



REPORT FOR ACTION

Zoning By-law Amendments to Implement the Finch West LRT

Date: May 27, 2020

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: 7

SUMMARY

In July 2018, City Council considered a package of Zoning By-law amendments related to the delivery of the under construction Eglinton Crosstown Light Rail Transit ("LRT") and the forthcoming Finch West LRT. These amendments were brought to Council after being considered and adopted at the Planning and Growth Management Committee through Item PG30.3.

At the July 2018 City Council meeting, proposed amendments to Zoning By-law 569-2013 and former City of North York By-law 7625 affecting the property at 11 Four Winds Drive (the "Zoning By-law Amendments") were deleted from the draft by-laws in order for City staff and the Ward Councillor to continue discussions with Metrolinx regarding the location of a traction power substation (TPSS) that is required to provide consistent power for the light rail vehicles. Since 2018, detailed design has progressed on the Finch West LRT station and 11 Four Winds Drive is now also proposed to house an emergency exit building (EEB) in addition to the TPSS.

Several meetings have taken place between Metrolinx, the Ward Councillor and City staff in regards to 11 Four Winds Drive. Metrolinx has most recently informed that the project schedule will be impacted if the Zoning By-law Amendments are not secured, thus exposing the project to a potential claim from the Mosaic Transit Constructors. As a result it was agreed that the Zoning By-law Amendments affecting the property at 11 Four Winds Drive should now be returned to Council for a decision.

The currently proposed Zoning By-law Amendments are the same amendments that were previously considered in, and deleted from, Item PG30.3. Therefore, no revisions to the proposed Zoning By-law Amendments have been made.

City Planning recommends that Council adopt the proposed zoning by-law amendments.

RECOMMENDATIONS

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

1. City Council determine that no further notice is required;
2. City Council amend Zoning By-law 569-2013 and the former City of North York By-law 7625 substantially in accordance with the draft Zoning By-law Amendments attached as Attachment 1 and Attachment 2 to this report; and
3. 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 2018 (By-laws 1113-2018, 1114-2018, 1115-2018, 1117-2018, 1118-2018 and 1119-2018) which provided relief from certain performance standards in various Zoning By-laws to facilitate the construction of the Eglinton Crosstown and Finch West LRT projects. At the time of that report, amendments affecting the property at 11 Four Winds Drive were removed from draft by-laws to amend Zoning By-law 569-2013 and former City of North York Zoning By-law 7625 pending further discussions with Metrolinx. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.3>

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides province-wide policy direction on land use planning and development matters. The PPS's overall goals are to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote

compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process; and
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

City of Toronto Official Plan

The proposed amendments have been reviewed against the policies of the City of Toronto Official Plan as follows:

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation outlines policies intended to align development with the City's transportation system, including making investments in transit. The following policies are pertinent to the proposed amendments:

Policy 2.2.1

This Plan will create a better urban environment, a competitive local economy and a more socially cohesive and equitable city through the integration and coordination of transportation planning and land use planning by:

b) developing and expanding components of the City's transit and other transportation infrastructure to support the growth objectives of this Plan.

Policy 2.2.3

The City's transportation network will be maintained and developed to support growth management objectives of this Plan by:

b) acquiring lands beyond the right-of-way widths shown on Map 3 and Schedule 1 to accommodate necessary features such as embankments, grade separations, additional pavement or sidewalk widths at intersections, transit facilities or to provide for necessary improvements in safety, universal accessibility or visibility in certain locations.

j) implementing transit services in exclusive rights-of-way in the corridors identified on Map 4 as priorities are established, funding becomes available and the Environmental Assessment review processes are completed.

Policy 2.2.4

Require new development on lands adjacent to existing or planned transportation corridors and facilities to be compatible with, and supportive of, the long-term purposes of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

Public transit uses, identified under 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, at 11 Four Winds Drive, a transportation use is not permitted because of a restrictive site-specific exception that dates back to the former City of North York Zoning By-law 7625. The reason for the restrictive site-specific exception is because transportation uses, and public transit, in general, are typically not permitted in the former City of North York Zoning By-law 7625. Therefore, this proposed zoning by-law amendment is required in order to ensure that both Zoning By-law 569-2013 and the former City of North York Zoning By-law 7625 allow for public transit uses to occur at this property for the purpose of complying with Zoning By-laws 569-2013 and 7625.

The Proposed Development

The proposed Zoning By-law Amendments would allow for the provision of an emergency exit building (EEB) required to support the Finch West LRT project, as well as a traction power substation (TPSS) to ensure reliable power supply for the light rail vehicles.

COMMENTS

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 well 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.

The design process for 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 only 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. At this late stage in the process, achieving zoning compliance becomes a technical exercise that typically does not introduce new or unexpected elements to the project, notwithstanding the EEB that has been relocated to 11 Four Winds Drive.

The Finch West LRT project is currently under construction, with detailed design rapidly reaching its conclusion. The outstanding zoning compliance issue at 11 Four Winds Drive must be resolved as soon as possible in order to avoid delays in issuance of building permits that may arise from non-compliance with applicable zoning, and a potential financial claim resulting from this delay.

In 2018, similar zoning by-law amendments were made to other properties that form part of the Eglinton Crosstown LRT and Finch West LRT projects because those properties required amendments to allow for public transit uses.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020). The proposal has also been reviewed and evaluated against policies of the Growth Plan (2019) as described in the Policy Considerations section of the Report.

Staff have determined that the proposed amendments are consistent with the PPS and conform to the Growth Plan as follows:

The Growth Plan requires in Policy 3.2.1.1 that "infrastructure planning, land use planning and infrastructure investment will be coordinated to implement this Plan." Policy 3.2.2.1 mirrors 3.2.1.1 with respect to transportation, stating that "transportation system planning, land use planning, and transportation investment will be coordinated to implement this Plan." Zoning implements land use planning which, in this case, is land use planning related to the delivery of a major transit infrastructure investment. The proposed amendments, therefore, form part of the coordination as outlined in the policies because they function to remedy a known zoning compliance issue arising from land acquired by the Finch West LRT project from 11 Four Winds Drive.

Policy 3.2.2.2 requires "the transportation system within the GGH [to] be planned and managed to: f) provide for the safety of system users". The proposed zoning by-law amendments support the provision of an emergency exit building required to support the Finch West LRT project, as well as an electrical substation to ensure reliable power supply for the light rail vehicles. These are key elements of the project, and their location is driven in large part by safety standards.

Official Plan

The proposed zoning by-law amendments comply with the intent and policies of the Official Plan. They facilitate implementation of a major transit expansion project in accordance with Policy 2.2.1 b). As contemplated by Policy 2.2.3 b), the affected land

is located beyond the right-of-way and will house transit facilities to support the Finch West LRT, which will run within the Finch Avenue right-of-way.

Policy 2.2.3 j) refers to Map 4 of the Official Plan, which identifies higher order transit corridors. On February 26, 2020 Council adopted Official Plan Amendment 456, as amended, as part of the City's Municipal Comprehensive Review. An update to Map 4 was included in the OPA that identifies the Finch West LRT alignment. The proposed Zoning By-law amendments are consistent with the amended Map 4.

While Policy 2.2.4 deals mostly with how new private development responds to the transportation system, it also requires mitigation and minimization of negative impacts from transportation facilities to private development. The amendments proposed in this report allow for the efficient and optimal orientation of the TPSS and EEB on the site including associated landscaping and screening to mitigate the presence of these utility elements within their surrounding context.

Land Use

The proposed Zoning By-law Amendments amend the city-wide Zoning By-law 569-2013, and the former City of North York Zoning By-law 7625. The proposed amendments to By-law 569-2013, attached as Attachment 1, permit a transportation use on the property and provide limited site and area-specific exemptions for transportation uses only in the areas of building setbacks, gross floor area, floor space index, and lot coverage. The proposed amendments to the former City of North York By-law 7625, attached as Attachment 2, mirror the amendments proposed to By-law 569-2013.

The proposed Zoning By-law Amendments have been reviewed against the official plan policies described in the Policy Considerations Section of the Report as well as the policies of the Toronto Official Plan as a whole. The location of the proposed emergency exit building and traction power substation are consistent with the Finch West LRT project as approved through the EA process.

Community Consultation

A community meeting was held on March 8, 2018 in support of the draft Zoning By-law Amendments that were considered by Council through PG30.3. The Zoning By-law Amendments contained in this report were included in the material presented at the community meeting. Notice of the meeting was advertised in the Toronto Sun. As well, staff reached out via phone call to the affected landowners. The proposed Zoning By-law Amendments reflect feedback that was received at that time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2019). Furthermore, the proposal conforms to the Toronto Official Plan, particularly as it relates to policies 2.2.1 b) and 2.2.4. The proposed Zoning By-law Amendments achieve

zoning compliance for two key elements of the Finch West LRT project. Accordingly, staff recommend that Council support approval of the proposed Zoning By-law Amendments.

CONTACT

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SIGNATURE

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City Planning

ATTACHMENTS

Attachment 1: Draft Amendments to City of Toronto Zoning By-law 569-2013
Attachment 2: Draft Amendments to former City of North York By-law 7625

Attachment 1: Draft Amendments to the City of Toronto Zoning By-law 569-2013

Authority: Planning and Housing Committee Item PHXX.X, as adopted by City of Toronto Council on Month Date, 2020.

CITY OF TORONTO

Bill

BY-LAW -2020

To amend Zoning By-law 569-2013, as amended, respecting the lands municipally known as 11 Four Winds Drive

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. By-law 569-2013, as amended, is further amended by amending regulation 900.7.10(127) to delete "None Apply" after the heading 'Site Specific Provisions' and to add new regulations (A), (B) and (C), so that it reads:
 - (A) For a **transportation use**:
 - (i) the following regulations and clauses do not apply: 15.10.30.10(1)(B), 15.10.30.20(1)(B), and 15.10.40.70.
 - (B) Despite Clause 15.5.40.40 floor space index is calculated only for the above ground portion of a **building** or **structure** with a **transportation use**; and
 - (C) Despite 15.10.40.40(1), the maximum permitted floor space index for a **building** with a **transportation use** is 1.0.

Prevailing By-laws and Prevailing Sections:

- (A) Former City of North York By-law 22134; and
- (B) Schedule 'D' Airport Hazard Map from City of North York Zoning By-law 7625.

Enacted and passed on , 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Attachment 2: Draft Amendments to former City of North York By-law 7625

Authority: Planning and Housing Committee Item PHXX.X, as adopted by City of Toronto Council on ~, 2020

CITY OF TORONTO

Bill ~

BY-LAW ~-2020

To amend former City of North York Zoning By-law 7625, as amended, respecting the lands municipally known as 11 Four Winds Drive

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. By-law 22134, as it pertains to Section 64.14-A of former City of North York Zoning By-law 7625, is amended by amending Section 9, so that it reads:
 9. THAT notwithstanding the provisions of Sections 15.9, 20-A.2.2, 20-A.2.3, 20-A.2.4, 20-A.2.4.1, 20-A.2.5 and 20-A2.6 of By-law 7625, as amended, the lands designated as Block H on Schedule B may be used for the purpose of three high-rise apartment buildings, six low-rise apartment buildings and public transit uses, in accordance with the following provisions:
 - (a) the said apartment buildings shall be erected in the locations shown on the said Schedule B;
 - (b) that the total lot coverage of the said buildings shall not exceed 21.75 percent of the lot area;
 - (c) that the minimum front, rear and side yards of the said buildings shall be as shown on the said Schedule B;
 - (d) that the total gross floor area of the said buildings shall not exceed 740,565 square feet, not including the areas of all floors below grade;
 - (e) that the said apartment buildings shall contain a total of not more than 548 dwelling units;
 - (f) that the building height of the three high-rise apartment buildings shall not exceed 100 feet;
 - (g) that the building height of the six low-rise apartment buildings shall not exceed four storeys;
 - (h) that provisions (b), (c), and (d) shall not prevent the use of the land for a public transit use; and
 - (i) that all other provisions of By-law 7625, as amended, are complied with.

Enacted and passed on _____, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)