

**3699, 3741-3751 Bloor Street West and 925 Kipling Avenue Rezoning Application – Final Report**

<b>Date:</b>	September 24, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	09 130996 WET 05 OZ

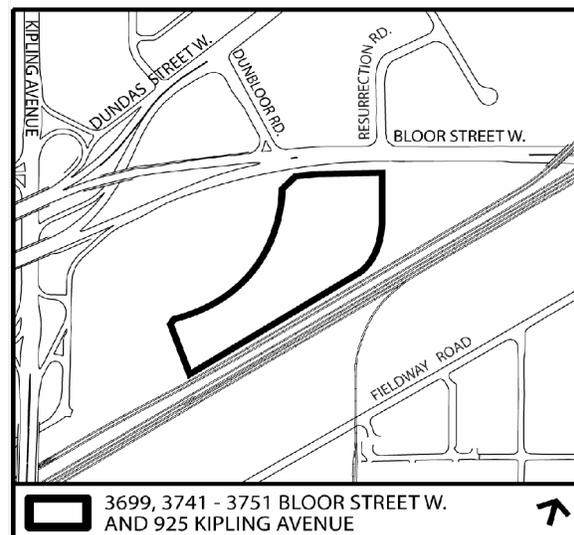
**SUMMARY**

This application was made on April 28, 2009 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to amend the Etobicoke Centre Zoning By-law (1088-2002) to permit a Provincial Courthouse and ancillary uses at 3699 and 3741-3751 Bloor Street West and 925 Kipling Avenue (the Westwood Theatre Lands). The application also proposes to provide relief from some development standards in the By-law to accommodate building massing, siting and parking requirements resulting from the security and operational needs of a Provincial Courthouse.

The proposed Provincial Courthouse could act as a catalyst to achieve Council’s vision for a vibrant, functional Etobicoke Centre. It would be the first development on the Westwood Theatre Lands. Significant road and servicing infrastructure would be built as part of this development. The number of people employed in the facility would help to balance the growth in residential construction in the Centre.

This report reviews and recommends approval of the application to amend the Zoning By-law.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 1088-2002 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

### **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](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 (WTL) and the existing Etobicoke Civic Centre Complex.

For the WTL, the WDDI envisions a mixed-use centre which may include a new West District (i.e. Etobicoke York) Service Centre. The study called for a built form which would result in 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>

City Council, at its meeting of August 6, 2009, enacted an Official Plan Amendment to add the principal roads identified by the EA to the relevant sections of the Official Plan.

<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-21279.pdf>

The reconfiguration will help make Etobicoke Centre a more urban, pedestrian and transit-oriented and bike friendly place. It 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>

## **ISSUE BACKGROUND**

### **Proposal**

On behalf of the Ontario Ministry of the Attorney General, 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.

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 pedestrian 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 6)

A publicly accessible, Provincially-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. Negotiations are underway to secure this piece of land and to relocate the displaced police station parking.

ORC has also requested that it be given the option to purchase an additional portion (0.38 hectares) of the property currently occupied by 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 recommended Zoning By-law amendment includes the area of this potential future expansion.

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 the construction of a new street, 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.

This infrastructure is necessary for the development of the WTL. The cost of these works, including the necessary design and engineering work, will be part of an agreement with the City.

The applicant's studies indicates that 450 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 would be provided in underground parking on the site. Access for this 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 rest of the required parking cannot be provided under the Courthouse due to security restrictions. It would be provided nearby, as detailed under Parking below.

### **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 to the TTC subway tracks 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)

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 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. This pedestrian access will be on St. Alban’s Road under the Kipling Avenue overpass. It will provide a more convenient access to and from 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. The site is within the Etobicoke Centre, which is a designated Urban Growth Centre in the Growth Plan for the Greater Golden Horseshoe. City Council’s planning decisions are required by the Planning Act to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The 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. Mobility Hubs are seen as places of connectivity within an urban setting, where different modes of transit come together seamlessly and nearby intense employment and residential uses are promoted.

## **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.

## Zoning

The site is zoned (H)EC2 (Etobicoke Centre 2) by Zoning By-law 1088-2002, which is the Etobicoke Centre Zoning By-law. The EC2 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 to service the parcel.

The lifting of the “H” is not being proposed at this time. This is the subject of a separate application and will be reported on in another staff report once related development agreements are finalized.

By-law 1088-2002 imposes a height limit of 72 metres and maximum density of 3.5 FSI.

## Site Plan Control

The project is subject to Site Plan Control. An application for Site Plan Approval has not been submitted but is expected by 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 Application

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

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

<b>Development Standard</b>	<b>Deficiency</b>
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 <sup>2</sup> maximum floor plate size. Initial concepts include some floor plates above the podium of up to 3,900 m <sup>2</sup>
Front and Side Yard Setbacks	Provincial security considerations require a minimum 15 metre setback from any public areas accessible to vehicles, which exceeds the permitted maximum 3 metre setback at grade
Minimum Height	The podium would be one storey. The by-law requires a minimum of two storeys

Parking	Developments are required to provide parking on-site. For security reasons, some parking would be off-site (see Parking below). Also, the by-law does not specify a parking requirement for a Provincial Courthouse
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 or the Courthouse Square

Staff recommend that the Provincial Courthouse and ancillary uses be added to the permitted uses on the site. The amended development standards in the table above would only be applicable to the development of a Courthouse, and would not apply to any other use that may be made of the site should the Courthouse proposal not proceed.

### **Community Consultation**

At Council’s direction, a Community Consultation Meeting was held on September 10, 2009. Notice of the meeting was sent to an expanded notification area. Approximately 30 members of the public attended. After a presentation by the applicant, the discussion was comprised mainly of clarifications, including timing, massing and parking. There were also general questions about the Six Points Interchange reconfiguration. No opposition or reservations about the proposed Provincial Courthouse were expressed by anyone at the meeting. One written comment received after the meeting suggested that only non-residential uses be permitted near the Courthouse, for security reasons.

The applicant also held meetings with the Boards of local condominium corporations to review the proposal and answer questions. Several letters were received by the applicant as a result of these meetings as well as two sent directly to Planning staff. These letters were generally supportive of the proposal, in one case because the proposal was consistent with the vision identified in the WDDI and Six Points Reconfiguration Study and this project could be a catalyst for the redevelopment of the WTL.

### **Agency Circulation**

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

## **COMMENTS**

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

The proposal is consistent with the PPS. It supports the policy objective of focusing growth in designated, existing growth areas (intensification). The development is located in a Mixed Use area and in a Mobility Hub that is well served by public transit, thereby promoting efficient land use and supporting the balance of and linkage between jobs and residential areas. It brings an essential public service (i.e. the administration of justice) to a location that is transit and pedestrian-oriented.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan identifies Etobicoke Centre as an Urban Growth Centre, which can support intensification, as does the Official Plan. By locating the Provincial Courthouse in the Etobicoke Centre, the proposed development would support intensification in an existing urban area and would reduce the need to convert rural land to urban uses. The proposal's compact and efficient form would help to optimize the utilization of existing services and infrastructure and transit. It would also help provide a compatible mix of employment and residential uses in the Etobicoke Centre.

### **Land Use**

#### **Etobicoke Centre Secondary Plan**

The proposed Provincial Courthouse is in the Etobicoke Centre. The Etobicoke Centre Secondary Plan calls for a vibrant mix of employment and housing uses which will present opportunities for residents to walk or use public transit to get to work, thereby reducing auto dependency. The City is to actively promote Etobicoke Centre as a hub of cultural, social, administrative, institutional and recreation uses for the western part of Toronto.

Specifically, the WTL, within the Etobicoke Centre, are to form a focus for the Centre, becoming a hub of community activity including potential recreational, cultural, government administration and institutional uses. The Plan states that City lands, including the WTL, can be used to advance the goals of the Plan and leverage other public and private reinvestment.

Facilities such as a Provincial Courthouse are clearly among those contemplated by the Secondary Plan, with the WTL specifically mentioned as an appropriate location.

#### **Etobicoke Centre Zoning By-law 1088-2002**

The Secondary Plan specifies that zoning provisions for the Etobicoke Centre will provide for a wide range of local retail and service uses to further both employment and shopping opportunities in the area. The EC2 zone, which governs land use on the proposed Provincial Courthouse site, does permit a variety of non-residential uses,

including administrative/business/professional offices; community centres; places of worship; elementary schools, secondary schools; commercial schools; convention centres, hospitals, museums, and municipal uses. However, provincial uses or courthouses are not specifically included.

Staff advise that a courthouse is consistent with other uses permitted in this zone. For example, a municipal courthouse such as that operating in the former City of York Municipal Building would be permitted under the municipal uses category. Amending By-law 1088-2002 to permit a Provincial Courthouse is appropriate for the use of the land and consistent with the direction provided in the Secondary Plan.

### **Density, Height, Massing**

The Etobicoke Centre Secondary Plan specifies that public buildings will be located and designed to promote their status on prominent, visible and accessible sites, including street intersections. Open space associated with public buildings will be designed to enhance the quality setting for the building and support a variety of public functions associated with its program.

The proposed Provincial Courthouse would meet these objectives. It is to be designed to reflect the significance of its function in the community and is expected by the Ministry of the Attorney General to function into the next century. Few buildings constructed today are meant to function and remain architecturally pleasing for 100 years. It would accomplish these aims while still respecting the City's desire for a pedestrian-friendly, transit-oriented area that is animated, diverse and safe.

If the Courthouse is constructed, it and the related infrastructure are 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 Council's planning policies and Council-adopted Guidelines pertaining to the Etobicoke Centre, the WTL and the Courthouse site are reflected in the bidding process.

This project will be taken before the City's Design Review Panel in two stages. In the first stage (October 22, 2009), the Urban Design Guidelines prepared by the applicant to guide development in the WTL will be reviewed. These Guidelines are essentially a refinement of the WDDI report. In the second stage (2010), the design and site plan of the Provincial Courthouse itself, as developed by the successful bidder in consultation with City staff, would be reviewed.

### **Massing**

The Courthouse proposal does not meet some of the development standards specified in the Zoning By-law for setbacks, access, floor plate size, minimum heights and build-to areas (as listed in the table above). Some of these areas of non-conformity are a function of the programmatic needs of a courthouse building, while others relate to security considerations. The development standards currently in the By-law are reflective of the

type of development which was envisaged by the WDDI – taller, more slender towers containing residential and/or commercial/municipal office uses.

These standards are still appropriate for the type of development expected on the other development blocks in the WTL. However, as noted above, the courthouse use is consistent with the policy direction provided by the Etobicoke Centre Secondary Plan and was not anticipated in the Zoning By-law. Therefore it is reasonable to provide site-specific zoning standards for the Courthouse site.

The site-specific Zoning By-law referenced in this report will include revised development standards that will permit a building with a massing, siting and configuration along the lines illustrated in Attachment 3. The objective of the By-law is to maintain the City's objectives for a beautiful, iconic pedestrian and street-oriented structure without unduly compromising the built form dictated by the function of the building.

### **Density and Height**

In its current concept, the proposed courthouse development would have a FSI of approximately 2.23, which is less than the permitted maximum of 3.5. Its height would be approximately 54 metres, whereas the Zoning By-law permits 72 metres.

Normally, height and density below that permitted by the Zoning By-law would not be the subject of a report by Planning staff to Council. However, 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. The Growth Plan expects the Etobicoke Centre to support a density, on average, of 400 jobs or residents per hectare. Permitting development below the maximum density could compromise the ability of the Centre to achieve its target populations. The Provincial Courthouse is expected to employ approximately 465 persons, which would give a density of 260 jobs per hectare.

Planning staff continue to monitor the ability of the Etobicoke Centre as a whole to reach the required densities. Preliminary work carried out in the review of this application indicates that it may be possible, while still respecting the Urban Design Guidelines and policies expressed in the Secondary Plan, to develop other parcels in the WTL at a density higher than currently permitted, should Council agree. Planning staff advise that it should be possible to make up the underdevelopment of the site on other sites in the WTL and the Centre.

### **Sun, Shadow, Wind**

The Provincial Courthouse building is proposed to be significantly set back from the City's streets due to security requirements. It would also be lower than the maximum height permitted by the Zoning By-law.

The design of the building should be sufficiently advanced to permit accurate shadow diagrams and wind and noise studies at the Site Plan Approval stage. Planning staff will

evaluate the impacts and require measures to mitigate any adverse effects prior to granting Site Plan Approval.

## **West District Design Initiative**

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 the easterly portion 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 of the two north-south connecting roads between Street B and the reconfigured Dundas Street West; and the shifting to the east of the remaining north-south road (Street A) and its continuation through to Bloor Street West. (Attachment 1). The effect of these changes is to create two larger development parcels on the south side of Dundas Street West rather than the three provided in the approved WDDI version.

The WDDI development vision was based on construction of taller, more slender towers that would be typical of residential or mixed-use buildings. The Provincial Courthouse, due to its operational requirements, would have a shorter, broader built form. A different road configuration would be required to accommodate this form. Some roads envisioned in the WDDI would no longer be needed to provide access if the proposed Courthouse is constructed. It is staff's opinion that these changes in the structure of the road network do not detract from the vision identified in the WDDI for the WTL.

The vision endorsed by Council of 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 with taller buildings placed at strategic locations is maintained. The proposed development will not limit the ability to develop the balance of the WTL as envisaged in the WDDI.

In the event ORC purchases the land for the Courthouse but it is not constructed, or if it is demolished, the City may wish to purchase sufficient land from ORC to reinstate Street B along the back of the Courthouse property. This would allow the City to provide access to additional development blocks should the proposed Courthouse not be on the lands. If the land is not purchased, the proposed rearrangement of the streets identified in this report would likely not be pursued, as it is specific to the Courthouse.

## **Traffic Impact, Access, Parking**

### **Traffic**

The new road and pedestrian facilities that would be built as part of this development are consistent with the Six Points Reconfiguration Environmental Assessment (EA), which has been approved by Council. This EA included a thorough evaluation of traffic volumes and patterns at the reconfigured Six Points as well as the surrounding network.

The applicant has provided a Traffic Impact Statement which analyzes the impact of the changes in road patterns and traffic volumes associated with this development (see

WDDI above). This report is being reviewed by Planning and Technical Services staff. Any concerns arising from this review will be addressed in the final version of the road network which will be the subject of the development agreements necessary before Council may remove the “H” Holding Symbol.

### **Access**

Vehicular access to the Courthouse would be at the corner of Street A and Street B. (Attachment 4) Pedestrians would enter and leave the Courthouse through a security checkpoint on Dundas Street. This would be the only access or egress point for pedestrians. To make the façade of the building more pedestrian-friendly, a canopied walkway would be provided along the Dundas Street wall of the building and an enclosed atrium would give pedestrians protection from the weather at the entrance.

A lay-by for the use of those dropping off and picking up passengers and Wheel Trans vehicles would be provided on Street A. This function would also occur on Dundas Street West, at the Courthouse entrance, during off-peak hours.

### **Parking Demand**

The applicant has supplied a “Parking Supply Considerations” report. The report predicts the expected parking demand stemming from the Provincial Courthouse by analyzing the actual parking usage at the current Provincial Court facility at 2201 Finch Avenue West, which the proposed Courthouse will replace, and extrapolating these numbers to take into account the larger size of the proposed building. It also reviews current parking requirement in current City of Toronto zoning by-laws and experience elsewhere.

The former Etobicoke Zoning Code, which would otherwise apply to this project, would require 140 parking spaces for employees and visitors for a Provincial government building of this size. There are no standards specifically for courthouses. The former City of Toronto Zoning By-law would require between 400 and 520 spaces. The York Region Courthouse (in Newmarket), which is approximately the same size, has an observed demand of 700 spaces.

Actual demand for parking on the busiest day (Monday) at the existing facility on Finch Avenue West, extrapolated to reflect the increased activity expected at the proposed Provincial Courthouse, is 675 spaces. Almost all of the staff and visitors at the existing facility arrive by automobile. The existing Courthouse is not served by rapid transit.

The applicant has proposed a parking supply that reflects the close proximity of rapid transit service within convenient walking distance of the Courthouse (Kipling Subway and GO Rail stations) as well as the planned Kipling interregional bus terminal which will serve both Mississauga Transit and GO Transit buses. Etobicoke Centre is a designated Metrolinx Mobility Hub, which calls for the emphasis in transportation facilities to be on transit, bicycles and walking. A new east entrance to the Kipling Subway Station is currently under construction which will provide convenient pedestrian access to the WTL. The applicant's assumed transit modal share for Courthouse

employees is consistent with observed travel behaviour characteristics of employees working in the vicinity of the Islington Subway Station.

The applicant has identified a requirement of 450 parking spaces of which 180 would be required for publicly accessible visitor parking. Staff concurs with this conclusion.

At the courts' current location, parking for staff and visitors is free. At the proposed site, many users would be required to pay for parking. In addition, parking would be available for 50 vehicles (not counted as part of the required 450 spaces) in the curb lanes of Dundas Street West until the Six Points reconfiguration is complete and the new Dundas Street West is connected at both ends to the existing Dundas Street West. These two factors may help Courthouse staff and visitors to make the transition from the current to the desired transit modal share.

### **Parking Location**

The Etobicoke Centre Secondary Plan provides that parking, access and automobile drop-offs must be designed in a manner that does not interfere with the continuity of the interface between the building and the street. It requires underground parking where appropriate and permits above-grade, including surface, parking only where it is not physically possible to construct underground parking.

The parking requirement recommended in the study (450 spaces) would be available at the time the Courthouse opens. At least 180 of the spaces would have to be located in publicly accessible facilities, to serve visitors to the Courthouse.

The applicant proposes to provide some parking spaces for judges and senior officials in underground parking on-site. This would be accessed from the intersection of Streets A and B. The rest of the required parking cannot be provided under the Provincial Courthouse due to security considerations. It is proposed to be provided off-site, which is contrary to the current Zoning By-law as the By-law requires each development to provide parking on its own site. The proposed site-specific Zoning By-law would allow the required parking facilities to be provided on or off-site, within an area bounded by Kipling Avenue, Dundas Street West, Dunbloor Road, Bloor Street West and the TTC subway tracks. (Attachment 1)

In conformity with the Etobicoke Centre Secondary Plan, all parking associated with the Provincial Courthouse would have to be provided in underground facilities. If the underground parking that would be provided at the time the Courthouse opens does not supply 450 spaces, the proposed site-specific By-law would allow temporary surface parking on any undeveloped site(s) in the area bounded by Kipling Avenue, Dundas Street West, Dunbloor Road, Bloor Street West and the TTC subway tracks. (Attachment 1). Such temporary surface parking would be operational until it is replaced by an equivalent number of underground parking spaces. Any temporary surface parking would be constructed by the applicant in conformity with the Design Guidelines for Greening Surface Parking Lots.

Staff will work with the applicant to formulate a process which will ensure that any temporary surface parking is ultimately replaced by underground parking serving the needs of the Courthouse. These arrangements will form part of the recommendations to Council when staff reports on the application to remove the “H” Holding Symbol from the lands.

## **Servicing**

As part of the project, the applicant proposes to build all of the road, parking, water, waste water, wet weather and any other necessary infrastructure required to service the Provincial Courthouse. Technical Services staff advise that servicing capacity is available for the Provincial Courthouse.

As mentioned above, the zoning on the property includes an “H” Holding Symbol which prevents development from proceeding until Council is satisfied that development agreements are in place to guarantee the construction of the necessary infrastructure.

## **Community Facilities**

In September, 2006, Council approved the Etobicoke Centre Community Services Implementation Strategy. This plan was prepared to help address deficiencies identified by the Etobicoke Centre Secondary Plan, specifically the need for, among other things, new licensed, non-profit child care facilities and additional recreation opportunities. In addition, when considering the results of the West District Design Initiative, Council directed staff to work with the YMCA on the development of a large-scale recreational facility on the WTL.

The roads and services that would be built as part of the Courthouse project would be a significant step towards opening the whole of the WTL for redevelopment. Specifically, these facilities would serve the development parcel between the Courthouse site and Kipling Avenue. The YMCA is interested in purchasing that parcel of land. The fact that servicing would be available if the Courthouse proceeds means that this health, fitness and recreational resource could be available to serve the needs of residents, workers and visitors in Etobicoke Centre and vicinity more quickly than would otherwise be expected.

Planning staff will continue to work with YMCA and other City staff to facilitate this project, including review of appropriate development scenarios that would help provide the YMCA with the resources needed to bring the project to fruition.

## **Economic Impact**

The proposed Provincial Courthouse would employ approximately 465 people. This would establish significant employment in the WTL and Etobicoke Centre and would help to balance the residential development occurring in the area. In addition, those who regularly attend the Courthouse, such as lawyers and paralegals, may find it convenient to set up offices close to the site, thereby employing others and improving the balance further. Retail and service uses that will cater to those using the Courthouse may also be prompted to locate nearby.

## **Open Space/Parkland**

Parks staff indicated that as the Courthouse is a Provincial institutional project, it is exempt from any parkland dedication requirements. However, the applicant proposes to provide a publicly accessible Courthouse Square at the south-east corner of Dundas Street West and Bloor Street West. This open space would provide an appropriate setting for the Provincial Courthouse. A smaller area to the west of the building (along Street A) is proposed for a “contemplative garden”.

The WDDI also provides for some of the City-owned land in close proximity to the site to be retained for public parks (Attachment 4).

## **Streetscape**

The applicant is preparing Urban Design Guidelines that are a refinement of the streetscape principles outlined in the WDDI. The emphasis is on a comfortable pedestrian environment and convenient access for pedestrians to transit. Special features identifying Etobicoke Centre (e.g. distinctive pavers) may be incorporated into the final streetscape designs.

The Dundas Street West median, boulevard and security setback in front of the Courthouse would provide opportunities for significant landscaping, including double rows of street trees. Security features would be incorporated into the street furniture and landscaping to provide the protection required by the Courthouse with minimal visual impact.

The applicant proposes to include public art in the project, most likely in the Courthouse Square.

## **Environment/Natural Heritage**

Some City-owned trees will be injured or destroyed as part of this project. Due to the conceptual nature of the plan, it is impractical to provide details on which trees may be affected at this time. An Arborist’s Report, landscaping plans and any application to remove or injure trees will be part of the Site Plan Approval process. Forestry staff have indicated their concurrence with this process.

Map 9 – Natural Heritage of the Official Plan shows an area of natural heritage to the west of the Provincial Courthouse site. The Official Plan calls for development near the natural heritage system to assess impacts and minimize adverse impacts. Planning staff advise that the proposed development will not have any negative impact on the nearby natural heritage area and that a Natural Heritage Impact Study is not required.

## **Toronto Green Standard**

During the final design of the project and the Site Plan Approval process staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, adopted by City Council in July 2006. The Ministry of the

Attorney General and Infrastructure Ontario are also committed to achieving a Leadership in Energy and Environmental Design (LEED) certification for this facility.

The applicant advises that it is considering the use of geo-thermal energy for heating and cooling the building.

### **Development Charges**

Applicability of the Development Charges By-law will be assessed once the project ownership details are confirmed.

The actual charge, if any, is assessed and collected upon issuance of the building permit.

### **CONTACT**

Brian Gallagher, Senior Planner

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E-mail: bgallau@toronto.ca

### **SIGNATURE**

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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 7: Draft Zoning By-law Amendment

# 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

**3699 Bloor Street West  
and 925 Kipling Avenue**

File # 09 130996

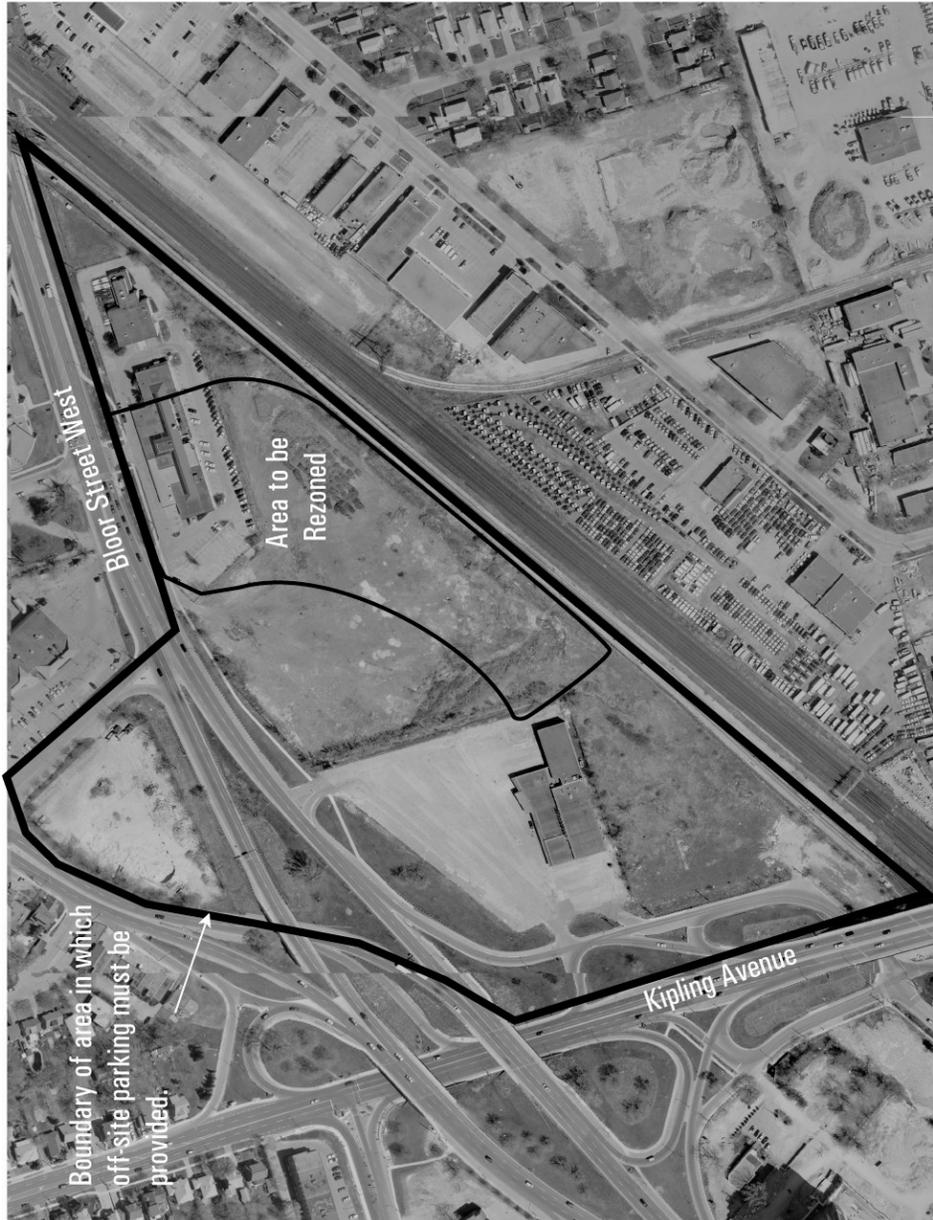
**Context Plan**

Applicant's Submitted Drawing

Not to Scale  
05/18/09



Attachment 2: Aerial Photo of Existing Site



3699 Bloor Street West  
and 925 Kipling Avenue

File # 09\_130996

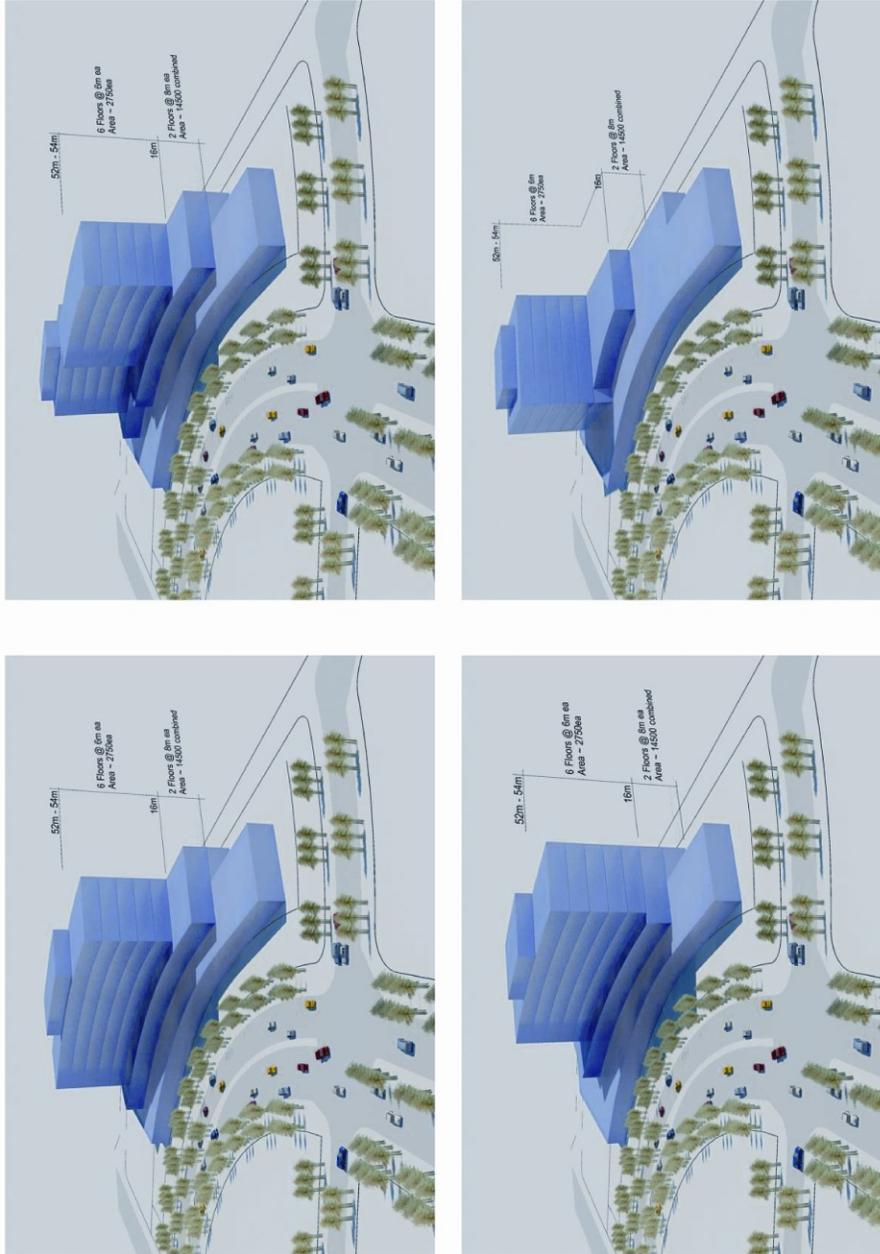
**Aerial Photo**

Applicant's Submitted Drawing

Not to Scale  
05/18/09



### Attachment 3: Alternative Concepts



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

Toronto West Courthouse Planning Rationale

## Elevations

Note: All Buildings Shown on WTL are Conceptual

Applicant's Submitted Drawing

Not to Scale  
05/18/09

## 3699 Bloor Street West and 925 Kipling Avenue

File # 09\_130996

### Attachment 4: Potential Context Plan



**3699 Bloor Street West  
and 925 Kipling Avenue**

File # 09\_130996

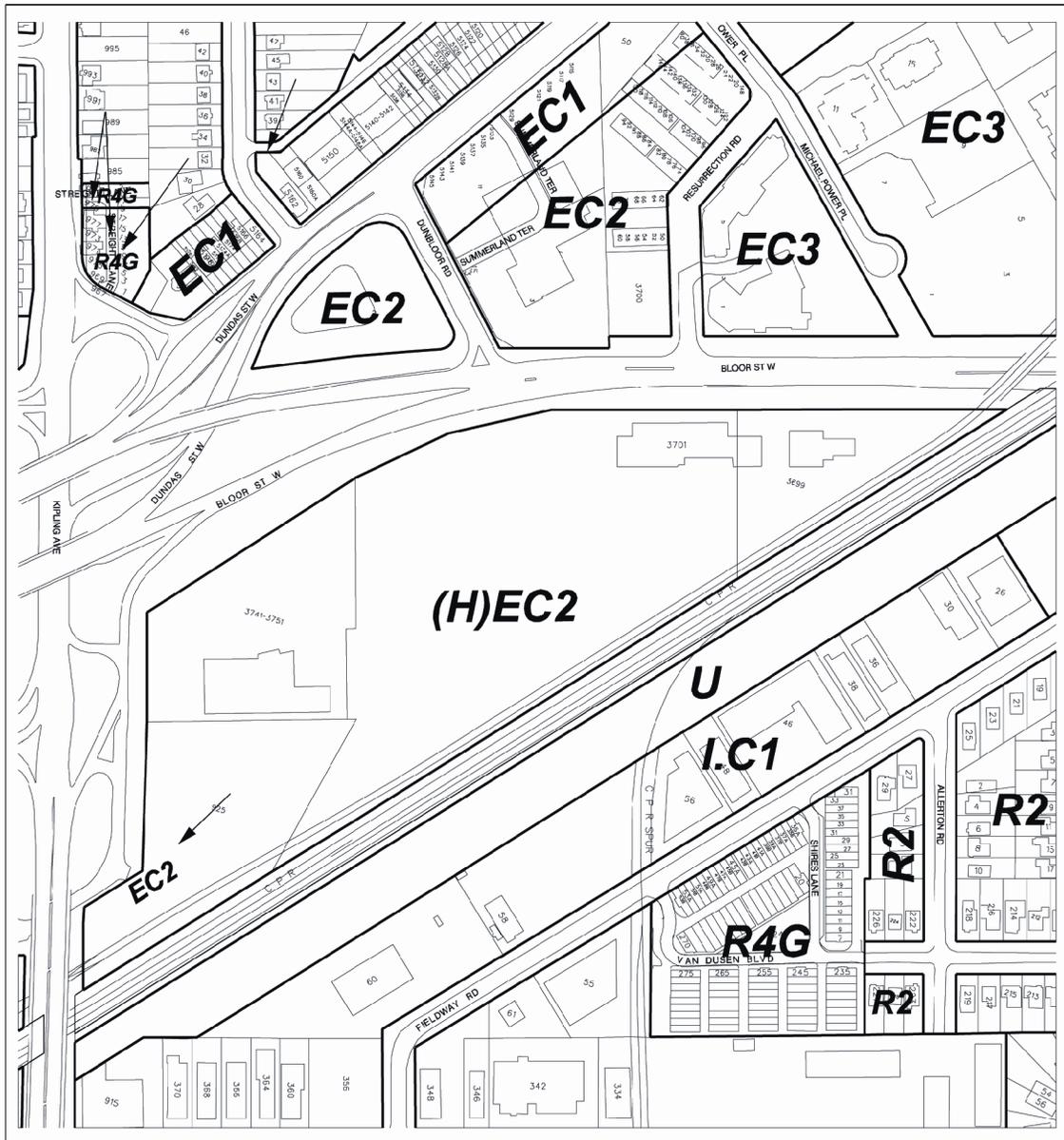
Note: All Buildings Shown on WTL are Conceptual

**Site Plan**  
Applicant's Submitted Drawing

Not to Scale  
05/18/09



## Attachment 5: Zoning



**Toronto** City Planning  
Zoning

**3699 Bloor Street West  
and 925 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 BLOOR STREET WEST 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 Provincial courthouse and ancillary uses and to amend some development standards relating to the courthouse use.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
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):	9900			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	450
Total Non-Residential GFA (sq. m):	40175		Loading Docks	0
Total GFA (sq. m):	40175			
Lot Coverage Ratio (%):	55			
Floor Space Index:	2.2			

#### DWELLING UNITS

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

0  
 0  
 0  
 0  
 0  
 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

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Brian Gallagher, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8230</b>