

3699, 3741-3751 Bloor Street West and 925 Kipling Avenue - Rezoning Application - Preliminary Report

Date:	May 22, 2009
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	09 130996 WET 05 OZ

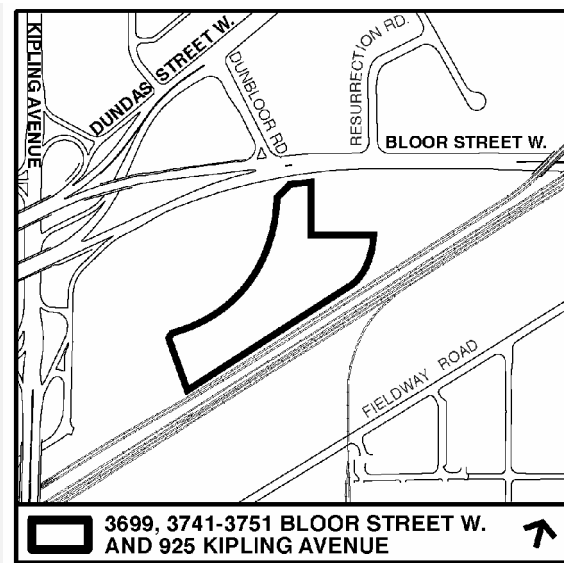
SUMMARY

This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to amend the Zoning By-law to permit a Provincial courthouse and ancillary uses at 3699, 3741-3751 Bloor Street West and 925 Kipling Avenue. This property is known as the Westwood Theatre Lands (WTL).

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

Should Council direct staff to hold a community consultation meeting, it will take place toward the end of June 2009. Staff plan to report to the September 15, 2009 meeting of Etobicoke York Community Council with recommendations on the application, provided the applicant provides all required information in a timely manner.



The applicant has also made an application to remove the “H” Holding Symbol on these lands (Application No. 09 131323 WET 05 OZ). Staff will report separately on this application once the necessary development agreements are in place.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

West District Design Initiative

City Council, on December 11, 12 and 13, 2007, adopted the results of the West District Design Initiative (WDDI) (PG11.3)

<http://www.toronto.ca/legdocs/mmis/2007/pg/decisions/2007-11-29-pg11-dd.pdf>

http://www.toronto.ca/business/pdf/wddi_westwood.pdf

The purpose of the WDDI was to create urban design and development visions for three City-owned properties in Etobicoke York District: the Bloor-Islington Lands, the Westwood Theatre Lands and the existing Etobicoke Civic Centre Complex.

With regard to the Westwood Theatre Lands, the WDDI vision for this site was a mixed-use centre which could include a new West District (i.e., Etobicoke York) Service Centre. The preferred built form along Kipling Avenue, Bloor Street West and the realigned Dundas Street West should create a comfortable mid-rise environment through continuous street-wall buildings, ground floor pedestrian-oriented and street related uses, and flexible land use along main street frontages. Taller buildings would be placed at strategic locations.

Six Points Interchange Reconfiguration Environmental Assessment Study

City Council, on December 11, 12 and 13, 2007 (PG11.2), authorized staff to file a Notice of Completion for the Six Points Interchange Reconfiguration Class Environmental Assessment Study (EA). The Study was deemed approved under the Environmental Assessment Act on February 27, 2008.

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-8759.pdf>

A report recommending an Official Plan Amendment to add the principal roads identified by the EA to the relevant sections of the Official Plan will be considered by the Planning and Growth Management Committee on June 4, 2009.

The recommended reconfiguration implements Council's objectives for the Six Points Interchange. Implementation of the objectives will help make Etobicoke Centre a more urban, pedestrian and transit-oriented and bike friendly place. The reconfiguration will also create improved development opportunities on both publicly and privately owned lands through the replacement of the existing interchange with a series of urban intersections and the creation of more conventional development blocks.

Memorandum of Understanding

In June 2008 City Council approved a report from the Chief Corporate Officer authorizing staff to negotiate a Memorandum of Understanding between the City and the Ontario Realty Corporation (ORC) regarding the potential sale of a portion of the WTL to ORC for a proposed Provincial courthouse. Council also authorized the Director of Real Estate Services to sign and consent on behalf of the City to permit the ORC to make the relevant applications for planning and building approvals on the property it intended to purchase.

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-13524.pdf>

Pre-Application Consultation

As the WTL is not subdivided, nor is it adequately serviced by roads or other City infrastructure, the ORC, with City approval, undertook master planning work to delineate the site they needed to purchase and to determine the feasibility of constructing the courthouse in that location. Consultants were engaged to investigate how roads, parking, sewer and water services and storm water management could be provided to the whole WTL, based on the approved WDDI and Six Points Reconfiguration recommendations. This work was closely reviewed, as it progressed over the past year, by a Working Group of representatives from all concerned City Divisions and Provincial Ministries.

Once it was determined that servicing the proposed ORC site, as well as the rest of the WTL, was feasible, the consultants' work concentrated on the detailed design for the roads, parking and other servicing infrastructure that would be needed to allow the courthouse to go forward. This work is nearing completion.

ORC also engaged consultants to prepare Urban Design Guidelines for the WTL, to supplement those associated with the Etobicoke Center Zoning By-law and the Secondary Plan. The Guidelines will guide the development of the courthouse as well as any other developments proposed for the WTL.

On April 7, 2009, the Provincial Attorney General announced the Province's intention to build a new courthouse on the WTL to serve the west end of Toronto. He indicated that the Province intended to continue to work co-operatively with the City of Toronto to resolve any issues, obtain the necessary approvals and make the project a reality.

ISSUE BACKGROUND

Proposal

The Ontario Realty Corporation proposes to purchase a parcel of City-owned land of approximately 1.8 ha. on the south side of Bloor Street West. (Attachment 1) The site is south of the future alignment of Dundas Street West, as shown in the approved Six Points Reconfiguration Environmental Assessment Study.

A new Provincial courthouse is proposed for the site, to replace and consolidate existing but inadequate facilities elsewhere in the western part of the City. The courthouse would front onto the realigned Dundas Street West and its public entrance would be situated there. Due to security requirements, the building would be set back from adjacent public roads, providing a wider than usual boulevard and forecourt. In the concepts presented by the applicant, the building would have 8 storeys and a Gross Floor Area (GFA) of approximately 40,000 square metres. (Attachment 3)

A publicly accessible, privately owned open space at the north end of the site, which would function as a courthouse square, is part of the proposal. (Attachment 4) A portion of the existing Toronto Police Services 22 Division staff parking lot would be required to provide land for the courthouse square.

ORC has also requested that it be given the option to purchase a portion (0.38 hectares) of the property currently occupied by the 22 Division on Bloor Street West at the intersection of Resurrection Road, should that facility be moved. (Attachment 1) This land would be used for a possible expansion of the courthouse in the future.

The applicant indicates that 512 parking spaces would be required to serve the needs of employees and the public using the courthouse. Of this amount, some judiciary and employee parking (52 spaces) would be provided in underground parking on the site. Access for parking and service vehicles would be at the south-west corner of the property, from the proposed street running south from the realigned Dundas Street West along the west side of the site. This road (Street A) would connect with the proposed extension of St. Alban's Road (shown as Street B) (Attachment 1).

The balance of the required parking (450 spaces) would not be provided on site due to the courthouse's security restrictions. It is proposed to be provided in a Toronto Parking Authority (TPA) garage to be built under the realigned Dundas Street West. Ramps for this garage would be accessed from the extension of Street A north and south of Dundas Street West.

As part of this proposal, the applicant would undertake the construction of the realigned Dundas Street West from Bloor Street West to Kipling Avenue; the extension of St. Alban's Road easterly from its current terminus at Kipling Avenue to the site; and Street A from the extension of St. Alban's Road to north of the new Dundas Street West, to provide access to the parking garage ramps (Attachment 1); plus all associated infrastructure, including City utilities. This would be the first phase of the reconfiguration of the Six Points Interchange. It is probable that the applicant would also build the TPA parking lot under Dundas Street West.

The cost of these works, including the necessary design and engineering work, will be part of an agreement with the City whereby future developers of other parcels of land in the WTL served by this infrastructure will reimburse ORC for a proportionate share of these costs.

If the courthouse is constructed, it is proposed to be designed and constructed by a private third party through a proposal call. The Provincial agencies involved (ORC, Infrastructure Ontario and the Ministry of the Attorney General) have agreed to closely involve the City in the preparation of the Request for Proposals. This would ensure that the planning policies and guidelines developed for the Etobicoke Centre, the WTL and the courthouse site are reflected in the bidding process. This project will also be taken before the City's Design Review Panel.

Site and Surrounding Area

The site is an irregularly shaped part of the WTL. It slopes down from the ramps of the Six Points interchange on the north side to the TTC subway on the south. The land is vacant, except for the former Westwood Theatre building, which is leased by the City to commercial tenants. This building would be demolished. A temporary TTC commuter parking lot is also situated on a portion of the site. (Attachment 2)

Portions of the site were previously used by the City as a snow dump. The applicant is conducting environmental testing to determine whether any soil or ground water contamination is present.

The land uses in the surrounding area are:

North: The site is bordered by Bloor Street West and the Six Points Interchange. Across Bloor Street West low and high-rise residential uses predominate, including a place of worship.

South: The TTC Bloor-Danforth subway line is at grade at this location. To the south of the subway tracks is a Canadian Pacific Railway corridor. Located across these rail uses is an industrial area. Between the courthouse site and the subway corridor a 12 to 15 metre strip of land would be retained in City ownership to accommodate a bioswale for stormwater management purposes and a new sanitary sewer.

East: Toronto Police 22 Division abuts the property on the east.

West: The land between the site and Kipling Avenue is vacant, except for the former Westwood Theatre building. The Kipling Subway Station and a high-rise residential development are on the west side of Kipling Avenue.

A new “East Entrance” to the Kipling Subway Station is under construction. The pedestrian access will be on St. Alban’s Road at Kipling Avenue (under the overpass). It will provide a more convenient access to the WTL and courthouse for those traveling by TTC.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Province’s regional transportation agency, Metrolinx, has designated the Etobicoke Centre as a Mobility Hub in its Regional Transportation Plan. This is due, in part, to the presence, just west of the WTL, of a TTC subway terminus, GO train station, significant TTC bus terminal and the proposed interregional bus terminal serving Mississauga Transit and GO buses. The site is within the Etobicoke Centre, which is a designated Urban Growth Centre in the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS, conformity with the Growth Plan for the Greater Golden Horseshoe and will comment on how it supports the Mobility Hub concept.

Official Plan

The subject lands are identified as a *Centre* on Map 2, the City's Urban Structure Map.

The subject lands are designated as *Mixed Use Area 'A'* within the Etobicoke Centre Secondary Plan, which provides for residential, commercial and institutional uses, or a mix thereof.

Map 9, Natural Heritage, shows part of the natural heritage system near the proposed courthouse site. The Official Plan requires that all development in or near the natural heritage system be evaluated to assess the development's impact on the natural heritage system and identify measures to mitigate negative impacts on and/or improve the natural heritage system. In addition, the development will be evaluated against all other relevant policies within the Official Plan and Secondary Plan.

Zoning

The site is zoned (H)EC2 by Zoning By-law 1088-2002, which is the Etobicoke Centre Zoning By-law. The Etobicoke Centre 2 zone permits selected residential, commercial and institutional uses. The "H" Holding Symbol prevents the development of the property until Council is satisfied that plans and executed development agreements are in place to secure the provision of necessary municipal works.

By-law 1088-2002 imposes a height limit of 72 metres and maximum density of 3.5 FSI. Development standards are in place regarding setbacks, build-to areas, floor plate sizes, lot frontage, landscaped open space, bicycle and motor vehicle parking, and pedestrian entrances and exits.

Site Plan Control

The project is subject to Site Plan Control. An application for Site Plan Approval is expected to be submitted towards the end of 2009. When the application is submitted, staff will review in detail such matters as grading, storm water management, landscaping, boulevard and median design, outdoor amenity space, building design and access.

Reasons for the Application

Provincial government uses are not a permitted use in the EC2 zone.

In addition, the proposal does not meet the development standards imposed by By-law 1088-2002 and the Etobicoke Zoning Code as follows:

Development Standard	Deficiency
Floor Plate Size	Due to the irregular configuration of the lot and the nature of the building, the upper floors would be larger than 825 m ² maximum floor plate size
Front and Side Yard Setbacks	For security reasons, the building would exceed the maximum 3 metre setback at grade
Minimum Height	Podium would be one storey, by-law requires a

	minimum of two storeys
Parking	Developments are required to provide parking on-site. For security reasons, most parking would be off-site
Build-to Areas	For security reasons, no part of the building would be built to the Build-to Area, whereas 60% is required by the by-law
Public Pedestrian Entrances and Exits	The by-law requires a public access on all building faces within 20 metres of a public road allowance. For security reasons, only one public entrance would be provided to the building. No entrance or exit would be provided from Street A

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

An Arborist's report was submitted which indicates that a number of trees covered by the Private Tree By-law would be destroyed. This aspect of the development would be dealt with according to City policy at the Site Plan approval stage.

A Stage 1&2 Archaeological Assessment was submitted which concluded that no archaeological resources are present.

A Parking Demand Study was submitted in support of the number of parking spaces to be provided.

A Notification of Complete Application was issued on May 12, 2009.

Issues to be Resolved

Use, Development Standards and Urban Design

Provincial government uses are not permitted by Zoning By-law 1088-2002. Staff will review the Etobicoke Centre Secondary Plan, Zoning By-law and the WDDI to determine whether these uses, and specifically a Provincial courthouse use, are consistent with the directions outlined in these documents and are appropriate for the use of the land.

In addition, although the massing concepts included in the application (Attachment 3) are conceptual, if a courthouse is built at this location, it is clear that it would not meet the development standards specified in the Zoning By-law for setbacks, access, floor plate size, minimum heights and build-to areas. Some of these areas of non-conformity are a function of the programmatic needs of a courthouse building, while others relate to security considerations. Staff will review how the requested amendments support the built-form envisaged by Council for the Etobicoke Centre and the WTL.

Approval of the proposed courthouse and sale of the required land to ORC would involve changes to the vision for the WTL shown in the WDDI report and the Six Points Reconfiguration Study. These revisions include the deletion of Street B (the continuation of St. Alban's Road) along the rail corridor and connecting to Bloor Street West at Resurrection Road, the deletion of one north-south connecting road between Street B and the reconfigured Dundas Street West and the shifting to the east of the remaining north-south road (Street A) (Attachment 1).

The effect of these changes is to create a two larger development parcels on the south side of Dundas Street West rather than the three provided in the approved vision. Staff will review the impact of this application on the WDDI and Six Points Reconfiguration Study.

In the event the courthouse is not constructed, or if it is demolished, the City may wish to purchase from ORC sufficient land to reinstate Street B. This would allow the City to provide additional development blocks should the proposed courthouse not be on the lands.

Parking

The parking demand specified in the application is proposed to be provided both on and off-site, which is contrary to the Zoning By-law. Staff will review the sufficiency of the rationale behind this proposed amendment and also comment on the measures being taken to ensure that the proposed off-site parking is available when the courthouse becomes operational.

City Planning and Transportation Services staff will also closely review the documentation provided by the applicant to support the proposed parking quantity requirements. Given the availability of many types of public transit, and the designation of the Etobicoke Centre as a Metrolinx Mobility Hub, staff will make recommendations on the appropriate amount and form of parking to be provided by this applicant. These provisions will be included in the recommended Zoning By-law.

Density

The proposed courthouse development would have a FSI of approximately 2.23, which is less than the permitted maximum of 3.5. The Etobicoke Centre is an Urban Growth Centre in the Growth Plan for the Greater Golden Horseshoe and as such, is expected to support a relatively high density of development.

As noted above, staff will review the proposal for conformity to the Growth Plan. Staff will also comment on whether and how the density that may not be realized on the courthouse site can be accommodated elsewhere on the WTL while still respecting Council's vision for this area.

Toronto Green Standard

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, adopted by City Council in July 2006.

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

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Location Plan

Attachment 2: Aerial Photo of Existing Site

Attachment 3: Alternative Concepts

Attachment 4: Potential Context Plan

Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 1: Location Plan

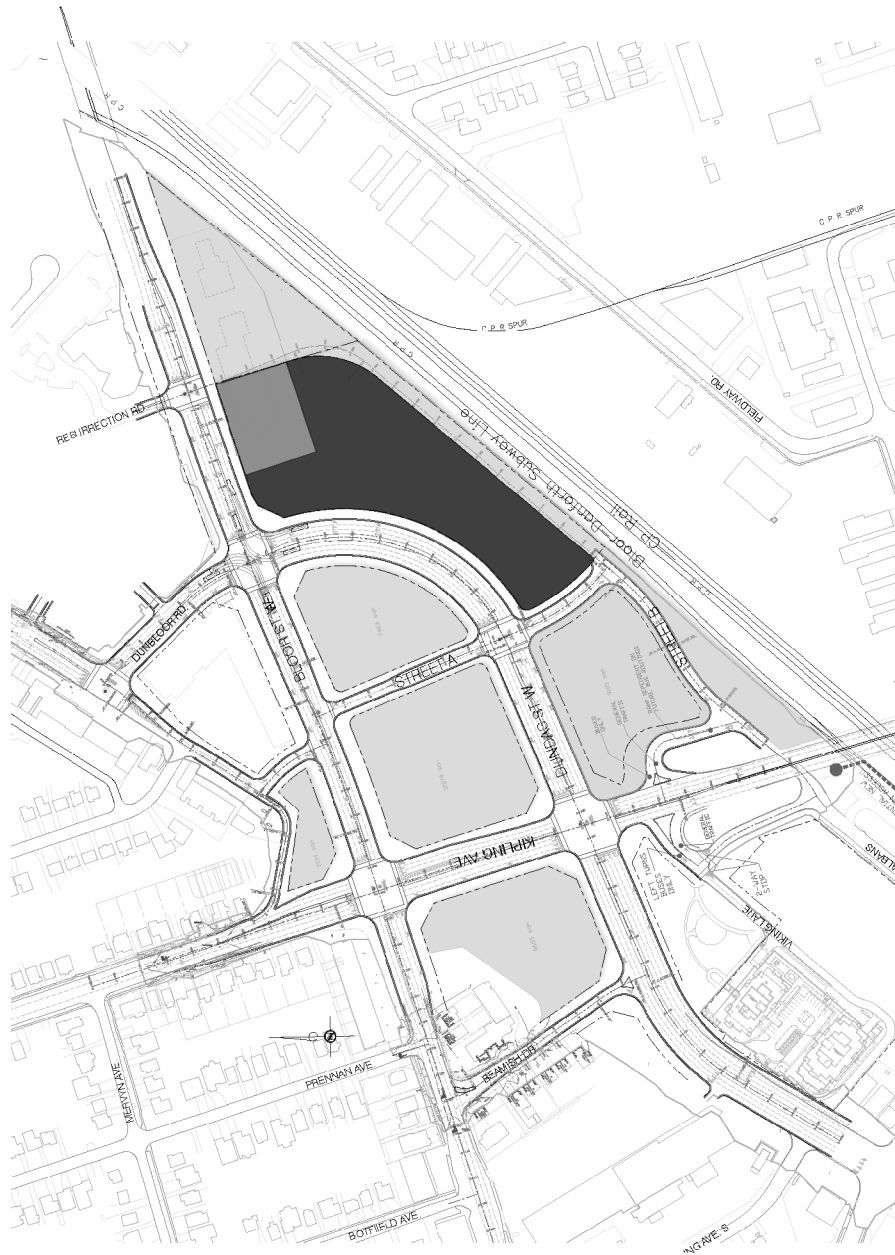


Figure 2: Subject Site within reconfigured road network "Courthouse Site" in Red and "Police Site" in Blue

Toronto West Courthouse Planning Rationale

Context Plan

Applicant's Submitted Drawing

Not to Scale
06/18/09



**3699, 3741-3751 Bloor Street West
and 925 Kipling Avenue**

File # 09_130996

Attachment 2: Aerial Photo of Existing Site



3699, 3741-3751 Bloor Street West
and 925 Kipling Avenue
File # 09_130996

Aerial Photo
Applicant's Submitted Drawing
Not to Scale
05/18/08



Attachment 3: Alternative Concepts

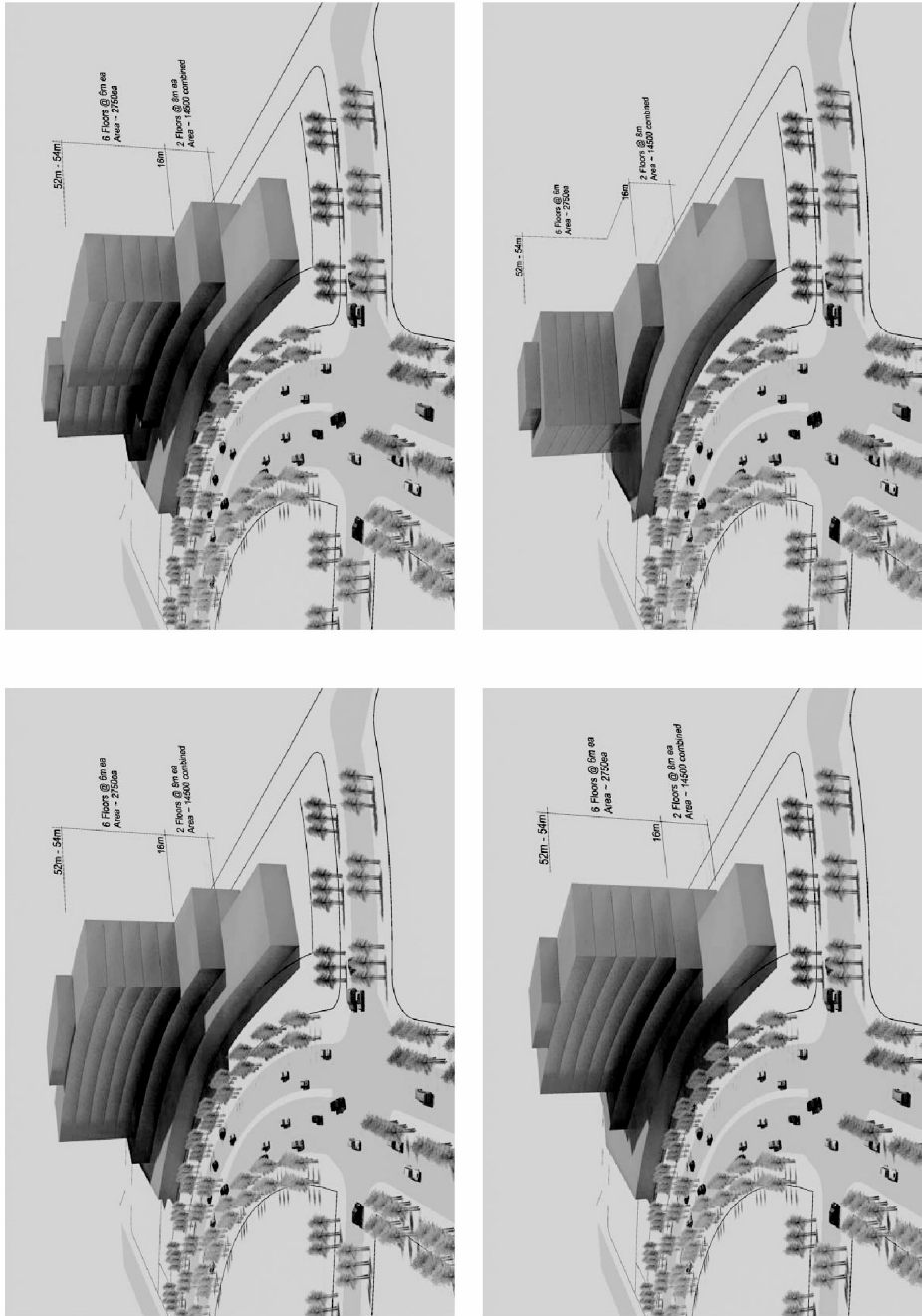


Figure 11: Initial TWC Massing Concepts – final design to be developed by Infrastructure Ontario

Toronto West Courthouse Planning Rationale

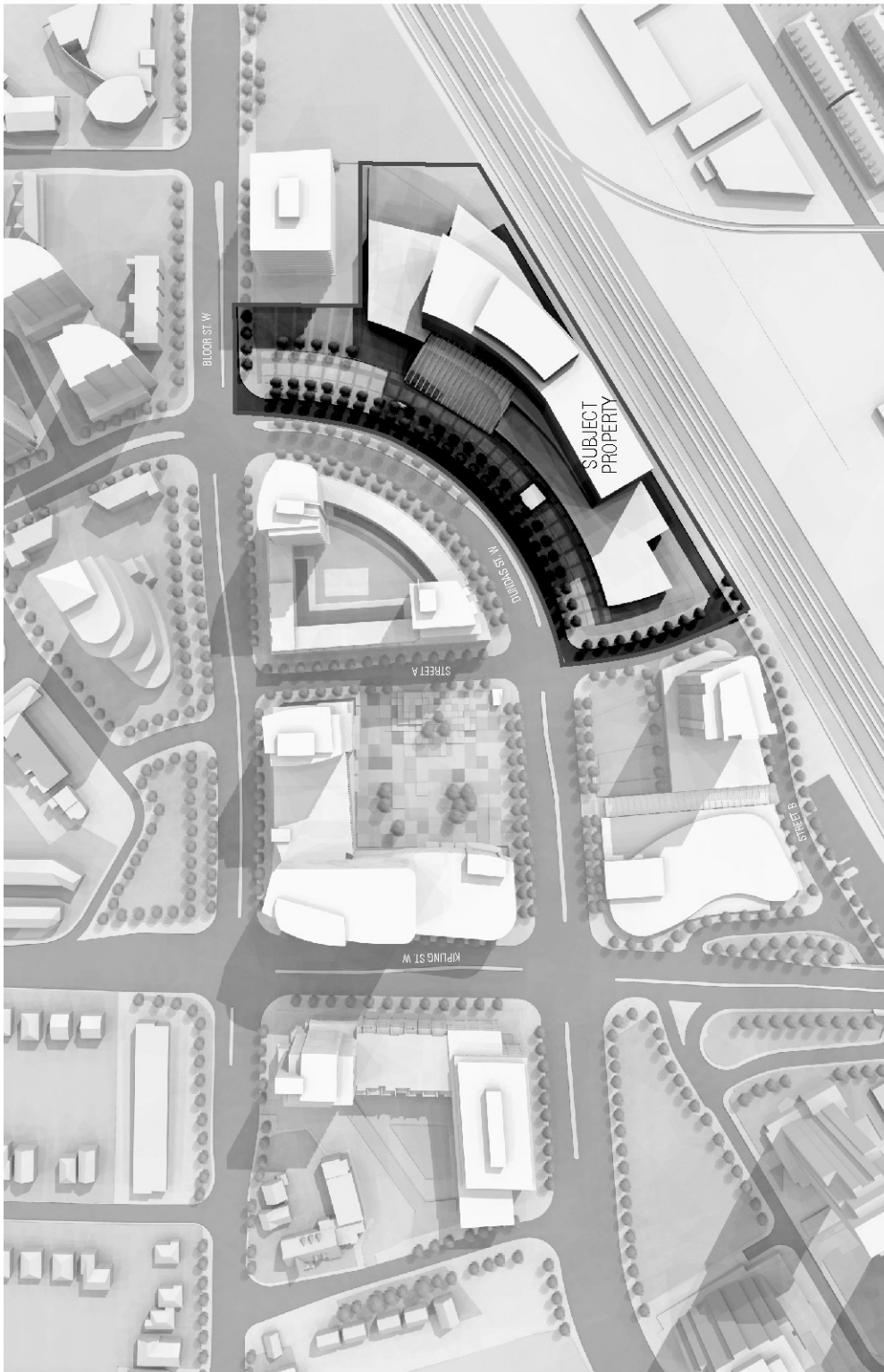
Elevations

Applicant's Submitted Drawing

3699, 3741-3751 Bloor Street West and 925 Kipling Avenue

Not to Scale
05/18/09
File # 09_130996

Attachment 4: Potential Context Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
05/18/09

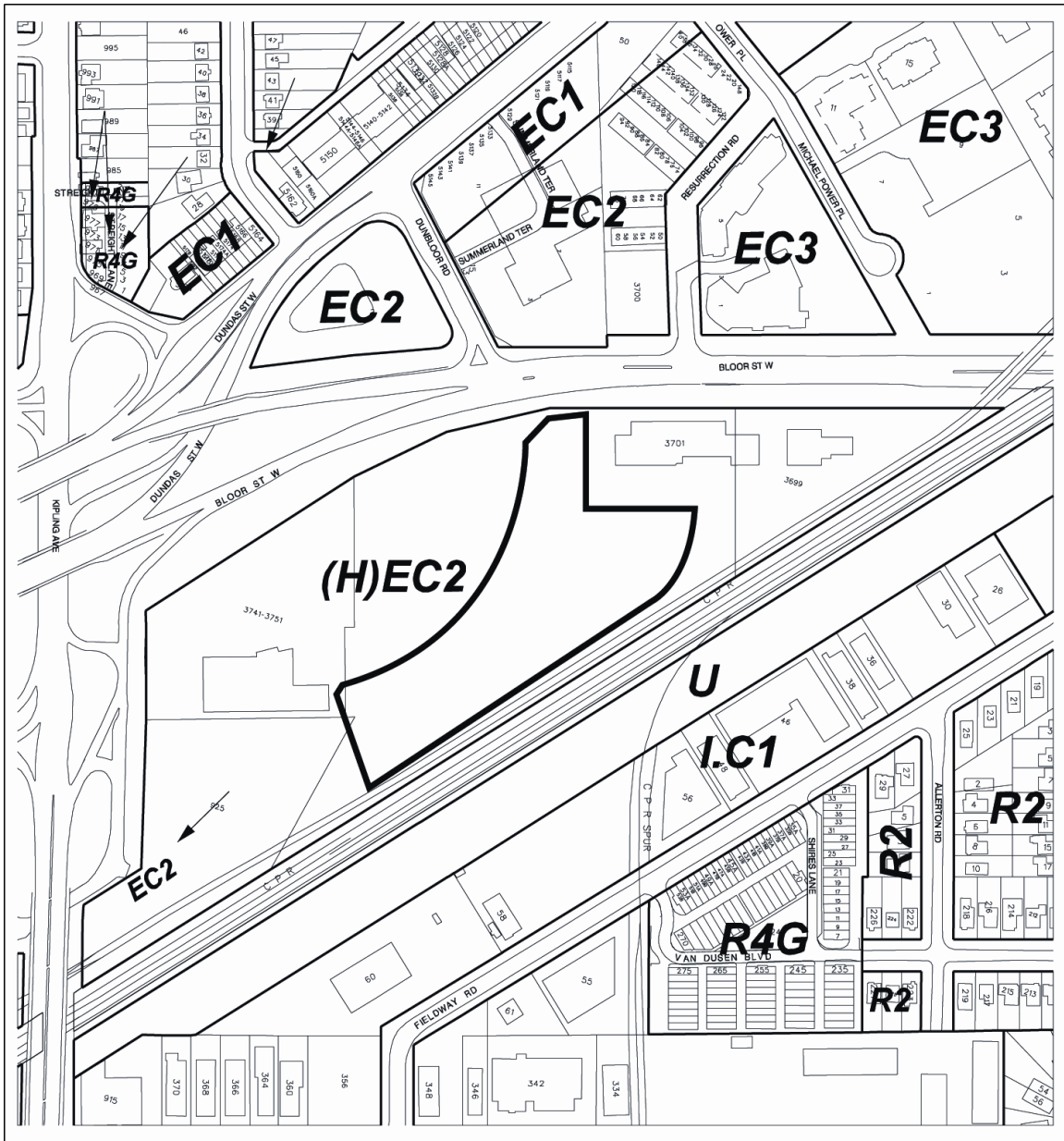


Note: All Buildings Shown on WTL are Conceptual

**3699, 3741-3751 Bloor Street West
and 925 Kipling Avenue**

File # 09_130996

Attachment 5: Zoning



**3699, 3741-3751 Bloor Street West
and 975 Kipling Avenue**
File # 09_130996

- | | |
|-------------------------------|----------------------------|
| R2 Residential Second Density | EC2 Etobicoke Centre Two |
| I.C1 Industrial Class 1 | EC3 Etobicoke Centre Three |
| EC1 Etobicoke Centre One | (H) Holding District |



Not to Scale
Zoning By-law 11,737 as amended
Extracted 05/18/09 - RAZ

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	09 130996 WET 05 OZ
Details	Rezoning, Standard	Application Date:	April 28, 2009

Municipal Address: 3699, 3741-3751 BLOOR ST W and 925 KIPLING AVENUE
 Location Description: PL M1 PT LT15 **GRID W0502
 Project Description: Proposed amendments to By-law 1088-2202 (Etobicoke Centre) to permit a courthouse and ancillary uses and to amend some development standards relating to the courthouse use.

Applicant:	Agent:	Architect:	Owner:
URBAN STRATEGIES INC			CITY OF TORONTO

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	H(EC2)	Historical Status:	None
Height Limit (m):	72 m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	17989	Height:	Storeys:	8
Frontage (m):	243		Metres:	54
Depth (m):	0			
Total Ground Floor Area (sq. m):	40175			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	512
Total Non-Residential GFA (sq. m):	40175		Loading Docks	0
Total GFA (sq. m):	40175			
Lot Coverage Ratio (%):	69			
Floor Space Index:	2.2			

DWELLING UNITS

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

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	40175	0

CONTACT:	PLANNER NAME:	Brian Gallagher, Senior Planner
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