

**3699, 3741-3751 Bloor Street West and 925 Kipling Avenue – Zoning Amendment Application (Removal of the “H” Holding Symbol) – Final Report**

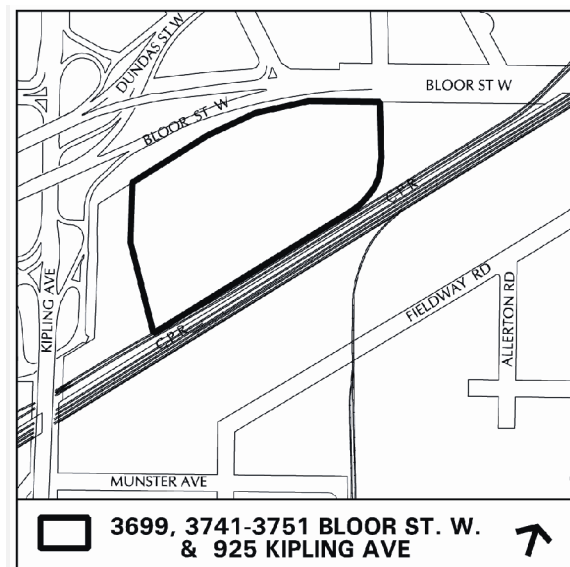
<b>Date:</b>	July 28, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	09 131323 WET 05 OZ

## 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 Etobicoke Centre Zoning By-law (1088-2002) to remove the “H” Holding Symbol on a portion of the City-owned property at 3699 and 3741-3751 Bloor Street West and 925 Kipling Avenue (the Westwood Theatre Lands). The “H” Holding Symbol would be removed on land that is proposed to be sold to Ontario Realty Corporation (ORC) for the construction of a new Toronto West Courthouse and on adjacent City-retained land that will encompass all related services, including an underground parking garage and related ramps. By-law 1088-2002 provides for the removal of the “H” Holding Symbol upon the delivery of plans and, if required, executed development agreements securing the provision of municipal works required to service the properties.

Staff recommend that the “H” Holding provision be lifted provided that Council also authorize the City to enter into a Sale Agreement for the Courthouse Lands. A



report on that sale will be forwarded through the Government Management Committee and considered together with this report at City Council. The Sale Agreement establishes the general obligation of the ORC to service the affected lands. In addition, the Sale Agreement will require, before the sale transaction is completed, that a more detailed Core Services Agreement, currently being finalized between the ORC and City staff, be executed.

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

## **RECOMMENDATIONS**

---

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

1. City Council amend Zoning By-law 1088-2002 for a portion of the lands at 3699 and 3741-3751 Bloor Street West and 925 Kipling Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 3.
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.
3. Before introducing the necessary Bill to City Council for enactment, the applicant shall enter into a Sale Agreement with the City to the satisfaction of the Chief Corporate Officer, the City Solicitor, the Director of Community Planning and the Director of Development Engineering, which Sale Agreement shall reference the applicant's obligation to service the subject lands and which Sale Agreement shall contain a further requirement that a Core Services Agreement be executed prior to closing of the sale transaction.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Etobicoke Centre Zoning By-law (1088-2002) imposes an “H” Holding Symbol on the City-owned Westwood Theatre Land (WTL). The symbol was imposed because the infrastructure does not exist that is needed to service the lands in accordance with the block and lot pattern developed in the West District Design Initiative and the Six Points Reconfiguration Environmental Assessment Study.

The By-law states that the “H” Holding Symbol will be removed from the lands upon the delivery of plans and, if required, executed development agreements securing the provision of required municipal works.

<http://www.toronto.ca/legdocs/bylaws/2002/law1088.pdf>

In June 2008, City Council authorized staff to execute a Memorandum of Understanding between the City and 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. ORC subsequently applied for approval of a rezoning to permit a Provincial Courthouse use and for removal of the “H” Holding Symbol on the property it sought to purchase.

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

Zoning By-law 1096-2009 amends By-law 1088-2002 to permit a Provincial Courthouse on the portion of the WTL which ORC wishes to purchase. It was passed October 27, 2009 and is in effect. It also reinforces the effect of the Holding provision of By-law 1088-2002 by prohibiting use of the land for a Courthouse unless roads, water mains and sanitary sewers are provided to the lot line and are operational.

<http://www.toronto.ca/legdocs/mmis/2009/ey/reports/2009-10-13-ey30-cr.htm#EY30.2>

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).

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

The reconfiguration will help make Etobicoke Centre a more urban, pedestrian, 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.

## **ISSUE BACKGROUND**

### **Proposal**

ORC proposes to purchase a parcel of City-owned land of approximately 1.8 hectares on the south side of Bloor Street West. 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 facilities elsewhere in the western part of the City.

As part of this proposal, the applicant would undertake the construction of the realigned Dundas Street West from Bloor Street West to Kipling Avenue, potentially including an underground parking garage below a portion of the street; 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 Phase 1 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 and will form a component of the Sale Agreement.

### **Site and Surrounding Area**

The proposed Courthouse site is part of the City-owned WTL. It is irregularly shaped. The area is subject to an approved Environmental Assessment that lays out a new road pattern for the area and creates development blocks.

North: The site is bordered by Bloor Street West and the Six Points Interchange (Bloor Street West, Dundas Street West and Kipling Avenue). 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, a stormwater sewer and a new sanitary sewer.

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

West: The land between the site and Kipling Avenue is vacant, except for the former Westwood Theatre building, which is to be demolished. 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 the proposed 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject lands are identified as a *Centre* on Map 2, the City's Urban Structure Map and are designated as *Mixed Use Area 'A'* within the Etobicoke Centre Secondary Plan.

## **Zoning**

The site is zoned (H)EC2 - (Holding Symbol)Etobicoke Centre 2. (Attachment 2)

## **Site Plan Control**

The applicant will provide all the information and plans normally required for Site Plan Approval. These submissions will be reviewed by appropriate City staff and comment provided. The process will culminate in a Memorandum of Understanding detailing how the site planning issues related to this proposal will be resolved.

## **Reasons for Application**

The proposed Toronto West Courthouse and the potential underground parking garage are permitted uses in the EC2 zone under By-law 1088-2002, as amended. However, the sites are subject to the "H" Holding Symbol and the uses are not permitted until the Symbol is removed by an amendment to the By-law.

## **Community Consultation**

Public notice of the application was given on May 15, 2009, shortly after the application was received. The notice invited the public to contact Planning staff for further information or notification regarding the disposition of the application. The Planning Act does not require a Statutory Public Meeting or any other public consultation process when Community Council considers an application to remove an "H" Holding Symbol. Accordingly no community consultation on the removal of the "H" Holding Symbol has taken place.

With regard to the Courthouse proposal itself, 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. No opposition or reservations about the proposed Provincial Courthouse were expressed by anyone at the meeting.

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 West District Design Initiative and Six Points Reconfiguration Study and this project could be a catalyst for the redevelopment of the WTL.

## **Agency Circulation**

This proposed removal of the "H" Holding Symbol has been reviewed by staff of all interested City Divisions, including Traffic Planning and Operations, Technical Services

- Design and Construction, Development Engineering, Toronto Water, City Planning, City Solicitor and Real Estate Services.

## **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. Removal of the “H” Holding Symbol allows an essential public service (i.e. the administration of justice) to locate in a place 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. Removal of the “H” Holding Symbol will permit the Provincial Courthouse to be built 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.

Facilities such as a Provincial Courthouse are clearly among those encouraged in the Etobicoke Centre Secondary Plan, with the WTL specifically mentioned as an appropriate location. However, as mentioned above, the zoning on the proposed site includes an “H” Holding Symbol which prevents development from proceeding until Council is satisfied that plans and development agreements are in place to guarantee the construction of the necessary infrastructure.

### **Extent of Area Subject to Removal of the “H” Holding Symbol**

The area shown on Schedule 1 to the proposed Zoning By-law (Attachment 3) for removal of the “H” Holding Symbol is larger than the proposed site of the Courthouse. The recommended area includes the location of all possible configurations of the potential underground public parking garage and its associated ramps and pedestrian access. Although employee and visitor parking is expected to be provided in a facility located under Dundas Street West, this issue is still under negotiation. The flexibility provided by this larger area accommodates the potential for parking to be located between realigned Dundas Street West and the existing Six Points ramps and is consistent with the latitude provided to ORC in By-law 1096-2009 regarding the location of parking facilities to serve the Courthouse.

### **Servicing Agreements**

The Chief Corporate Officer will be submitting a confidential report to the August 13, 2010 meeting of the Government Management Committee on the terms of the proposed

sale of the Courthouse site to ORC. This report will include recommendations relating to the Sale Agreement and its various components. The Sale Agreement will address, in general terms, the requirement of the ORC to provide services to the WTL. In addition, the Sale Agreement will require that a Core Services Agreement be completed to the satisfaction of the City before the sale transaction is completed. City Planning, Legal and Development Engineering staff are currently involved with the ORC in completing the provisions of the Core Services Agreement. It is not complete at this time, pending finalization by the ORC of more detailed infrastructure plans. Staff believe that the execution of the Sale Agreement, together with its requirement for the Core Services Agreement to be executed prior to completion of the land transaction, address the requirement that the Holding Symbol may be lifted upon the provisions of plans and executed development agreements to secure the provision of required municipal works.

As part of the Courthouse project, the applicant proposes to build all of the road, utility, parking, water, waste water, stormwater and any other necessary infrastructure required to service the development. The new road and pedestrian facilities that would be built are consistent with the Six Points Reconfiguration Environmental Assessment Study (EA), which has been approved by Council. These works would also serve the other blocks that will be created by the construction of the proposed roads.

Staff from all appropriate City Divisions have been working closely with ORC and its consultants to develop the necessary infrastructure plans, which are at a 60% completion level, except for the potential underground parking garage plans, which are at a 10% completion level. Staff are satisfied that the Sale Agreement, with its reference to the Core Services Agreement, will adequately ensure that arrangements are in place for the provision of services. However, Council is advised that, with the level of completion of the plans at this point in time, it is difficult to predict with accuracy what the ultimate servicing cost will be.

When the plans required for the Core Services Agreement are completed and tendered, assuming the costs to install those works are satisfactory to the City and the ORC, then the land sale will be completed and the ORC will be obligated to construct the infrastructure. If the costs of the final infrastructure plans prove to be unsatisfactory to the City, for cost or any other reason, the parties will be entitled not to proceed with the land transaction. The City will retain ownership of the proposed Courthouse land. Although the Holding Symbol will have been lifted, there is no risk that development

could proceed without adequate services as the City will still own the land. The City could impose a similar requirement to build the necessary infrastructure on the next potential purchaser through an Agreement of Purchase and Sale. Alternatively the City could service the WTL itself as a capital project.

## **CONTACT**

Brian Gallagher, Senior Planner

Tel. No. (416) 394-8230

Fax No. (416) 394-6063

E-mail: bgallau@toronto.ca

## **SIGNATURE**

---

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

## **ATTACHMENTS**

Attachment 1: Context Plan

Attachment 2: Zoning

Attachment 3: Draft Zoning By-law Amendment



## Attachment 1: Context Plan



### Site Plan

Applicant's Submitted Drawing

Not to Scale  
05/19/09

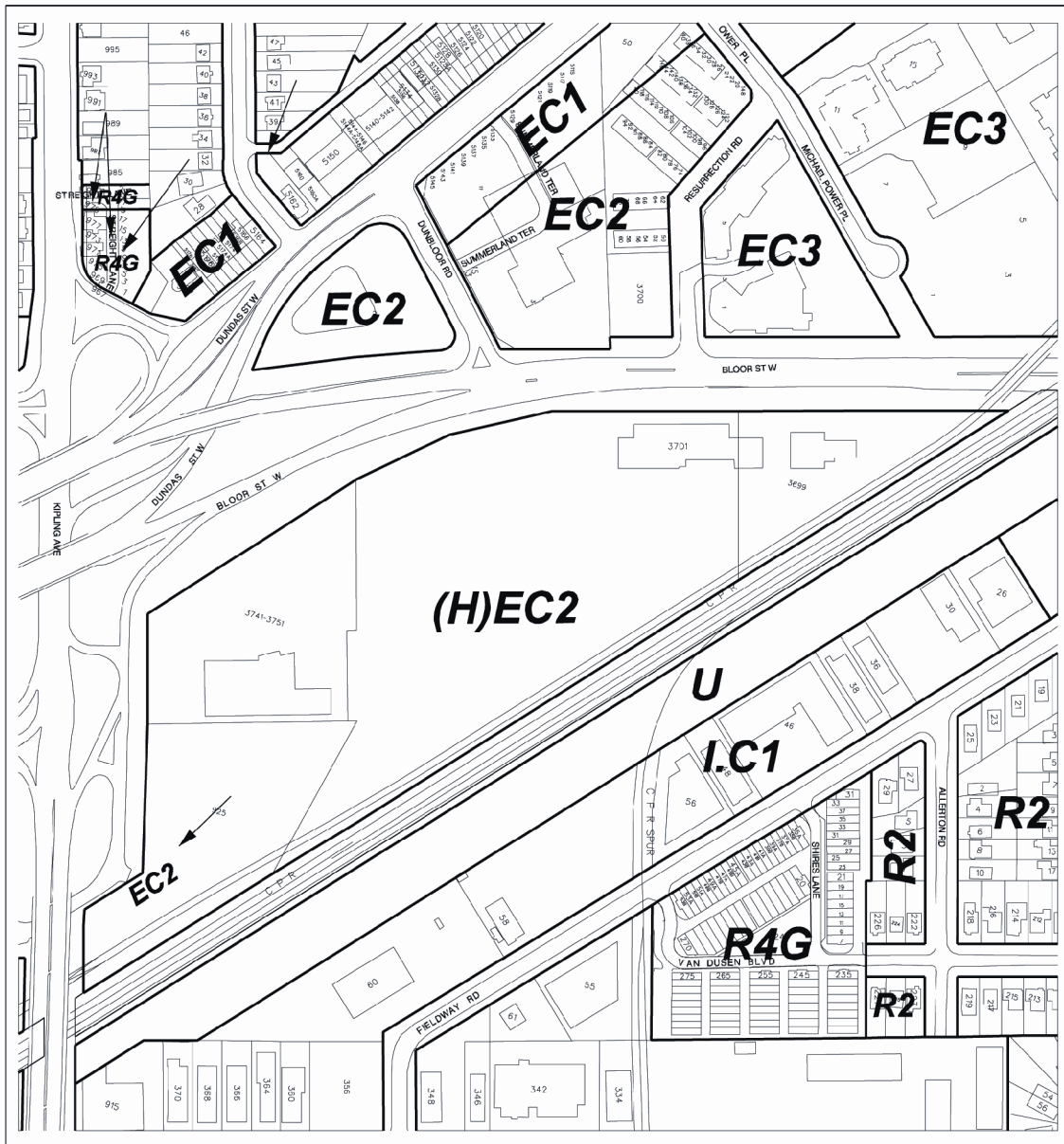


Note: All Buildings Shown on WTL are Conceptual

3699 Bloor Street West  
and 925 Kipling Avenue

File # 09\_130996

## Attachment 2: Zoning



**Toronto** City Planning  
Zoning

3699 Bloor Street West  
and 925 Kipling Avenue

File # 09\_130996

R2 Residential Second Density  
I.C1 Industrial Class 1  
EC1 Etobicoke Centre One

EC2 Etobicoke Centre Two  
EC3 Etobicoke Centre Three  
(H) Holding District



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

### **Attachment 3: Draft Zoning By-law Amendment**

Authority: Etobicoke York Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

#### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 1088-2002, as amended by Zoning By-law 1096-2009,  
to remove the holding symbol (H)  
with respect to a portion of the lands known municipally in the year 2009 as  
3699 and 3741-3751 Bloor Street West and 925 Kipling Avenue**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law 1088-2002 is amended by removing the holding symbol (H) from the lands shown on the attached Schedule 'I'.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# SCHEDULE '1'



## Schedule '1' BY-LAW

