

Zoning By-law Amendments to Implement Eglinton Crosstown LRT and Finch West LRT

Date: May 23, 2018

To: Planning and Growth Management Committee

From: Chief Planner and Executive Director, City Planning

Wards: 1, 7, 8, 12, 15, 16, 17, 21, 22, 26, 35, and 37

SUMMARY

This report proposes zoning by-law amendments to address known zoning issues related to the delivery of the Finch West Light Rail Transit (LRT) and the Eglinton Crosstown LRT projects. The purpose of these amendments is to provide relief from the need for selective zoning by-law adjustments which are minor in nature and result in time consuming administrative delays in obtaining planning and/or building permit approvals.

Zoning by-law amendments were enacted by City Council in 2014 and again in 2016 to address unanticipated zoning issues arising from the Eglinton Crosstown LRT project. The target of the amendments was very specific to that project, and the amendments did not anticipate or address other transit projects such as the Finch West LRT. With the recent award of the Finch West LRT project, known zoning issues for that project should now be addressed.

The zoning by-law amendments recommended in this report only affect the Eglinton Crosstown LRT and the Finch West LRT lines, and would ensure that the approved and funded transit projects can proceed in an efficient and cost effective manner in accordance with publicly understood zoning parameters. The amendments are consistent with the City's zoning policies, and none of the changes proposed in the by-law amendment will undermine or reduce zoning permissions on abutting lands. Nor will the amendments impact other uses permitted on properties directly affected by the amendments.

Without these amendments, the Eglinton Crosstown LRT project may experience delays in receiving Building Permits. The Finch West LRT project may be subject to delays in project delivery and additional project costs.

RECOMMENDATIONS

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

1. City Council amend Zoning By-law 569-2013, the former City of North York By-law 7625, the former City of York By-law 1-83, the former City of Scarborough Employment Districts Zoning By-law 24982, the former City of Scarborough Ionview Community Zoning By-law 9089, the former Town of Leaside By-law 1916, and the City of Toronto By-law 438-86 substantially in accordance with the draft Zoning By-law Amendments attached as Attachments 1-7 to this report; and
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

FINANCIAL IMPACT

There are no financial implications to this report.

DECISION HISTORY

Zoning by-law amendments were approved by City Council in 2014 (By-laws 1030-2014 & 1031-2014) and later in 2016 (By-law 103-2016), which were intended to provide relief from the need to obtain minor variances for existing performance standards to facilitate the construction of the Eglinton Crosstown LRT project. All three by-laws were subsequently appealed to the OMB. The appeals have since been resolved with the exception of site specific appeals at 346-352 Eglinton Avenue West and 859-861 & 875 Eglinton Avenue West.

<https://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-72097.pdf>

<https://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-87247.pdf>

The proposed zoning by-law amendments put forward through this report are required, in part, because the previous by-law amendments did not capture all the relevant development standards affected by the Eglinton Crosstown LRT project.

COMMENTS

The Official Plan contains numerous policies which encourage the development and expansion of the City's transit infrastructure to support growth and reduce auto dependency. It is through the lens of the Official Plan policy framework that the Eglinton Crosstown and Finch West LRT projects have been considered and approved.

Public transit uses, identified by the defined term "Transportation Uses" in the City-wide Zoning By-law 569-2013, are permitted in all zones subject to complying with the standards for a building or structure in that zone. However well intended, regulations in a zone may become problematic for a transportation use which does not take the form

of a typical building in any given zone. For example, in the Employment Industrial Zone Category, a minimum lot frontage requirement for industrial lots becomes an issue for a transportation use that typically aims to minimize its use of land. Transportation uses often require relief from the Zoning By-law through the Committee of Adjustment and possibly the Toronto Local Appeal Body. This results in extensive and costly delays in delivering major transit projects which have already gone through a lengthy consultation and planning process.

Similar issues arise when attempting to place transit facilities within the former general zoning by-laws. These by-laws, which typically date back to the 1950s and 1960s, also contain regulations that worked well for the uses planned in the past but fall short when being applied to a public transit use. Many of these former zoning by-laws do not contemplate public transit as a use, nor include standards to be applied to this use.

Metrolinx is a provincial agency and is not legally required to comply with municipal Zoning By-laws or any municipal development controls. However, the City and Metrolinx have agreed that Metrolinx will comply with zoning and will apply for all necessary development approvals/permits, to facilitate providing a public and transparent approval process. This arrangement is incumbent, however, upon there being no undue delays in approval or the issuance of permits. Both Metrolinx and the TTC are similarly impacted by the need to comply with zoning standards which were never intended to address the use of a property for public transit.

Planning for major transit expansion projects follows an extensive design and consultation process beginning with the Environmental Assessment (EA) process. An EA is typically undertaken significantly in advance of the filing of formal planning applications. City staff actively participate in, and in some cases lead, these EAs. The appropriate location, arrangement and design of buildings for major transit projects is examined in considerable detail and is publicly reviewed and documented through the EA process in advance of the issuance of tender documents for construction of the project.

Public consultation is a required part of any EA, through which the public can provide comment on proposed elements of the project. Typically there are several rounds of consultation, each of which provides a progressively more detailed level of information and design. Through this iterative process the project elements can be arranged in a way that responds to public input while achieving the project objectives. The Eglinton Crosstown and Finch West LRT projects have each undergone EAs with multiple opportunities for public consultation. As the Finch West LRT proceeds to construction, additional consultation activities can be expected.

The design process of major transit projects has regard for the applicable zoning, but generally does not include a detailed zoning review. As a result, while it is well understood through the EA process how transit buildings will be located, arranged on the land, and designed when a project is approved, areas of noncompliance with existing zoning may be identified later in the project delivery stage. Zoning compliance is addressed through the detailed design stage of a transit project, at the time of site plan approval and building permit applications. However, at this late stage in the

process achieving zoning compliance may introduce significant risk, delay and cost to the project delivery.

The proposed zoning by-law amendments amend city-wide Zoning By-law 569-2013 and various other general zoning by-laws of the former municipalities of Toronto are site-specific, relating to specific components of the Eglinton Crosstown LRT and Finch West LRT. The proposed amendments provide limited exemptions for public transit facilities in the areas of building setbacks, gross floor area, floor space index, lot coverage, landscaping, location of driveway access to the lot and land use permissions in certain zones. These exemptions are being provided by way of revisions to existing site-specific exceptions, or the creation of new site-specific exceptions for properties that do not currently have an applicable exception. In some instances the geography to which an existing site-specific exception applies is also being revised in order to ensure that it applies only to the sites needed. These can be seen in the Diagrams accompanying the zoning by-law amendments.

The proposed seven amending zoning by-laws in Attachments 1-7 will only apply to buildings, structures and lots used for public transit uses which are part of the Eglinton Crosstown LRT and Finch West LRT. They will not apply to non-transit related development on a site where public transit facilities exist. All applicable zoning by-law standards for uses other than public transit uses will remain unaffected. Through this approach, zoning compliance can be resolved in advance of delivery of the Eglinton Crosstown LRT and the Finch West LRT while avoiding impacts to adjacent uses, or to other uses located on the same sites as the public transit facilities.

A public open house was held on March 8, 2018 to discuss approaches to making amendments to the zoning by-law for implementation of major transit projects. The event was advertised in the Toronto Sun, as is typical practise for consultation on matters that have broad or city-wide impacts. The proposed amendments reflect stakeholder feedback that has been received, including input from Metrolinx.

CONTACT

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SIGNATURE

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ATTACHMENTS

- Attachment 1: Draft Amendments to City of Toronto Zoning By-law 569-2013
- Attachment 2: Draft Amendments to former City of Toronto By-law 438-86
- Attachment 3: Draft Amendments to former City of North York By-law 7625
- Attachment 4: Draft Amendments to former Town of Leaside By-law 1916
- Attachment 5: Draft Amendments to former City of York By-law 1-83
- Attachment 6: Draft Amendments to former City of Scarborough Ionview Community Zoning By-law 9089
- Attachment 7: Draft Amendments to former City of Scarborough Employment Districts Zoning By-law 24982