from the base. The tower setback should be increased in order to meet the Secondary Plan policies.

The Official Plan contains policies regarding Built Form according to typologies. For tall buildings, the plan contains policies regarding tall building design and limiting and shaping the size of tower floorplates above base buildings. Staff have reviewed the applicant's proposal and have noted that the proposed tower floor plates exceed 750 square metres. The newly approved towers in the vicinity of this development have 750 square metre floor plates and more generous separation distances. The proposed tower floorplates need to be revisited and reduced to be in keeping with the Official Plan and the Tall Buildings Guidelines.

The proposal does not meet the intent of the Official Plan Built Form policies, or the policies within the Secondary Plan. The proposed height, density, and built form represents significant intensification of the site that can not be supported in its current form.

Heritage

The subject property, known as Foresters House, has cultural heritage value as a representative example of the skyscraper typology constructed in the Late Modern style as part of the Olympia Square complex. It contributes to and defines the 1960s, the Late Modern style, and the character of Flemingdon Park. Besides the landmark office tower designed by architects Bregman and Hamman, the cultural heritage value of the property is further defined by its landscaped setting, sunken garden with a two-storey pavilion building, and raised plaza with planters.

The Secondary Plan contains policies regarding Cultural Heritage and the view to the Foresters Headquarters at 777 Don Mills Road. The Secondary Plan identifies that the

view will be enhanced by providing views from the south-east corner of St. Dennis Drive and Don Mills Road; and providing views to the upper floors of the Foresters Headquarters from Eglinton Avenue East near the CP Rail Corridor Bridge. The proposal meets the intent of these policies as it relates to views.

At its meeting of July 19, 2023, City Council considered an objection to the designation of 789-793 Don Mills Road under the Ontario Heritage Act. The report recommended that City Council affirm its decision of May 10, 2023, (Item [PH3.14](#)) stating its intention to designate the property at 789-793 Don Mills Road (including entrance address at 793 Don Mills Road) under Part IV, Section 29 of the Ontario Heritage Act (the "Act"). The City has received an objection to the notice of intention to designate on behalf of 789 Don Mills Developments Inc., the property owner within the statutory timeline. Staff have reviewed the objections raised on behalf of 789 Don Mills Developments Inc. and remain of the opinion that this property holds cultural heritage value or interest. The property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Act under all three categories of design and physical, historical and associative, and contextual values. As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Act, City staff are of the opinion that this property should be designated. Designation enables City Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

The application proposes to remove both the pavilion building and sunken garden, both integral attributes of the property, thereby negatively impacting its cultural heritage value, and therefore does not comply with relevant provincial and municipal policies including the Growth Plan for the Greater Golden Horseshoe, Provincial Policy Statement and the City's Official Plan. The proposal should be revised to address heritage concerns.

Sun, Shadow and Wind

The Official Plan contains policies regarding sunlight and minimizing shadows. The Secondary Plan contains policies regarding sun, shadow, and wind conditions on the public realm. The shadow studies submitted by the applicant demonstrate that the proposal has impacts on the proposed public park and POPS, streets, public realm, and open spaces. The shadow impact that results from the proposal in its current form are not acceptable. The shadow impacts could be improved by reducing the building heights and tower floorplates.

The Official Plan identifies that new development should limit and mitigate pedestrian level wind impacts. The Secondary Plan identifies that buildings will be located and massed to limit and/or mitigate wind impacts on the public realm, including streets and sidewalks, parks and open spaces, as well as privately owned publicly accessible spaces and private amenity spaces. Wind conditions should be suitable for walking and standing, with higher standards applied to spaces designed for sitting, play structures and sports activities. A Pedestrian Level Wind Study prepared by Theakston Environmental identified that there are the number of wind issues as a result of this development and its built form as proposed including: uncomfortable wind conditions between Towers A and B and the existing Foresters building in the winter. The study

identified that there were no incidents of wind conditions exceeding the safety criteria. Mitigation measures should be examined, including any necessary changes to built form, to eliminate the uncomfortable wind conditions that arise from the proposed development.

Servicing

A revised Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are currently under review by Engineering and Construction Services.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Existing and Planned Public Streets

The Secondary Plan amends Schedule 2 of the Official Plan by adding "new Link K". The location of this new public street is also shown on Map 40-4. The proposal has this road identified as a private street with a Right-of-Way with of 18.5m. The applicant has identified that there are a number of easements which may impact their ability to convey the street to the City. Staff are reviewing the documentation submitted to determine whether the easements impact and/or limit the ability for the street to be a public street versus private street. If the easements do not impact or limit the ability for the street to be conveyed to the City, staff are of the opinion that the street should be a public right-of-way as per the Secondary Plan.

The Secondary Plan identified pedestrian and cycling infrastructure improvements as shown on Map 40-10 and Map 40-11. Staff will work with the applicant to ensure that signalized intersection and sufficient space is provided within the public realm to accommodate pedestrian and cycling infrastructure.

Parkland

In the context of a rapidly growing city, the importance of public parkland being available to enhance and expand the amount of park spaces provided to residents and visitors alike becomes ever more relevant. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The applicant is proposing to satisfy the parkland requirement through an on-site parkland dedication. For the development as currently proposed, the parkland dedication requirement is 1,520 square metres.

The applicant originally proposed to provide a 1,607 square metre public park at the corner of Rochefort Drive and Ferrand Drive. As part of the July 2023 revision, the applicant is proposing to provide a 1,520 square metre public park with frontage on Don Mills Road, north of the existing 23-storey office building. The proposed parkland on

Don Mills Road is in the location of a heritage structure which City Council affirmed their intention to designate on July 19, 2023.

Additionally, the proposed park location on Don Mills Road is in close proximity to the elevated guideway of the Ontario Line, which would create a visual and physical barrier for the public to access the park and create a potentially uninviting space that would detract from the park's usability.

Parks Development Staff have reviewed the revised proposal and are of the opinion that the originally proposed parkland location at the corner of Rochefort Drive and Ferrand Drive is the preferred parkland location. The proposal should be revised to relocate the parkland to the originally proposed location along Rochefort Drive and Ferrand Road. This location of the parkland dedication will maximize pedestrian comfort by minimizing shadows, noise, and traffic generated by the operation of the Ontario Line guideway. This location will also maximize access to sunlight and be visible and accessible from adjacent public streets to promote the safe use of the park.

Indoor/Outdoor Amenity Space

The Official Plan identifies that new indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments should be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year. Outdoor amenity spaces should provide comfortable wind, shadow, and noise conditions; have generous and well-designed landscaped areas to offer privacy and an attractive interface with the public realm.

The Zoning By-law requires a minimum rate of 4 square metres of combined amenity space for the development. The proposal is providing 3.02 square metres of combined indoor and outdoor amenity space per dwelling unit. The amenity spaces are important in the context of vertical communities and the development should be able to sufficiently support its residents by the amount of private amenity space it provides which is different in character than the public open spaces that are proposed in the vicinity. Staff are of the opinion that 4 square metres of combined amenity space should be provided as part of this proposal.

Parking, Loading and Transportation Demand Management

A total of 1,103 vehicle parking spaces are proposed in a 5-level below-grade parking garage. Two type-G loading spaces and Three type-C loading spaces are proposed as part of the development. Transportation Services staff are assessing a revised Transportation Impact Study to determine the appropriateness of the parking and loading.

A TDM plan was included as part of the applicant's Transportation Impact Study. However, additional information is required in order for staff to assess the appropriateness of the proposed TDM Plan. Development will be required to implement TDM measures identified by the Don Mills Crossing Mobility Planning Study.

In the event that the OLT allows the Zoning By-law Amendment application appeal in

whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised Traffic Impact Study, including a TDM plan, acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured.

Ontario Line

The subject site is located in close proximity to the new Ontario Line, and the elevated portion of the line. Metrolinx is currently in the process of designing and procuring for the delivery of this transit project, as well as implementing new coordination measures and tools stemming from the corridor control provisions of the Building Transit Faster Act, to engage more effectively with the City of Toronto and development community at large pertaining to these Priority Transit Projects (PTPs).

Metrolinx have reviewed the proposal and identified that the applicant is required to apply to Metrolinx to obtain a Corridor Development Permit (CDP), where development falls within a transit project's corridor control lands, prior to receiving a building permit. The intent of the CDP is to protect for the design and delivery of Priority Transit Projects while concurrently working with and supporting other planned and active transit projects in the area.

School Boards

The proposal has been circulated to the school boards for comments. The Toronto Catholic District School Board (TCDSB) has identified that additional school accommodation in the Don Mills Road and Eglinton Avenue East area is required and has requested a meeting to discuss potential school accommodation opportunities.

The Toronto District School Board (TDSB) schools currently assigned to this development are Grenoble Public School, Don Mills Middle School, Valley Park Middle School, Don Mills Collegiate Institute and Marc Garneau Collegiate Institute. Toronto District School Board (TDSB) staff have determined that there is insufficient capacity to accommodate students from new residential developments at the assigned schools, in particular Grenoble Public School and Marc Garneau Collegiate Institute. To address accommodation challenges that may arise, the Board may need to use portables to accommodate students or engage in studies to explore options for creating space at a local school. These options include changing school boundaries, moving programs, or bussing new students to another school, among others. These studies are made publicly available in the Board's Long-Term Program and Accommodation Strategy and may be subject to Board approval and (in some cases) include public engagement.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this

report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Don Mills Secondary Plan and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal is not consistent with PPS policies and does not conform to Growth Plan policies relating to cultural heritage, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

Marian Prejel, Senior Planner
Community Planning, North York District
Tel: 416-392-9337
Email: Marian.Prejel@toronto.ca

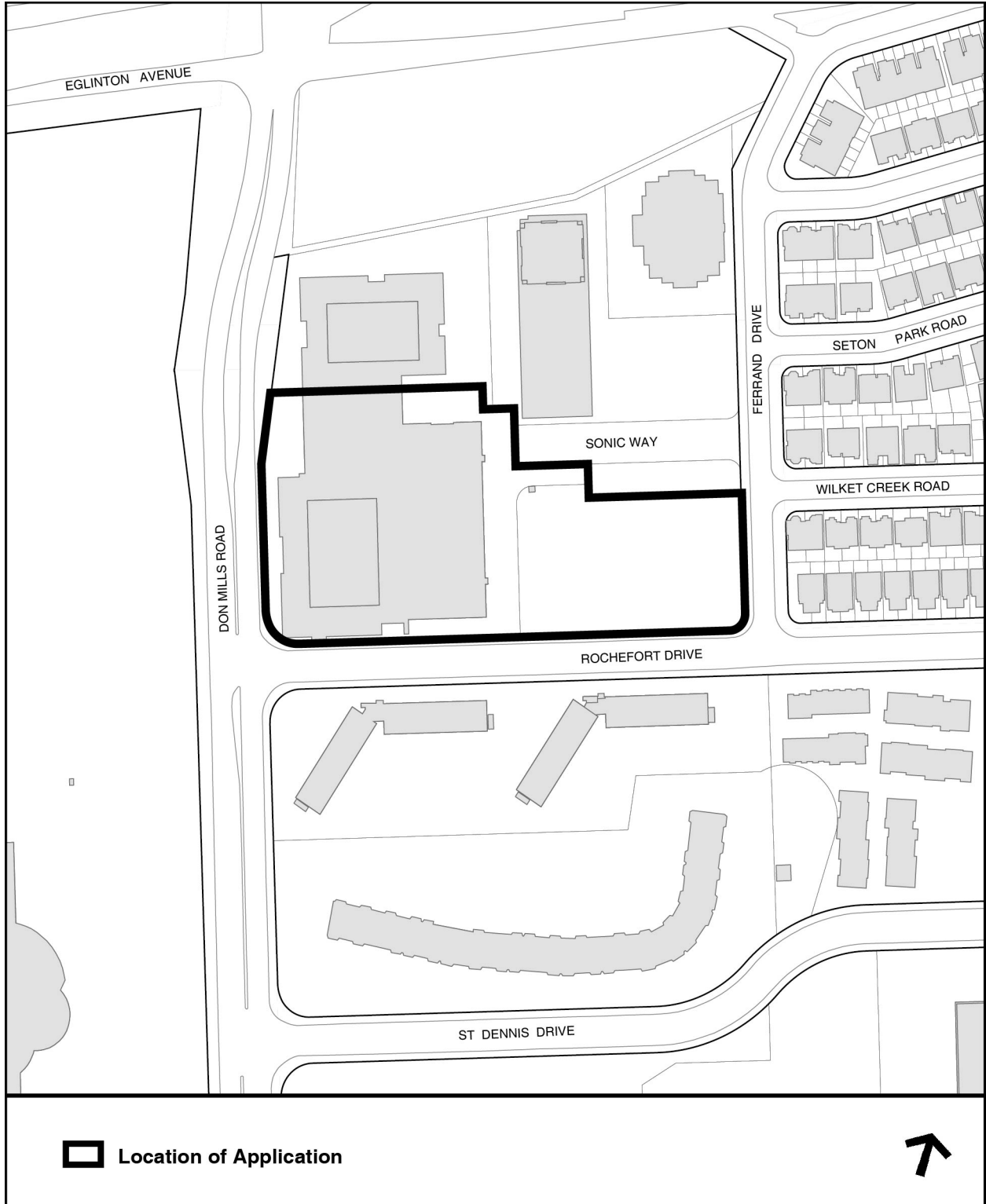
SIGNATURE

David Sit, MCIP RPP
Director, North York Community Planning

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Don Mills Crossing Secondary Plan – Land Use
Attachment 8: Don Mills Crossing Secondary Plan – Density
Attachment 9: Don Mills Crossing Secondary Plan – Tall Building Locations and Height
Attachment 10: Zoning By-law 7625
Attachment 11: Zoning By-law 569-2013

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 793 DON MILLS RD Date Received: July 29, 2022

Application Number: 22 184087 NNY 16 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposal to redevelop the lands with four residential towers having heights of 60, 57, 50, and 45-storays. The public park has been relocated from the corner of Rochefort Drive and Ferrand Drive and is now proposed to front onto Don Mills Road, with an on-site privately-owned publicly accessible space (POPs) adjacent to the proposed public park. The existing office building would remain on the site.

Applicant	Agent	Architect	Owner
Menkees	Goldberg Group	Sweeny&Co Architects	789 DON MILLS DEVELOPMENTS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas (Official Plan) and Mixed Use Area "A" and Mixed Use Area "B" (Secondary Plan)	Site Specific Provision:	SASP 076
Zoning:	MO(22),MO(11)	Heritage Designation:	Y
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 20,660 Frontage (m): 35 Depth (m): 62

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,450	1,450	7,948	9,398
Residential GFA (sq m):			162,530	162,530
Non-Residential GFA (sq m):	32,497	32,497		32,497
Total GFA (sq m):	32,497	32,497	162,530	195,027
Height - Storeys:	22	22	60	60
Height - Metres:	95	95	194	194

Lot Coverage Ratio (%): 45.49 Floor Space Index: 9.44

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	162,530	
Retail GFA:		
Office GFA:	32,497	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			2,655	2,655
Other:				
Total Units:			2,655	2,655

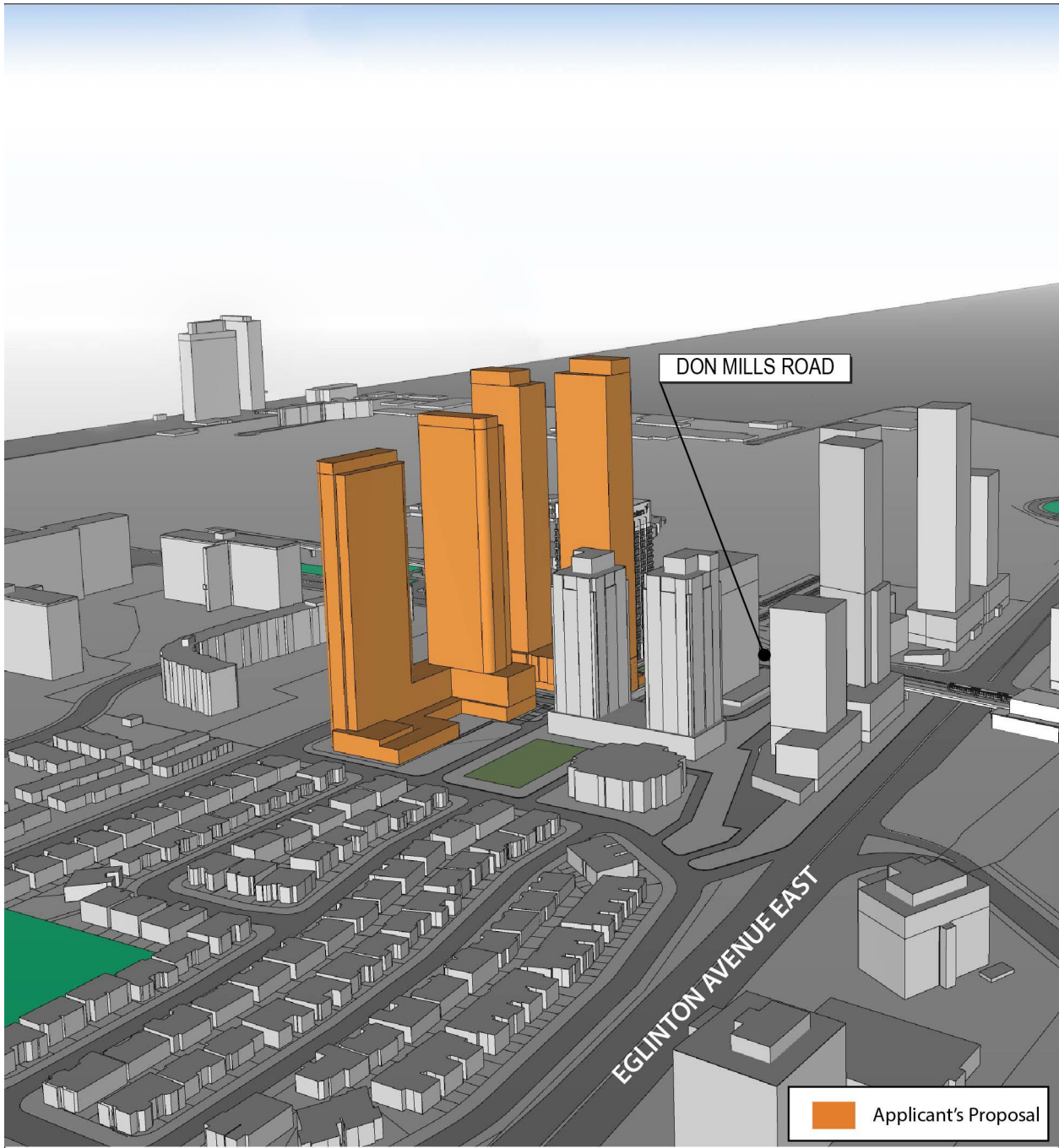
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		65	1,919	399	272
Total Units:		65	1,919	399	272

Parking and Loading

Parking Spaces:	1,103	Bicycle Parking Spaces:	2,665	Loading Docks:	5
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Attachment 3: 3D Model of Proposal in Context Looking Southwest

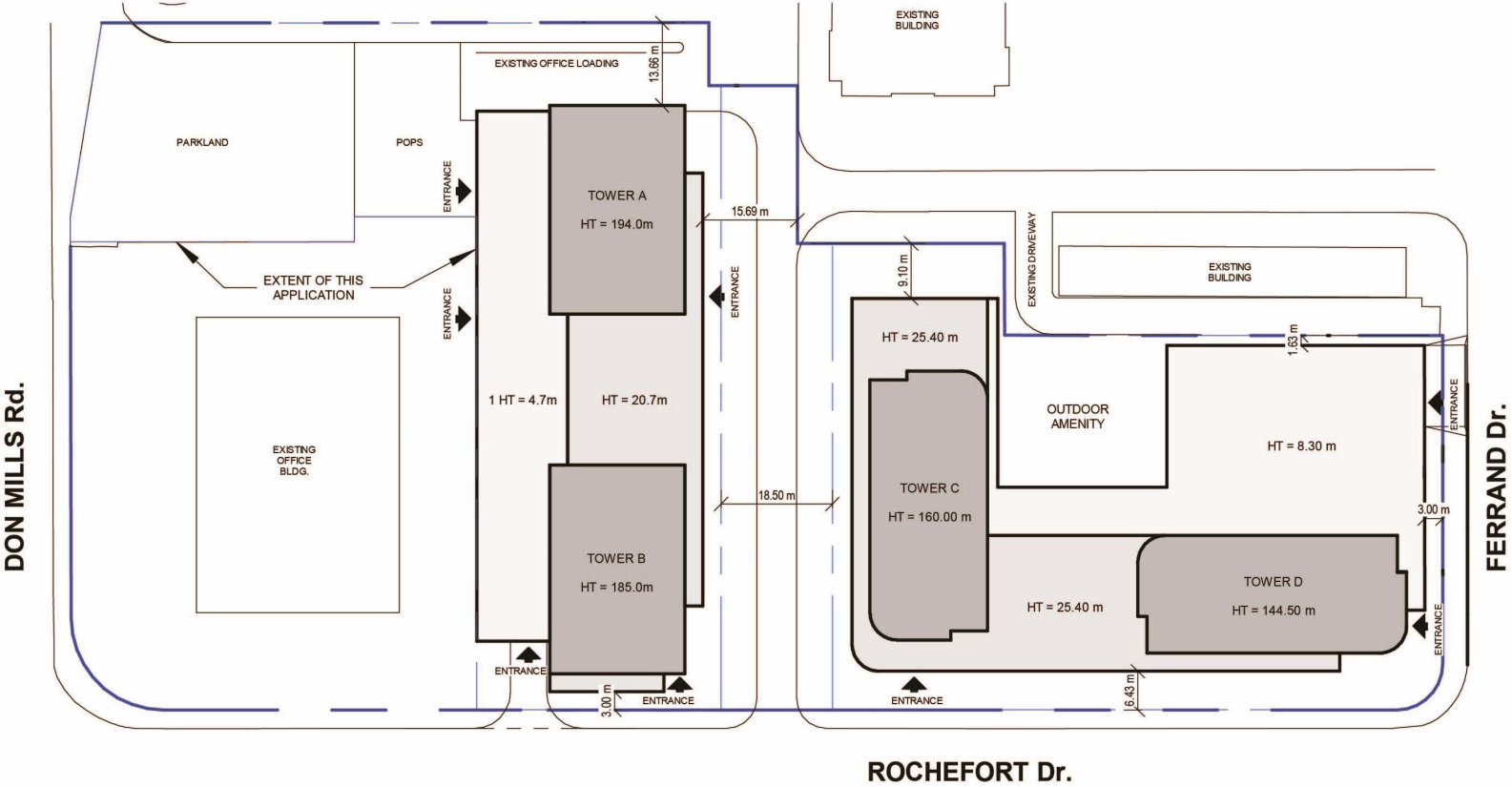


View of Applicant's Proposal Looking Northeast

↘
07/27/2023

Attachment 4: 3D Model of Proposal in Context Looking Northeast

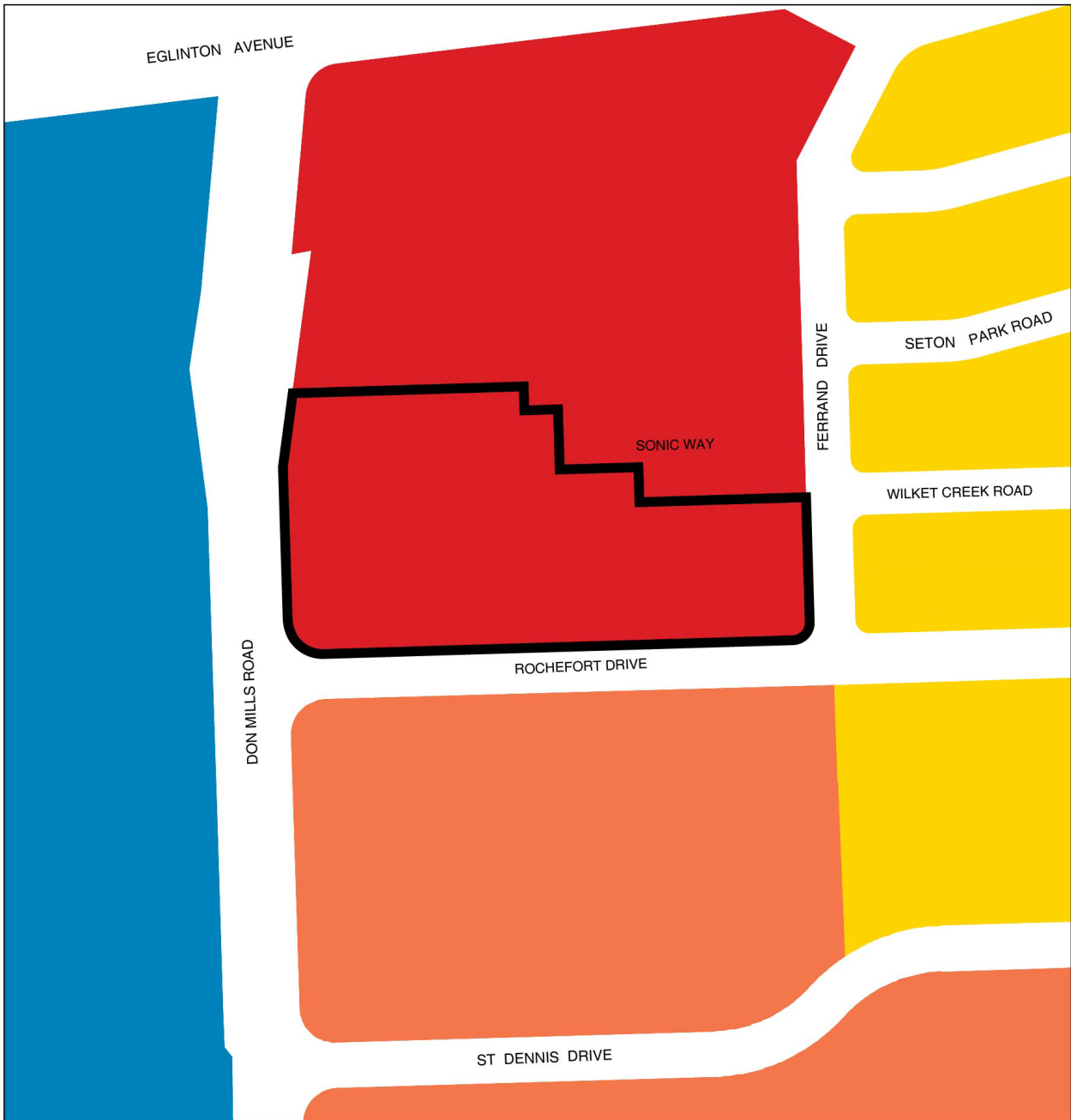




Site Plan



Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map #20

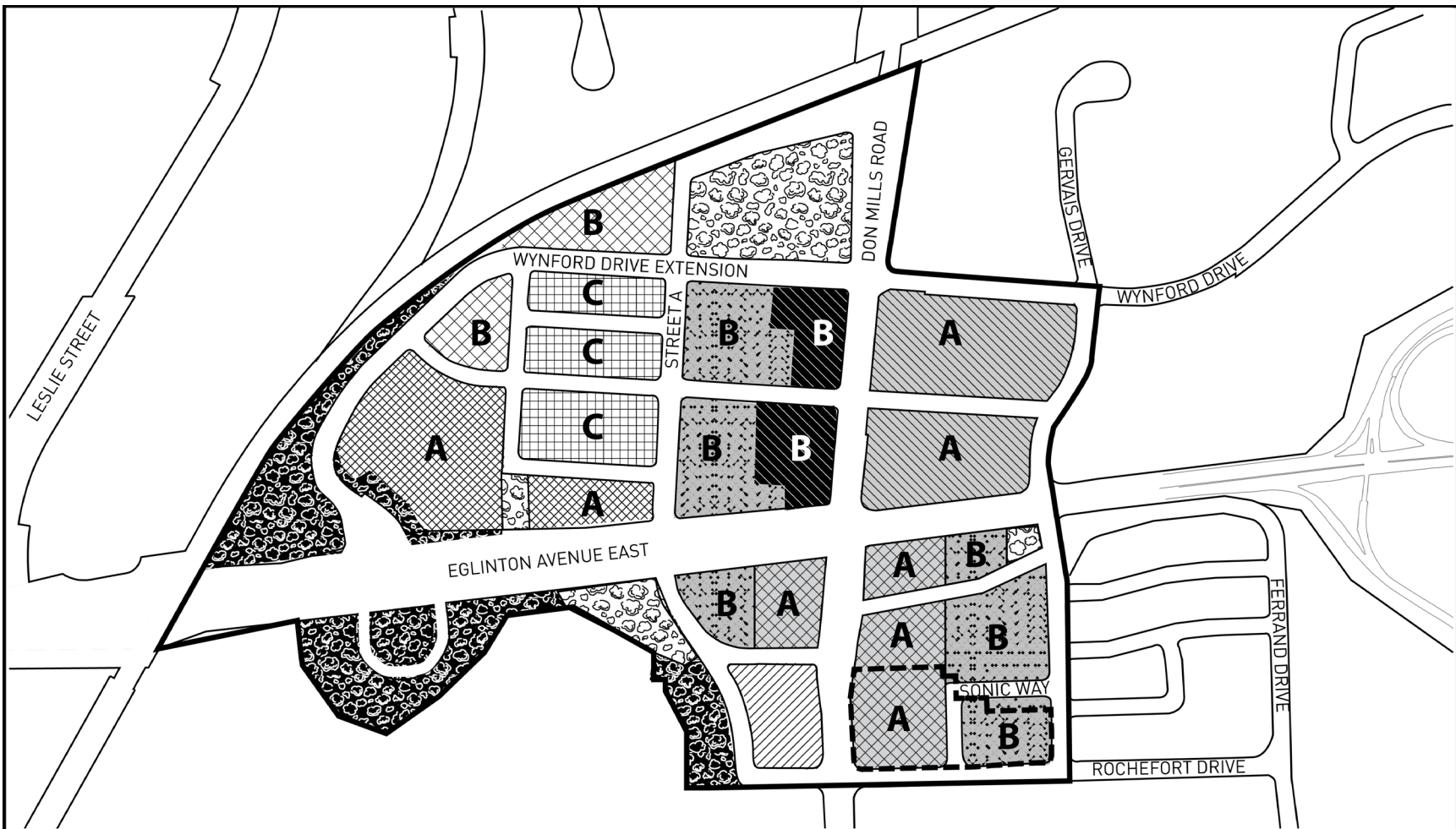
793 Don Mills Road & 10 Ferrand Drive

File # 22 184087 NNY 16 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Institutional Areas



Not to Scale
Extracted: 08/02/2022



Don Mills Crossing Secondary Plan
 MAP 40-5 Land Use Designations

Secondary Plan Boundary	Mixed Use Areas A	Subject Property
Apartment Neighbourhoods A	Mixed Use Areas B	Institutional Areas
Apartment Neighbourhoods B	General Employment Areas A	Parks
Apartment Neighbourhoods C	General Employment Areas B	Natural Areas

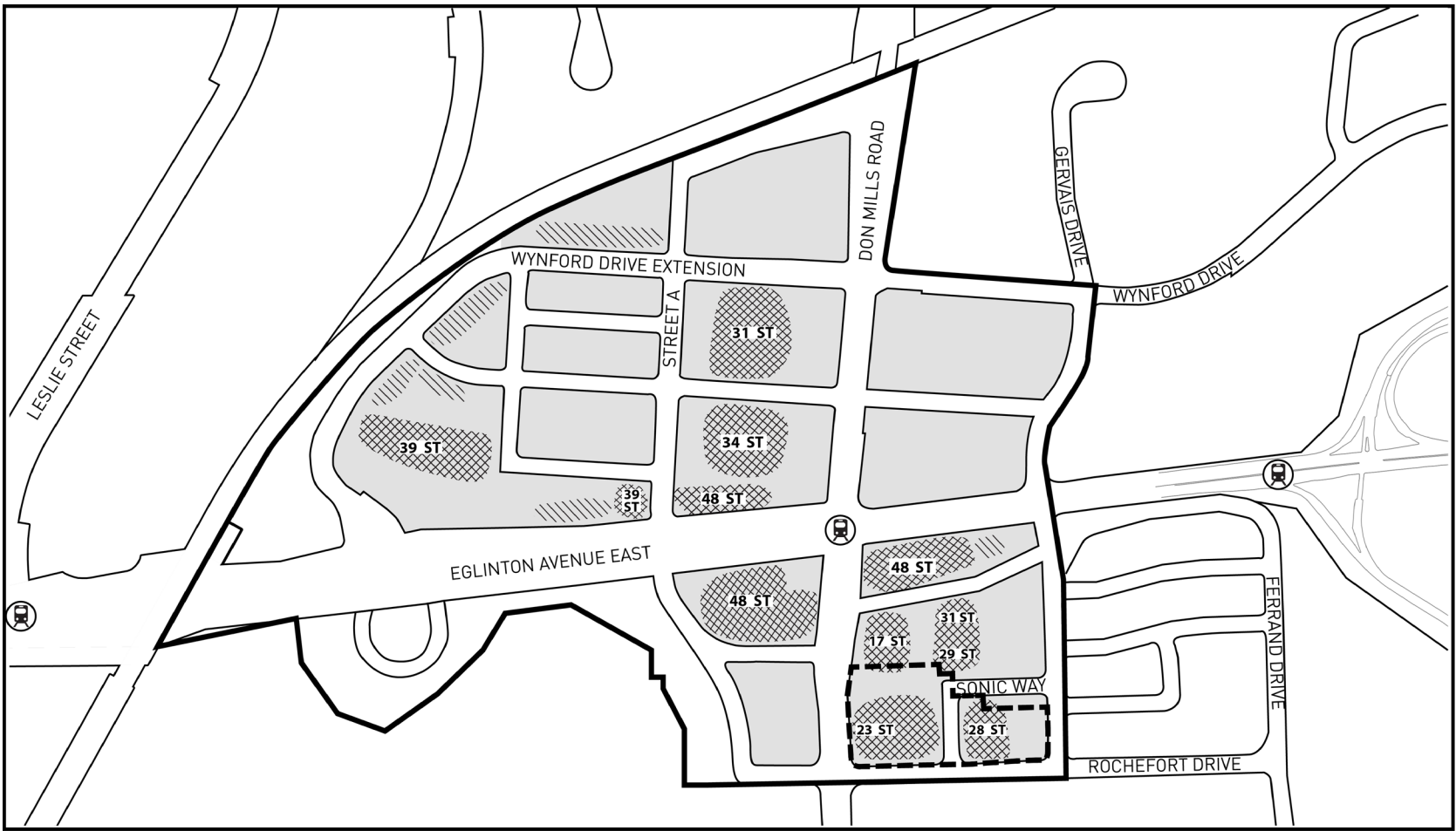
Not to Scale
 March 15, 2019



Don Mills Crossing Secondary Plan
MAP 40-6 Development Density






- Secondary Plan Boundary
- Maximum Permitted FSI
(Land area below top of bank not included in FSI calculations. Calculations are gross, prior to any road conveyance)
- Subject Property


Not to Scale
March 15, 2019



Don Mills Crossing Secondary Plan

MAP 40-7 Potential Tall Building Locations and Heights Map in Mixed Use Areas and Apartment Neighbourhoods

-  Secondary Plan Boundary
-  Mid-Rise Building Locations
-  Tall Building Locations
-  LRT Stations
-  Subject Property

Not to Scale 
 March 15, 2019

Attachment 10: Zoning By-law 7625



Zoning By-law 7625

793 Don Mills Road & 10 Ferrand Drive

File # 22 184087 NNY 16 0Z



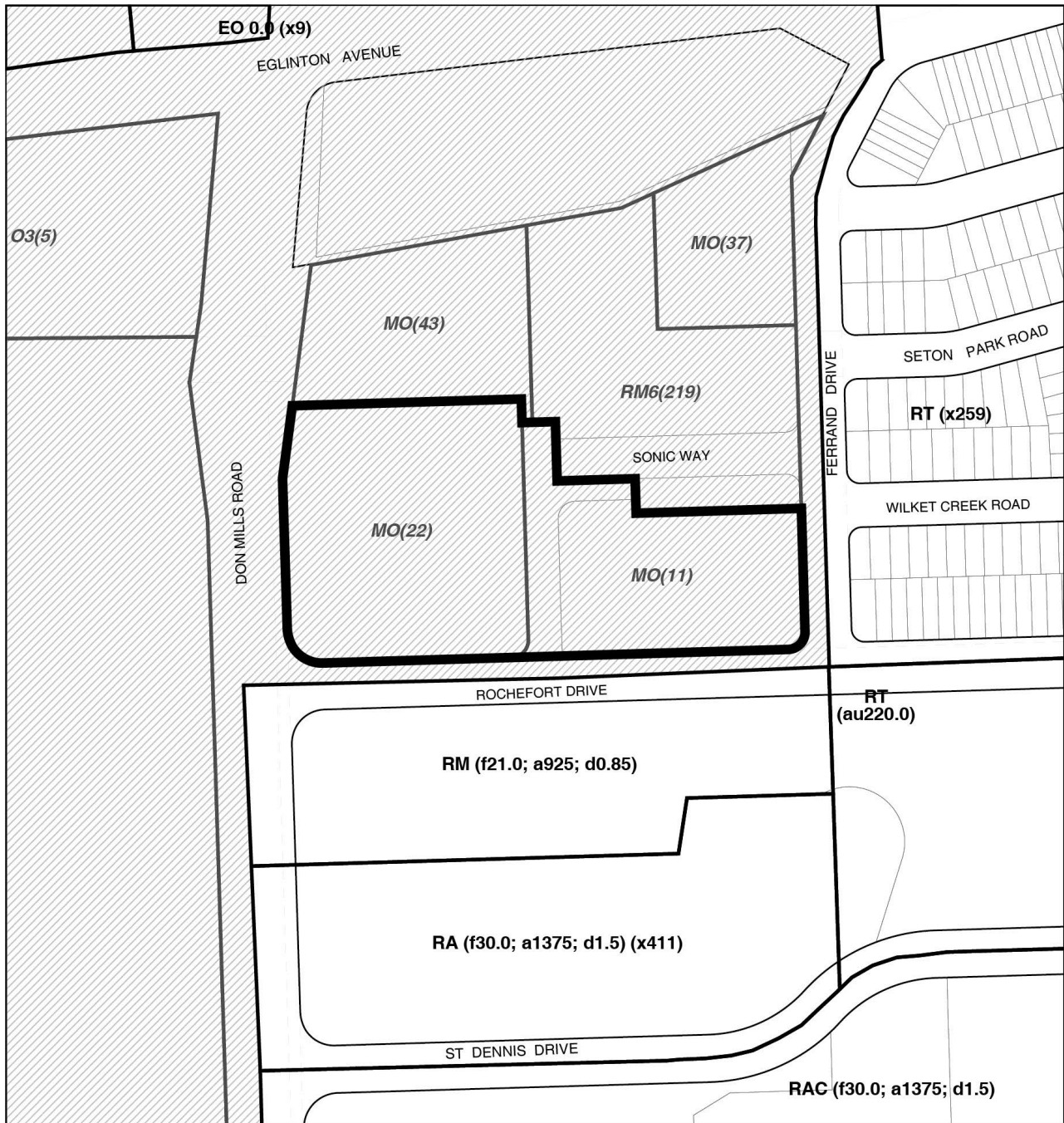
Location of Application

- 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: 08/02/2022

Attachment 11: Zoning By-law 569-2013




793 Don Mills Road & 10 Ferrand Drive

Zoning By-law 569-2013

File # 22 184087 NNY 16 0Z

-  Location of Application
- RT** Residential Townhouse
- RM** Residential Multiple
- RA** Residential Apartment
- RAC** Residential Apartment Commercial
- EO** Employment Industrial Office

-  See Former City of North York By-law No. 7625
- RM6** Multiple-Family Dwellings Sixth Density Zone
- MO** Industrial-Office Business Park Zone
- O3** Semi-Public Open Space Zone



Not to Scale
Extracted: 08/02/2022