



## STAFF REPORT ACTION REQUIRED

### City Initiated Zoning By-law Amendment Application for the Eglinton Crosstown LRT Corridor – Final Report

<b>Date:</b>	January 4, 2016
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Wards 11, 12, 15, 16, 17, 21, 22, 25, 26, 34, 35 and 37
<b>Reference Number:</b>	P:\2016\Cluster B\PLN\PGMC\PG16004 (15 257846 WET 12 OZ)

#### SUMMARY

This application proposes to amend the current City of Toronto Zoning By-law No. 569-2013, the former City of Toronto Zoning By-law No. 438-86, the former City of North York Zoning By-law No. 7625, the former City of Scarborough Zoning By-law No's. 9276, 9089 and 24982, the former Borough of East York (former Town of Leaside) Zoning By-law No. 1916 and the former City of York Zoning By-Law No. 1-83, respecting regulations applicable to buildings that are used for the operation of a transit system along Eglinton Avenue West and East between Jane Street and Midland Avenue.

The purpose of this proposed amendment is to provide relief from the various Zoning By-laws for minor exceedances of applicable development standards for the Eglinton Crosstown LRT station buildings, the Eglinton Maintenance Storage Facility (MSF) and Traction Power Sub-stations (TPSS). These lands are also subject to development applications for Site Plan Control Approval.

A previous Zoning By-law Amendment was approved by City Council in 2014 (By-law No. 1031-2014) which provided relief to the Zoning By-laws for minor variances to existing performance standards. It is currently under appeal at the OMB. The current amendment is required because this by-law and some development standards were not addressed in By-law No. 1031-2014.

This amendment would apply to buildings used for transit purposes only, such as the stations, MSF and TPSS. It will not apply to future non-transit development at these sites. Any such non-transit development would be subject to the normal development review process and all applicable zoning by-laws.

Requirements for all of the development standards which would be controlled by the Zoning By-law (setbacks, heights, parking, etc.) have been included in Metrolinx's Project Specific Output Specification (PSOS). This document forms the basis of the contract between Metrolinx and the consortium chosen to build the LRT (Crosslinx Transit Solutions) and is binding on the constructor. The provisions in the PSOS are consistent with the vision established for the Eglinton Crosstown LRT corridor by the Eglinton Connects Planning Study and generally with the zoning requirements in the existing by-laws.

Planning staff are of the opinion the proposed Zoning By-law Amendment is appropriate, poses no risk of permitting inappropriate development and will facilitate the implementation of the Eglinton Crosstown LRT transit station buildings and facilities. Additionally, the PSOS provides for the protection of the City's standards.

## **RECOMMENDATIONS**

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

1. City Council amend Zoning By-law No. 1031-2014 substantially in accordance with the draft Zoning By-law Amendments attached as Attachment 2 to the report of the Chief Planner and Executive Director, City Planning dated December 24, 2015; 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**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

At its meeting of May 6-8, 2014, City Council considered the Final Directions Report for the Eglinton Connects Planning Study. City Council adopted 21 recommendations under the themes of Travelling, Greening and Building Eglinton, directed staff to undertake further consultation on implementation measures, and report back to the Planning and Growth Management Committee in June 2014. The decision of City Council can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.4>

At its meeting of August 25-28, 2014, City Council considered the Phase 1 (Part 2) Implementation Report for the Eglinton Connects Planning Study. City Council adopted its recommendations with amendments. The decision of City Council can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.3>

City Council's decision on August 25-28, 2014 resulted in the enactment of Site-specific Zoning By-laws No.1030-2014 and 1031-2014 for the Eglinton Crosstown LRT Corridor.

Zoning By-law No. 1030-2014 amends the current City of Toronto Zoning By-law No. 569-2013, by establishing development standards, mid-rise and other Urban Design provisions for lands abutting Eglinton Avenue West and Eglinton Avenue East between Jane Street and Kennedy Road.

Zoning By-law No. 1031-2014 amends Zoning By-law No. 569-2013 for the City of Toronto, Zoning By-law No. 438-86 for the former City of Toronto, Zoning By-law No. 1916 for the former Borough of East York (former Town of Leaside) and Zoning By-law No. 1-83 for the former City of York, by establishing regulations for buildings that are used for the operation of a transit system along Eglinton Avenue West and Eglinton Avenue East. The Zoning By-law can be viewed at:

<http://www.toronto.ca/legdocs/bylaws/2014/law1031.pdf>

Both Zoning By-laws are currently under appeal at the Ontario Municipal Board. A hearing has been scheduled for May 2016.

## **ISSUE BACKGROUND**

The Eglinton Crosstown LRT corridor is 19 kilometres in length, between Weston Road and Kennedy Station. Ten kilometres between Black Creek Drive and Brentcliffe Road will be located underground, while the remaining 9 kilometres will be located at-grade in the centre of the Eglinton Avenue East right-of-way. There are 15 underground transit stations and 10 surface stops. The project also includes a Maintenance and Storage Facility at Black Creek Drive and four small Transit Power Substations along the at-grade portion of the line. The LRT will also connect to 54 bus routes, three TTC subway stations, and various GO Rail Services.

In August 2015, a contract for construction of the Eglinton Crosstown LRT was awarded by Metrolinx to a consortium called Crosslinx Transit Solutions. Subsurface construction is underway. The LRT is expected to be open for service by 2021.

## **COMMENTS**

As part of the Eglinton Crosstown LRT project, Crosslinx (Metrolinx's contractor) will be constructing above-ground facilities, such as main and secondary entrances for the 15 underground LRT stations, service buildings, emergency exits, the MSF and four TPSS's.

Metrolinx, as a Provincial agency, is not legally required to be in compliance with the zoning by-law or any municipal development controls. However, the current Master Agreement between the City, Metrolinx and the TTC calls for Metrolinx to apply for permits and approvals. Under this protocol, Metrolinx and Crosslinx have applied, or will apply, for Site Plan Approval and Building Permits for all of these facilities. These applications would result in a Memoranda of Understanding (MOU) between the City and Crosslinx regarding the terms and conditions that Crosslinx is required to implement when constructing the facilities.

The LRT is being constructed under the Alternate Financing and Procurement (AFP) system. Among other things, AFP requires Crosslinx to adhere to a strict schedule. Failure to meet the various deadlines will result in significant financial penalties to be assessed against Crosslinx.

For example, the fact that potential designs that may include a minor non-compliance with the zoning by-law is seen by Metrolinx and Crosslinx as a source of risk. The need to apply for a minor variance through the Committee of Adjustment and the possibility of an appeal to the OMB could delay the project by months.

The development standards relate to the design of these facilities which include minimum heights, setbacks, open space, landscaping, vehicle and bicycle parking, retail space and other design criteria for LRT facilities.

The City's requirements for the above development standards, tailored to each station, have been negotiated with Metrolinx through the design process carried on over the last three years. Metrolinx has incorporated these requirements into their bid and contract documents (including Metrolinx's Project Specific Output Specification (PSOS) and Design Excellence standards) for the Eglinton Crosstown LRT.

For example, City-wide Zoning By-law No. 569-2013 requires a minimum height for many of these buildings of 10.5 metres and three storeys. Until integrated development occurs, some station buildings are unlikely to achieve a minimum height of 10.5 metres and will only be one-storey in height. City Planning staff's review of the context of the stations during the design process led to some recommended variances to the 10.5 m minimum height standard.

To address these differing conditions, the PSOS requires all Metrolinx buildings to achieve a minimum height of 4.5, 7.5 or 10.5 metres (equivalent to one, two or three-storeys), depending on their significance to the public realm and the existing built-form context. The height requirements are specific to each structure and were developed in consultation with City Planning staff. To obtain Building Permits for these buildings, Metrolinx requires relief from the by-law for the minimum height requirements for some of the buildings.

Almost all of the Eglinton Crosstown LRT properties across the corridor are the subject Site Plan Control Approval. City staff are currently reviewing Site Plan applications for some of the sites. Crosslinx has advised they will submit applications for all of the sites by mid-2016.

As the successful bidder for the Eglinton Crosstown LRT, Crosslinx Transit Solutions (a consortium led by EllisDon, SNC-Lavalin and Aecon) must ensure their designs for the buildings associated with the LRT are compliant with Metrolinx's specifications.

## **Proposed Zoning By-law Amendment**

Site-Specific Zoning By-law 1031-2014 provides exemptions to Zoning By-law No. 569-2013 for the height and setbacks of buildings that form part of a transit facility along Eglinton Avenue West and Eglinton Avenue East. It also provides exceptions from three former municipal Zoning By-laws (former Cities of York, Toronto and East York (Town of Leaside)) for buildings or structures constructed for the operation of a mass transit system that is part of a transit facility along Eglinton Avenue West or East. However, the by-law did not provide exceptions to the other applicable Zoning By-laws for the former municipalities of North York and Scarborough or provide relief for all the potential development standards that would apply to these transit structures.

In order to facilitate the development of the transit station buildings and facilities, staff have identified the following development standards which will require relief from the respective by-laws:

- Setbacks
- Building Height
- Lot Coverage
- Landscaping
- Parking

## **Zoning By-law Amendment Approach**

With respect to the former municipal Zoning By-laws for the former City of Toronto, the former City of North York, the former City of Scarborough, the former Borough of East York (former Town of Leaside) and the former City of York, it is proposed that any buildings or structures to be constructed for the operation of the LRT system along Eglinton Avenue West or East be completely exempted from the provisions of these By-laws.

The Zoning By-laws for the former municipalities are expected to be repealed once the appeals to the current City of Toronto Zoning By-law No. 569-2013 have been dealt with at the OMB. The development standards are, for the most part, replicated in the current City of Toronto Zoning By-law No. 569-2013 so there is no need to provide the specific relief proposed in each of these former municipal By-laws.

The approach with respect to the current City of Toronto Zoning By-law No. 569-2013 is to provide a range of all applicable development standards for future buildings and facilities that form part of the LRT transit facility along Eglinton Avenue West or East. This is considered to be a better approach rather than simply providing an exemption from all the provisions of the Zoning By-law for the Eglinton Crosstown transit system.

It is important to note that this proposed amendment will only apply to the future transit station buildings, the MSF and TPSS. It will not apply to any current or future

development proposal at these sites that is above and beyond the proposed transit use. Any future development proposal for these sites will be considered on their merits and be subject to the City's standard development review process and will be reviewed on a case-by-case basis against applicable City policies, by-laws, guidelines and provincial legislation.

## **CONCLUSION**

To facilitate the proposed development of the Eglinton Crosstown LRT station buildings, Eglinton Maintenance Storage Facility (MSF) and Traction Power Sub-stations (TPSS), modifications are required to the existing Zoning By-laws. The modifications and amendments proposed are consistent with the vision established for the Eglinton Crosstown LRT corridor. This amendment if approved, would only apply to the proposed transit station buildings and facilities along Eglinton Avenue West and East. This amendment will not apply to any future development proposals at these sites. Therefore staff are recommending that the application to amend the Zoning By-laws be approved by City Council.

## **CONTACT**

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## **SIGNATURE**

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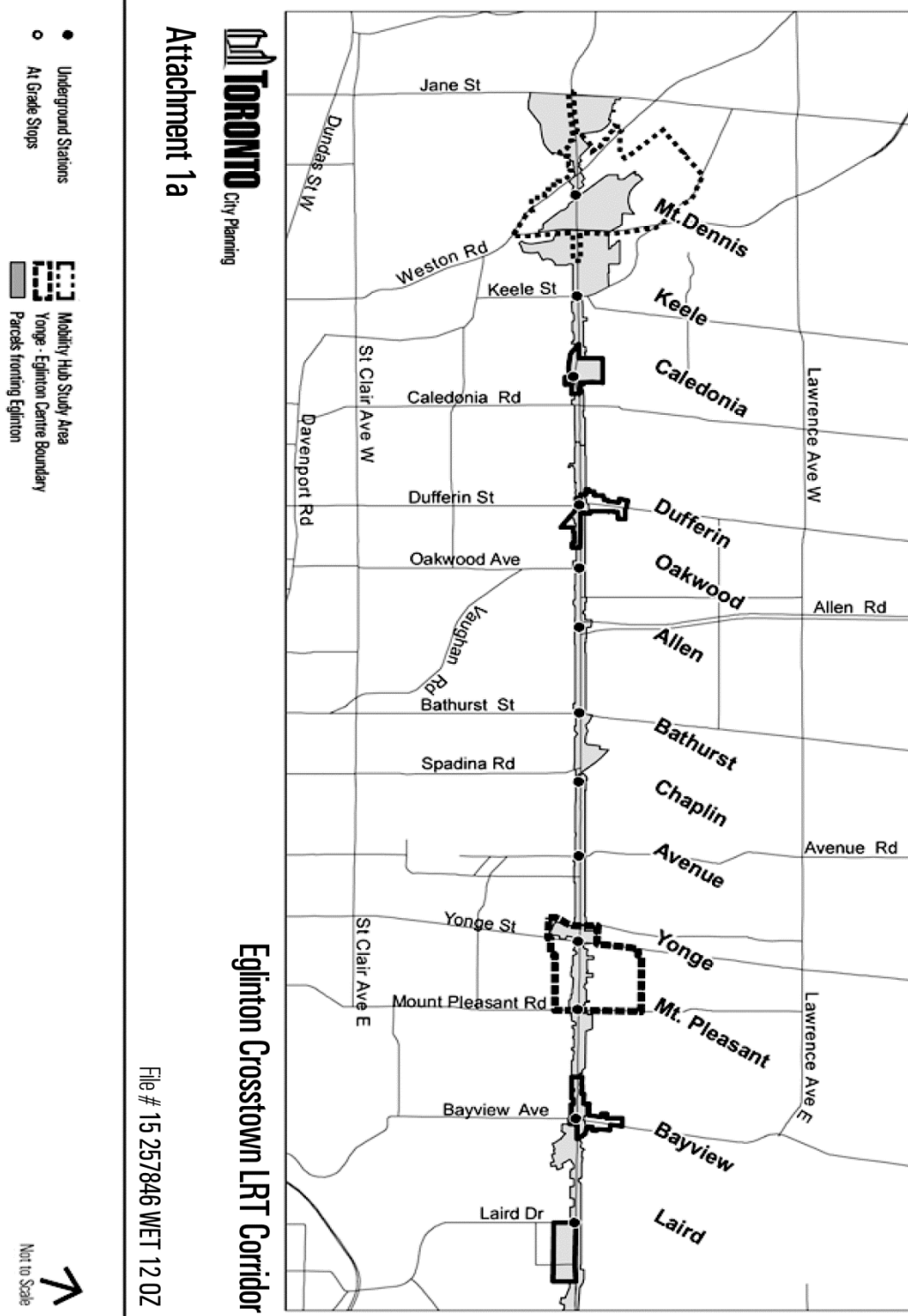
## **ATTACHMENTS**

Attachment 1a and 1b: Eglinton Crosstown LRT Corridor Map

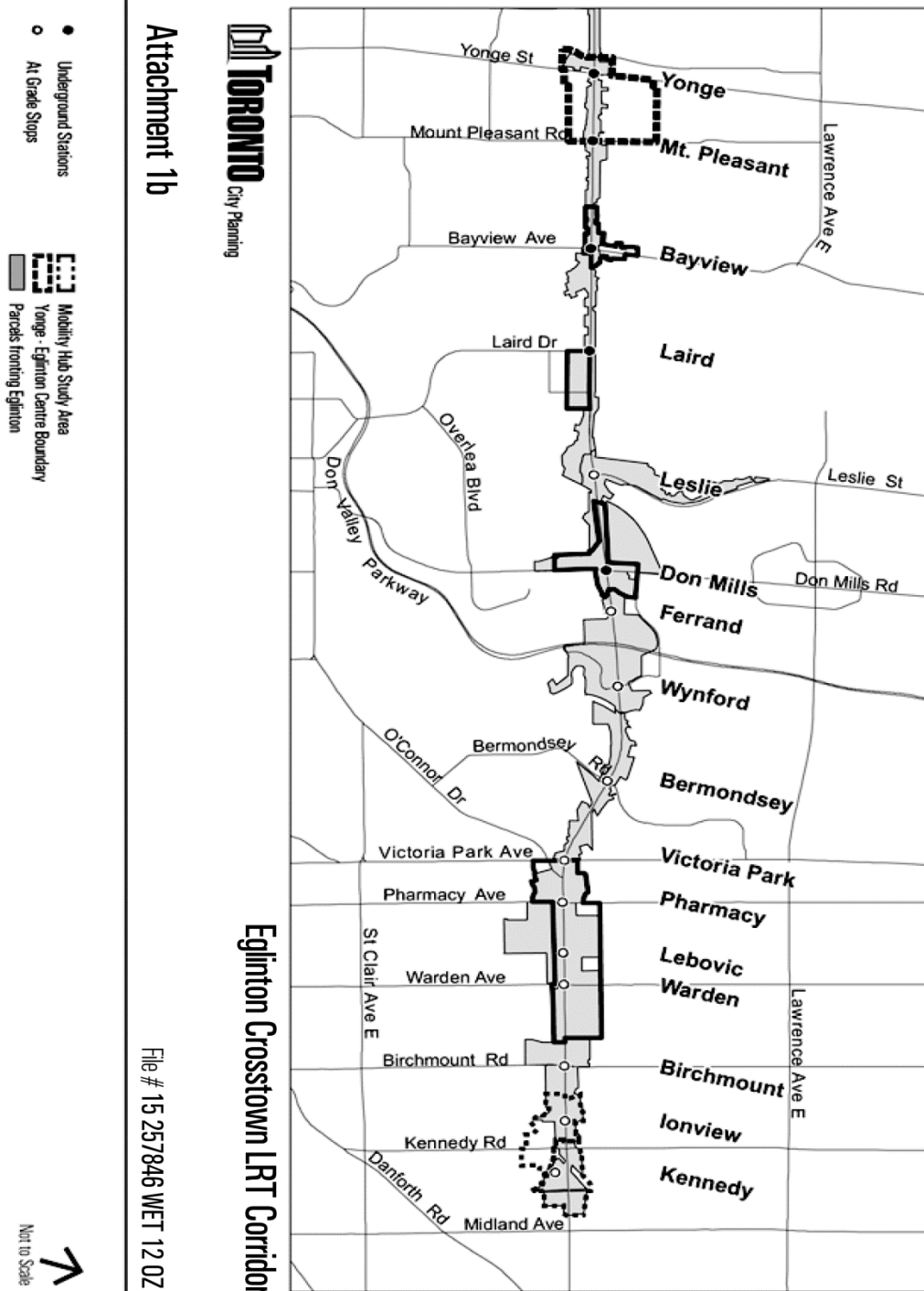
Attachment 2: Draft Zoning By-law Amendment to By-law 1031-2014, (which amends current City of Toronto Zoning By-law No. 569-2013, former City of Toronto Zoning By-law No. 438-86, former City of North York Zoning By-law No. 7625, former City of Scarborough Zoning By-law Nos. 9276, 9089 and 24982, former Borough of East York (Town of Leaside) Zoning By-law No. 1916, and former City of York Zoning By-law No. 1-83)

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# Attachment 1a: Eglinton Crosstown LRT Corridor Map



# Attachment 1b: Eglinton Crosstown LRT Corridor Map





## **Attachment 2: Draft Zoning By-law Amendment**