

# **Ready, Set, Midtown: Zoning Review – Final Report and Zoning By-law Amendment for Midtown 'Villages'**

Date: May 16, 2022

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: 8 - Eglinton-Lawrence, 12 - Toronto-St Paul's and 15 - Don Valley West

## **SUMMARY**

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The Midtown Zoning Review is one of three initiatives currently underway to implement the Yonge-Eglinton Secondary Plan (Official Plan Amendment 405), collectively known as "Ready, Set, Midtown". The other initiatives are the Midtown Infrastructure Implementation Strategy (MIIS) and the Midtown Parks and Public Realm Strategy. The purpose of this report is to bring forward the recommended zoning by-law amendment for the 'Villages' Character Areas of the Yonge-Eglinton Secondary Plan for adoption. The report outlines the process undertaken to arrive at the recommended zoning by-law, including engagement and consultation, and outlines next steps in advancing zoning for further areas of the Secondary Plan. The recommended zoning by-law amendment simplifies the existing layered zoning by-laws, by reducing references to prevailing zoning by-laws, and eliminating duplication and redundancy. The intended result is a more user-friendly zoning by-law for the public, staff and applicants.

The recommended zoning by-law amendment is consistent with the Official Plan Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

## **RECOMMENDATIONS**

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

1. City Council adopt the Zoning By-law Amendments to By-law 569-2013, as amended, for the areas identified in Attachment 1, included as Attachment 1 to the report (May 16, 2022) from the Chief Planner, and Executive Director, City Planning.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendments as may be required.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **EQUITY STATEMENT**

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The Yonge-Eglinton Secondary Plan provides a holistic approach to managing growth and change in the area, while considering potential impacts on Indigenous, Black, and equity-deserving or vulnerable populations of Toronto. The Secondary Plan provides a framework for establishing a complete community in Midtown that supports overall quality of life for people of all ages, abilities, and incomes. This will be achieved through improved access to a range of mobility options, community service facilities, local stores, services and employment, housing including affordable housing, an attractive and vibrant public realm and publicly accessible parks, open spaces and recreational facilities.

In the development of an updated Zoning By-law, Staff kept this in mind with an aim of supporting complete and inclusive communities. To this end, input from diverse individuals and groups in the development of an updated Zoning By-law is important. Staff are making efforts to involve diverse voices through the consultation practices being deployed as outlined in this report, as well as outreach to the City's Indigenous Affairs Office and Confronting Anti-Black Racism unit.

## **DECISION HISTORY**

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### **Midtown Infrastructure Implementation Strategies**

At its July 23, 2018 meeting, City Council adopted OPA 405 pursuant to Section 26 of the *Planning Act*. As part of its decision on the final report associated with OPA 405, City Council also endorsed the Midtown Parks and Public Realm Plan and Community Services and Facilities Strategy, and directed City Staff to coordinate and prepare Infrastructure Implementation Strategies for parks and public realm improvements, community services and facilities, transportation and municipal servicing. City Council also directed staff to undertake a zoning review of Midtown's 22 Character Areas, and consider applying holding provisions, where necessary, as part of the Midtown zoning review and/or the review of development applications.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

## **Minister's Decision on OPA 405**

On June 5, 2019, the Minister of Municipal Affairs and Housing issued its decision on the Midtown Official Plan Amendment (OPA 405). As part of the Decision, modifications were made to OPA 405, including changes to anticipated height ranges and built form policies from those outlined in the Council-adopted version of OPA 405. The Secondary Plan contains policy directions associated with the provision of infrastructure, Public Realm Moves, the Midtown Mobility Network, and the need for Infrastructure Implementation Strategies.

City staff reported to City Council on the Minister's modifications to OPA 405 and the Downtown Official Plan Amendment (OPA 406) at its July 16, 2019 meeting. City Council directed staff to complete a Zoning By-law for OPA 405 in coordination with City Planning Division's Midtown Multi-Modal Access Study and the Toronto Transit Commission's Surface Transit Operational Improvement Study. City Council also directed staff to expeditiously advance a review of the Zoning By-law permissions in relation to existing and planned infrastructure and other matters.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM8.16>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.8>

## **Midtown Infrastructure Implementation Strategies - Interim Report**

On July 14, 2021, Toronto City Council adopted the Midtown Infrastructure Implementation Strategies - Interim Report, which provided an update on progress toward Council-directed implementation strategies in the Midtown area. Council adopted the Eglinton Green Line Landscape and Public Realm Standards, and directed staff to report back in the second quarter of 2022 on the status of the Midtown Zoning Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH24.8>

## **Ready, Set, Midtown: Zoning Review - Status Report**

On November 25, 2021, Planning and Housing Committee adopted the Ready, Set, Midtown: Zoning Review - Status Report, which provided an update on the Midtown Zoning Review, directions for the development of an updated Zoning By-law, and a summary of consultation undertaken to date. The report outlined next steps and timing for completion of a draft Zoning By-law for consultation and a final recommended Zoning By-law in Q2 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH29.11>

## **POLICY CONSIDERATIONS**

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

The Provincial Policy Statement (2020) provides province-wide policy direction on land use planning and development to promote strong communities, a strong economy and a clean and healthy environment. It includes policies on key issues that affect communities.

The preamble to the PPS states that zoning by-laws "are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, amended 2020) (the "Growth Plan") came into effect on August 28, 2020. 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. 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 with the Growth Plan.

## **Official Plan**

The Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. The vision of the City's Official Plan centres on the creation of an attractive and safe city that evokes pride, passion, and a sense of belonging; a city where people of all ages and abilities can enjoy a good quality of life in vibrant neighbourhoods that are part of complete communities. The vision also outlines the importance of providing affordable housing choices across Toronto that meet the needs of everyone in their communities throughout their life.

Section 5.2.1 of the Official Plan covers Secondary Plans, and indicates the Secondary Plans establish local development policies in a defined area of the city. Policy 5.2.1.5. states that "an implementing zoning by-law and/or development permit by-law will be prepared concurrently for new Secondary Plans unless Council determines that development is to proceed by site specific zoning." Council has directed staff to advance a review and update to Zoning By-law permissions in the Yonge-Eglinton Secondary Plan area.

## **Official Plan Amendment 405 (the Yonge-Eglinton Secondary Plan)**

Official Plan Amendment 405 was the result of an inter-divisional response and public engagement process with respect to the rapid intensification and change in parts of the Yonge-Eglinton area, building on the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan. The Yonge-Eglinton Secondary Plan provides an up-to-date planning policy framework and prioritized improvements related to local transportation, parks, municipal servicing and community infrastructure. The Plan sets out a vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place. The Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure. Some of the policies of the Plan specifically direct details to be specified in an implementing zoning by-law, such as maximum building heights and the separation of the tower portion of tall buildings.

## COMMENTS

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### Background

The Yonge-Eglinton area continues to be a focus for growth, investment and new development activity within a complex, urbanized context. As of March 2022 there were 37 sites with rezoning applications under review within the Character Areas of the Yonge-Eglinton Secondary Plan, of which 33 were received or resubmitted following the Provincial approval of the Secondary Plan through OPA 405 in June 2019. Of the sites with rezoning applications, 9 were located within the Midtown 'Villages' in OPA 405. As the City is required to process, review and evaluate development applications received, cross-divisional efforts to coordinate implementing zoning, public realm improvements and infrastructure strategies remain an ongoing priority to inform development application review and ensure that growth is appropriately managed. Staff will continue to review and process development applications in the area, while working to implement the intent and purpose of the Secondary Plan, and its associated infrastructure requirements.

### Inputs in Developing an Updated Zoning By-law in Midtown

There are three primary areas of work that have been completed to inform the updated Zoning By-law to implement OPA 405:

- A zoning background report regarding the existing conditions and challenges;
- A built form study to evaluate the modifications made to the Secondary Plan by the Province; and
- An infrastructure assessment based on the highest potential growth estimates anticipated through the built form study.

The zoning background report entitled "Midtown Zoning Review Phase 1 - Background Report" was completed in 2020 and is available on the project website at [www.toronto.ca/readyssetmidtown](http://www.toronto.ca/readyssetmidtown). The background report includes a detailed account of the current zoning in Midtown by Character Area. It also identifies a number of challenges, including the complexity and layering of existing zoning. The area is subject to three comprehensive zoning by-laws: City of Toronto Zoning By-law 569-2013, former City of North York Zoning By-law 7625, and former City of Toronto Zoning By-law 438-86. There are hundreds of zoning exceptions and prevailing by-laws. As a result, the existing zoning in Midtown is challenging to understand and interpret, and is challenging also to update. As expected, there are areas of inconsistency between OPA 405 and the in-force zoning, necessitating updates to zoning to ensure conformity with OPA 405. Additional study was needed to determine appropriate regulations for height, density, transition, and tower separation in order to interpret and respond to OPA 405 as modified.

A built form study was undertaken by a consultant hired by the City, in coordination with staff and with input from the public. The primary purpose of the built form study is to evaluate the modifications made to the Secondary Plan by the Province, including modification or elimination of some policies, and increased height ranges in some

areas. The consultant was directed to conduct their evaluation to achieve conformity with OPA 405, while considering appropriate application of the anticipated height ranges, shadow impact on parks and open spaces, tower separation distances, floor plate sizes, setbacks and stepbacks. The consultant's recommendations were based on a series of directions and assumptions to arrive at potential massing concepts for the identified soft sites. It may be necessary to conduct further detailed evaluation for the purposes of developing an implementing zoning by-law. An example is provided in the "Revisions to the Draft Zoning By-law Following Consultation and Further Analysis" section.

In total, there were an estimated 72,000 residents and 33,000 jobs in the Yonge-Eglinton Secondary Plan area in 2021, based on the census and Toronto Employment Survey. The estimated build-out of the Secondary Plan would result in growth over time to an estimated 156,000 residents and 40,000 jobs. This includes a roughly 15% increase in estimated residential population, with modest changes to job growth, over estimates associated with the staff recommended Secondary Plan. The Midtown Infrastructure Implementation Strategy (MIIS), developed in coordination with multiple City Divisions through 2021-22, included a review of the 2018 infrastructure assessments with respect to increased growth estimates. Through the MIIS, Staff evaluated infrastructure needs and delivery mechanisms for this additional growth with respect to matters including parkland, Community Services and Facilities, municipal servicing, and transportation.

The MIIS will be presented in a report to Infrastructure and Environment Committee on May 25, 2022. The report brings together inputs from various City Divisions, Agencies and Boards into a consolidated document which will guide capital planning and implementation to align with growth in the Secondary Plan area in the near, mid and long terms to 2051. The report recommends adoption of the MIIS as a framework for ongoing coordination of infrastructure provision in Midtown through capital planning processes, development review and partnership opportunities with City Agencies and Boards.

A component of the MIIS, the Public Realm Implementation Strategy provides detailed recommendations for the implementation of the Public Realm Moves outlined in the Yonge-Eglinton Secondary Plan and related initiatives. The public realm strategy provides preliminary concept drawings for public realm improvements, and recommends minimum building setbacks to achieve Secondary Plan objectives, to aid in development review and capital project planning. The minimum setbacks recommended in the Public Realm Implementation Strategy will inform the standards to be included in draft zoning by-laws across the Secondary Plan area.

## **Phasing**

The inputs noted above have advanced sufficiently for staff to be able to advance a zoning by-law amendment for the Secondary Plan 'Villages':

- Eglinton Way;
- Yonge Street North;
- Yonge Street South;

- Mount Pleasant; and
- Bayview-Leaside.

As Provincial changes to OPA 405 in the 'Villages' were more aligned with the Council-adopted Plan, staff were able to advance zoning for these areas earlier than other geographies in the Secondary Plan. As a result, work on a zoning by-law amendment for the 'Villages' is further developed, and recommended for adoption as part of this first phase of implementing zoning for the Secondary Plan.

The 'Villages' are historic main streets that will continue to be vital retail and service destinations for residents, workers and visitors. These areas are envisioned to accommodate a mix of uses in well-proportioned buildings that appropriately conserve heritage resources. Buildings will reinforce the local character of these main streets by providing narrow retail frontages, frequent entrances and active uses at grade. Building design will complement planned public realm improvements, resulting in comfortable, attractive and accessible public spaces that support civic and community life.

The recommended zoning by-law amendment for the 'Villages' is structured as a 'kit-of-parts' (details below), where the 'parts' are consistent regulations or sets of regulations that can be re-used for other geographies of the Secondary Plan in future phases. Staff aim to bring forward recommended zoning by-law amendments for more areas of the Secondary Plan in Q1 of 2023 using this 'kit-of-parts' approach as appropriate. However, timing will be in part dependent on the outcomes of the first phase.

### **What Does the Zoning Do?**

In this section, the basis, structure, and content of the recommended zoning by-law is outlined. A 'Draft Zoning By-law Overview' was released publicly and posted on the project website to help further explain the phasing, structure, and content of the draft zoning by-law. The summary document includes a chart which further explains the structure of the zoning by-law, appended as Attachment 2.

As with any area-wide zoning, future conditions such as potential lot consolidations are challenging to predict and a detailed evaluation will still need to be undertaken on a site and development-specific basis. While the recommended zoning by-law amendment implements the Yonge-Eglinton Secondary Plan, it is possible that variances may still be required in cases where development is otherwise deemed appropriate.

### **Zoning Basis**

The recommended zoning by-law amendment uses City-wide Zoning By-law 569-2013. Zoning By-law 569-2013 consists of a zone label (e.g. "CR" for Commercial Residential zone or "OR" for Open Space Recreational zone) which sets out the general parameters of the zone, such as uses (e.g. retail, residential, park), minimum height, setbacks, and so forth. There are also area-specific and city-wide overlays which set out broad permissions related to maximum height, parking and others. In addition to the base zone permissions in the City-wide Zoning By-law, an individual plot of land may also have exceptions that contains different or additional zoning regulations beyond the general requirements found in Chapters 1 to 800 of the By-law. These exceptions may refer to prevailing zoning by-laws (i.e. another zoning by-law that continues to apply to

the site, including sections of former municipal zoning by-laws). Zoning By-law 569-2013 is available online here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/>

### **Zoning Structure**

The recommended zoning by-law uses the existing structure of Zoning By-law 569-2013, which allows for one area or site-specific exception in Chapter 900 to be applicable for each property (indicated as a numbered code such as "x###", placed in parentheses following the zone label on a property). That one exception may refer to a set of general exceptions. The recommended zoning by-law amendment relies on this structure, in part for consistency and ease of use in developing future by-laws in the Secondary Plan area.

The general exceptions are to be located in a grouping and numbered consecutively in Chapter 900 of the Zoning By-law 569-2013 for ease of reference. Each general exception contains a pre-determined set of regulations to implement performance standards consistent with the policy direction of the Yonge-Eglinton Secondary Plan, for example, built form regulations for a tall building, or standards for retail streets. Only those general exceptions that apply to a site or area will be included in the site-specific exception for that parcel.

This concept is explained in further detail in Attachment 2.

### **Zoning Content**

The recommended zoning by-law amendment implements the Yonge-Eglinton Secondary Plan in those areas to which it applies. The zoning by-law implements the Yonge-Eglinton Secondary Plan by interpreting the policies of the Plan into detailed permissions on individual lots in the Secondary Plan area. This includes:

- Putting in place permissions generally in the 'Villages' Character Areas, which are predominantly zoned "CR" Commercial Residential, identified on Map 21-2 of the Secondary Plan;
- Achieving the vision of the Villages as walkable retail main streets that accommodate a modest amount of growth by:
  - Permitting only non-residential uses on the ground floor (e.g. stores or services);
  - Requiring buildings to be built close to the street or applicable setback to support a walkable main street condition;
  - Setting a minimum height of 3 storeys;
  - Increasing the maximum heights to mid-rise building levels (some areas, such as Eglinton Way, already had permissions for mid-rise buildings);
  - Increasing heights to tall building levels in portions of the west side of Yonge Street in the Yonge Street South 'Village' Character Area; and
  - Setting a maximum size for retail stores;
- Regulating the maximum size of buildings using form-based regulations, including setbacks, stepbacks, and maximum heights, as opposed to maximum units/hectare or floor space index;



- Making space for a variety of household types, including families with children, by requiring a minimum percentage of 2 and 3 bedroom units in larger developments, and a minimum size to some of those units;
- Not permitting uses that do not support the policy objectives for the Villages, such as drive-through facilities and vehicle fuelling stations;
- Implementing the public realm objectives of the Plan by requiring setbacks in certain areas to achieve an improved pedestrian environment;
- Defining the base and tower portions of tall buildings, and identifying setbacks for these portions of buildings (note that only a portion of the Yonge Street North and Yonge Street South Villages contemplate tall buildings, as per the Plan);
- Setting the minimum setback requirements for the tower portion of tall buildings;
- Setting the maximum floor plate size for the tower portion of tall buildings; and
- Zoning certain lands as Open Space Recreational with the intent of recognizing existing parks and implementing the Plan to create new parks in the future.

In addition to the above, the recommended zoning by-law also recognizes certain lawfully existing uses, includes transition clauses, a regulation regarding the provision of water services and mapping which identifies which lots are included in the by-law. Other maps include the recommended zoning label, the maximum height, and the policy area overlay (which relates to provisions such as parking rates, though this may change due to amendments adopted by Council but not yet in force).

### **Alignment with Direction from the November 2021 Status Report**

In November of 2021, Planning and Housing Committee received the Ready, Set, Midtown: Zoning Review - Status Report which included objectives and a 'zoning framework' for the development of a zoning by-law amendment to implement the Yonge-Eglinton Secondary Plan.

### **Objectives**

The objectives and some examples of how the objectives were met are outlined below.

Implement the intent and purpose of the Secondary Plan:

- The recommended zoning by-law conforms to the Secondary Plan and implements all aspects of the Secondary Plan that are required while allowing for flexibility of policy interpretation. For example, Policy 2.5.9 of the Plan makes clear that vehicle related uses will not be permitted in *Mixed Use Areas C*, and the recommended zoning by-law removes these uses. Conversely, Policy 5.4.12 indicates that additional height may be considered if a proposal integrates a new underground pedestrian connection to a transit station. Policy 5.4.12 can be referred to in the review of a development application for additional height, but does not require implementing zoning on an area-wide basis.

Simplify where possible:

- The Midtown Zoning Review Background report identified that the existing zoning is complex and layered, with several different zoning by-laws applying, hundreds of exceptions and hundreds of prevailing provisions. The recommended zoning by-law

simplifies the zoning in a variety of ways, primarily by limiting applicable by-laws to just Zoning By-law 569-2013. For example, the recommended zoning by-law amendment reduces the number of exception categories by approximately 65%, reduces the number of exception provisions by approximately 36%, and eliminates approximately 99% of the references to prevailing zoning by-laws (save for a few lots where recent site-specific zoning by-laws are being carried forward). It does this through the elimination of duplication and redundancy, or by bringing in the necessary prevailing provisions into the recommended zoning by-law amendment.

Keep user experience in mind:

- The recommended zoning by-law was developed with those who will use it in mind. This includes simplification of the by-laws, as noted above. In addition, the recommended zoning by-law was developed with input from Toronto Building staff who provided comments for improving its legibility and interpretation, and with input through the consultation process. Most notably, its structure and content can be replicated in the creation of new zoning by-laws going forward. As the recommended zoning by-law works like a 'kit-of-parts', the drafting of new by-laws that implement the Secondary Plan should be more straightforward in the future. A proponent or staff member seeking to draft a zoning by-law can rely on the general exceptions, rather than having to start anew each time. The outcome is expected to be more efficient by-law development and by-law review and customer service improvements.

To ensure that the zoning by-law works for the future, but does not predict the future:

- The recommended by-law is crafted in way that permits a variety of building types and sizes, and accommodates changes via lot consolidation. For example, one of the prepared 'parts' identifies the tower portion of a tall building and the regulations that would apply to that portion of the building. As the maximum height of a mid-rise building is usually taller than the base building of a tall building, this same provision exempts mid-rise buildings from those tower provisions where there could be a conflict. Therefore, the regulations contain performance standards that would apply to both mid-rise buildings and tall buildings. The regulation will work in the future, regardless of the type of building being recommended.

### **Zoning Framework**

The zoning framework was outlined in the November 2021 Staff report, and included direction that:

- The basis of the zoning by-law is proposed to be City of Toronto Zoning By-law 569-2013, rather than creating a new comprehensive zoning by-law;
- Recent development applications will be brought into an updated by-law with site-specific permissions;
- Regulations for land uses will be modified as required by the Secondary Plan (e.g. setting a maximum size, and minimum depth of retail uses), but will otherwise be based on the regulations in City of Toronto Zoning By-law 569-2013;
- Building form will be regulated through the performance standards in Zoning By-law 569-2013 such as setbacks, angular planes, and height limits, as adjusted to

implement the Secondary Plan. New regulations will be introduced to implement policy directions regarding the typological elements of buildings described in the Plan, such as the base and tower portions of tall buildings;

- Building size will be regulated through form, including height limits, maximum floor plate sizes, angular planes, setbacks, stepbacks, and other form-based regulations.
- Minimum heights will remain the same where they already meet the intent and purpose of the Plan, and will be modified elsewhere as required;
- Minimum ground floor retail height will be set at 4.5 metres due to the area-specific minimum height policy of the Secondary Plan, despite the ongoing OLT appeal to Regulation 40.10.40.10(5), the requirement for a minimum height of the first storey for the Commercial Residential (CR) zone in Zoning By-law 569-2013. In addition, a general (as opposed to site-specific) provision will be introduced to reduce this minimum height on retail blocks with a current average retail height of less than 4.5 metres;
- Maximum height will be regulated through the city-wide height overlay map and built form based regulations (e.g. angular planes), with the proposed addition of a minimum lot size requirement for tall buildings, to ensure tall buildings are on sites that are large enough to appropriately accommodate them. Permissions for maximum height in metres will be informed by outcomes of the built form study;
- Height transition will be informed by the results of the built form study and regulated as described above;
- Separation distances between the tower portions of tall buildings will be regulated through a two-step process of defining a base building in relation to its adjacent right-of-way, and setting minimum setback distances to any portion of a building above the base building. Two exceptions are proposed to be introduced to make this work for midrise buildings and for those limited portions of the Secondary Plan area which include provisions for base buildings that vary from the remainder of the area;
- Office replacement will be regulated through a three step process. First, the term "office", which does not have a definition in By-law 569-2013, will be defined for the purpose of determining the gross floor area to be replaced. Then, proposals for development on sites including buildings taller than the adjacent right-of-way width, and/or development on sites exceeding a lot size limit in square metres, will be required to replace all defined office uses. Finally, the amount of office to be replaced will be determined using existing City data regarding office uses; and
- Other regulations will be introduced, including elements of the Council-adopted Secondary Plan that were removed through modifications by the Province and to be implemented through a zoning by-law.

All of the directions identified in the November 2021 report noted above were followed and implemented, with two exceptions:

- The direction for the identification of a minimum lot size for tall buildings. Upon further analysis and in consideration of the objectives to 'simplify where possible' and 'implement the purpose and intent' of the Secondary Plan, staff recommend that minimum lot size for tall buildings not be included. Staff are of the opinion that the other provisions of the recommended zoning by-law, such as minimum tower separation distances and step backs, are sufficient to ensure that tall buildings will only be permitted in the zoning by-law on sites that are large enough to accommodate them; and

- The direction for the creation of a reduced minimum ground floor height in areas where the historic character of a block includes a lesser ground floor height. Upon further analysis and in consideration of the objective to implement the 'purpose and intent' of the Secondary Plan, staff are recommending a provision in the zoning by-law for a minimum ground floor height of 4.5m metres, unless the site abuts a heritage site, where the minimum ground floor height is equal to that of the heritage site. The primary reasons for this direction, which varies from the zoning framework, is that "historic character of the block" has not been geographically defined in the Secondary Plan, and that an average ground floor height cannot reasonably be set, as "storey" is defined in 569-2013 as being from the floor to the ceiling of a building. Each of these elements would be difficult for both proponents and staff to ascertain and verify in a zoning review. Staff are of the opinion that the Secondary Plan policy provides appropriate direction to consider variances to the ground floor height in these circumstances.

In addition to the above, and for clarity, the Secondary Plan policies regarding office replacement apply to lands designated *Mixed Use Areas 'A'* and *Mixed Use Areas 'B'*. As there are no *Mixed Use Areas 'A'* nor *Mixed Use Areas 'B'* designated lands in the 'Villages' Character areas, the recommended implementing zoning by-law amendment for the 'Villages' Character areas does not include office replacement regulations.

## **Indigenous Engagement**

In October 2021, staff reached out to 11 First Nations and the Metis Nation via email and letter to invite direct participation in the Midtown Zoning Review. Those Nations and Metis Nation contacted were:

- Beausoleil First Nation
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation
- Curve Lake First Nation
- Haudenosaunee Confederacy Chiefs Council via the Haudenosaunee Development Institute
- Hiawatha First Nation
- Metis Nation
- Mississaugas of Alderville First Nation
- Mississaugas of the Credit First Nation
- Mississaugas of Scugog Island First Nation
- Nation Huronne-Wendat
- Six Nations of the Grand River Territory

In addition to the above list, Staff also reached out to the Toronto Aboriginal Support Services Council (TASSC) in December 2021.

Staff received responses from the Mississaugas of Alderville First Nation, the Mississaugas of the Credit First Nation, and the Metis Nation. Staff followed up on each of these responses providing additional information and offering to meet. No further response was received.

Staff additionally received a response and a request to meet from the Haudenosaunee Development Institute (HDI), to request a meeting. Staff from City Planning and the Indigenous Affairs Office met with the HDI representatives on December 13, 2021. At that meeting, the HDI representatives expressed concern with the in-force Yonge-Eglinton Secondary Plan and, as a result, the ongoing zoning review implementing that plan. The comments received from HDI address more general issues with the previous planning process regarding the Secondary Plan. Staff have offered further meetings with HDI to continue a discussion regarding Indigenous engagement in the planning process.

## Consultation

In October 2021, staff initiated public engagement on a draft zoning framework to ensure that input into the development of a draft zoning by-law was considered early in the process. Consultation efforts included virtual meetings via WebEx software. Two public consultation sessions were held on October 27, 2021. There were a total of 346 unique sign-ins to the event, which provides a reasonable estimate of the number of people in attendance. In general, participants were engaged in the meeting, with comments and questions received on a variety of topics with varying degrees of alignment with zoning. Staff considered feedback from those meetings, as well as emails and phone calls received, in developing the zoning framework. A consultation summary was included in the November staff report adopted by Planning and Housing Committee.

Following the public meetings and establishment of the objectives and zoning framework in November 2021, staff received numerous phone calls, letters and emails from members of the public and stakeholders. Many of these calls and emails were with respect to specific development applications, rather than about area-wide revisions to the zoning by-law. Staff considered all feedback received in the development of the draft zoning by-law.

On March 16, 2022, a draft zoning by-law for all of the Midtown 'Villages' (except for Yonge Street South) was posted on the project website at [www.toronto.ca/readyssetmidtown](http://www.toronto.ca/readyssetmidtown). As a zoning by-law is a technical document, a short explanatory summary document was also posted to help explain the structure and content of the draft by-law, along with the reason why the 'Villages' are proposed to advance first. In addition, staff included explanatory text throughout the draft zoning by-law to assist the public in understanding the document.

To promote the release of the draft by-law:

- emails were sent to the project listserv, containing nearly 1,000 subscribers;
- letters were sent to interested parties;
- centres of influence were informed (e.g. Councillors offices and the Midtown Planning Group); and
- the draft by-law release was announced on social media.

Emails and letters sent indicated the geography to which the draft zoning by-law would apply, how to access the draft zoning by-law, and how to contact staff. Staff connected

with the Toronto Public Library - Northern District Branch about the draft zoning by-law release. Library staff indicated that they would assist anyone without access to a computer in reviewing the posted materials. The distributed letter indicated that this service was available.

Comments and feedback were received from members of the public, and where appropriate some changes made on the basis of those comments were incorporated into the updated by-law which included all of the Yonge-Eglinton Secondary Plan 'Villages'. This update was released and posted to the website the following week on March 24, 2022. An email was sent to the listserv indicating the update and content of the update, and also indicated that a holding provision may be included in the final draft of the by-law. The revised version reflected additions, drafting corrections, and input received from the public since March 16, 2022. These included:

- The addition of zoning regulations for the Yonge Street South 'Village';
- The addition of transition clauses to resolve potential conflicts between current development applications and the proposed by-law;
- A correction that items 14 and 15 should say 'minimum'; and
- Typographical, technical, and reference corrections.

Following the release of the updated draft zoning by-law, staff continued to receive emails, letters, phone calls from the public and stakeholders. A summary of comments and responses is provided in Attachment 3.

### **Revisions to the Draft Zoning By-law Following Consultation and Further Analysis**

As a result of consultation and engagement efforts further analysis was undertaken, and the following changes were made to the draft zoning by-law:

- A 5.0 metre side setback was added along the west side of Yonge Street South to account for the vision of the Secondary Plan for the subway trench to become a park in the future. A 5.0 metre setback is a standard provision required to ensure that a development does not impact the park amenity. This includes ensuring development abutting a park can be serviced on site (including the erection of any temporary structures such as scaffolding or hoists). The setback also ensures that fire separation distance can be accommodated on the development site, and negates the need for the City and developer to enter into a limiting distance agreement. The permitted height on the southern end of the Yonge Street South 'Village' was informed by the outcomes of the built form study, which studied only portions of this area identified as 'soft sites'. However, based on feedback and following further analysis, staff are of the opinion that it is appropriate to revise the height on the southern end of Yonge Street South upwardly to reflect the possibility of wider lot consolidation to create lots of sufficient size to contain a tall building. There would be no significant impact on the designated parklands to the west. This change aligns with the objective of ensuring the zoning by-law works for the future, but does not predict the future, where the extent of potential lot consolidation is not known.

- The maximum tower floor plate size identified as a requirement of the Secondary Plan was inadvertently excluded from the draft zoning by-law. A maximum floor plate size has been added for the tower portion of tall residential buildings.
- Lands designated *Parks* on the east side of Yonge Street South 'Village' were added to the draft zoning by-law to be consistent with the rezoning of lands similarly redesignated in other areas.

## **Provision of Physical Infrastructure and Community Service Facilities**

In July 2018, City Council directed staff to consider applying a Holding By-law for the provision of physical infrastructure and community service facilities where necessary as part of the Zoning review. A Holding By-law is a tool to assist in instances where the intended use and zoning is known for lands, but development should not take place until specific facilities or conditions are met. Policies for Holding By-laws must first be described in an Official Plan. Toronto's Official Plan includes policies related to Holding By-laws in section 5.1.2.

A Holding By-law must be specific, bear a reasonable relationship to a potential development, and provide clear direction on how the provision can be satisfied (e.g. the provision of a satisfactory transportation study, soil remediation, or construction of a street). A Holding By-law should not be used to delay development that would otherwise represent good planning, and generally can only apply to items that can be delivered by a proponent or the City.

City Planning, in collaboration with partner Divisions, undertook the Ready, Set, Midtown: Infrastructure and Implementation Strategy (MIIS) as a concurrent initiative to evaluate municipal and community infrastructure needs to serve growth anticipated through the approved Secondary Plan. The MIIS is based on the principle that growth in Midtown will be matched with investment in community facilities, parks, the public realm, local transportation facilities and municipal servicing over time, so that the area grows and evolves as a complete community. The MIIS supports project delivery through capital planning and development review, by creating a shared understanding of needs and priorities across all infrastructure types, as well as available funding tools, coordination opportunities, delivery mechanisms, and project phasing. The MIIS provides a roadmap for prioritizing capital projects to serve growth in the near, mid and long terms and outlines a framework for regular monitoring and assessment to identify emerging needs.

Through the MIIS analysis, staff did not identify specific projects or improvements necessitating the use of holding provisions in Midtown on an area-wide basis at this time. As needs arise, planned and future capital projects will contribute to addressing improvements as the area grows, and modifications to the zoning by-law may be necessary. Although zoning exists on all land across the city, there remains a need to ensure that development can be adequately serviced on a site-specific basis, including sufficient water supply and sewage capacity, depending on details of a proposal such as the type of construction or its specific location.

Section 5.6 of the MIIS identifies Midtown municipal servicing, including an inventory of water and sewer improvement projects located in Midtown and delivery mechanisms. A

two-stream framework is used to deliver municipal servicing improvements, whereby infrastructure projects are primarily prioritized, scheduled and funded through Toronto Water's capital plan, while providing flexibility for developers to implement growth-related infrastructure improvements at a local scale, where development and municipal capital delivery timelines do not align. To ensure servicing capacity is maintained over time, Toronto Water will track the progress of projects in the capital plan, as well as developer-implemented upgrades coordinated by the City's ECS Division through the development review process. Projects that are required to serve a particular development, and do not fall into Toronto Water's capital program, will be implemented and fully funded by the developer. The developer may enter into a front-end agreement with other developers benefitting from any proposed upgrades for such projects.

In addition, City Planning and ECS will monitor the development pipeline and actualized growth in relation to the 2051 population estimates. If the development pipeline exceeds the growth estimate, updated population assumptions will need to be considered in future assessments and/or engineering design updates, where feasible, as well as updates to area-based planning instruments.

## **Inclusionary Zoning and Major Transit Station Areas**

As part of the Municipal Comprehensive Review process, known as "Our Plan Toronto" ([www.toronto.ca/ourplan](http://www.toronto.ca/ourplan)), City Planning staff are advancing draft Major Transit Station Area (MTSA) delineations. Staff have reported to Planning and Housing Committee with over 120 draft delineations for the basis of consultation. These draft delineations include MTSA boundaries, minimum density targets, including minimum Floor Space Index (FSI) and permitted land uses.

In November 2021, City Council adopted a policy and zoning framework for inclusionary zoning (IZ), a planning tool that allows the City to require affordable housing in new development to create mixed-income housing. Inclusionary zoning will require 5-10% of new condominium developments to be secured as affordable housing if the development is located in both a Protected Major Transit Station Area and an IZ market area. The Secondary Plan is located within an IZ market area and all of the transit station areas in the Secondary Plan area are being advanced as PMTSAs. This PMTSA framework will be advanced as a separate process from the Midtown Zoning Review, and must be in effect before IZ can be implemented.

## **Urban Design Guidelines**

In addition to implementing the area-specific policy directions of the Yonge-Eglinton Secondary Plan, a number of the City's urban design guidelines were considered to inform development of the recommended zoning by-law amendment. These include, among others:

- [The Townhouse and Low-rise Apartment Guidelines](#);
- [The Mid-Rise Building Performance Standards](#) and [addendum](#);
- [The City-wide Tall Building Design Guidelines](#);
- [GrowingUp: Planning for Children in New Vertical Communities](#); and
- [The Retail Design Manual](#).



## **Conformity with Provincial Policy**

The Provincial Policy Statement (PPS 2020) provides province-wide policy direction on land use planning and development to promote strong communities, a strong economy and a clean and healthy environment. It includes policies on key issues that affect communities.

The preamble to the PPS states that zoning by-laws "are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, amended 2020) (the "Growth Plan") came into effect on August 28, 2020. 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. 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 with the Growth Plan.

The recommended zoning by-law amendment is consistent with the Provincial Policy Statement, and conforms with the Growth Plan.

## **Conformity with the Official Plan and Official Plan Amendment 405**

The Official Plan contains policies and objectives that guide future growth and development in the city. The Official Plan is a long-term vision for how the city should grow. It contains a number of city-building priorities such as directing growth to areas well served by transit and creating viable and complete communities. The recommended zoning by-law amendment has been developed within the context of the Official Plan. The recommended zoning by-law amendment conforms with and will advance the implementation of the Official Plan.

The Yonge-Eglinton Secondary Plan (OPA 405) sets out a vision that emphasizes the importance of complete communities while recognizing a diverse set of linked character areas. It envisions a green, resilient, connected and prosperous place. The Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure. The recommended zoning by-law amendment implements a geographic portion of Official Plan Amendment 405 generally known as the 'Villages' Character Areas and sets the basis from which to expand to other areas. The recommended zoning by-law amendment implements the intent and purpose of the Plan, as well as specific policy directions that are appropriately regulated through zoning such as minimum or maximum built form standards and land use permissions or prohibitions. The recommended zoning by-law amendment conforms with Official Plan Amendment 405.

## Anticipated Timeline and Next Steps

City Planning, together with partner Divisions and Agencies, will continue to advance the Midtown Zoning Review, and anticipate the following sequence of events:

- Subject to the recommended zoning by-law for the Yonge-Eglinton Secondary Plan 'Villages' being adopted by Council, staff will move forward with efforts to achieve revisions to the zoning by-law to implement further areas of the Secondary Plan by the first quarter of 2023;
- Ongoing efforts to bring forward revisions to the zoning by-law for other areas will include further consultation and engagement; and
- A focussed and parallel exercise, including public consultation is presently underway to review the zoning by-law in certain areas designated *Neighbourhoods* within the Avenue Midtown Transit Station Area. Staff anticipate a final report on a recommended zoning by-law amendment for these areas to be brought forward by the end of the second quarter of 2022.

## Conclusion

The recommended zoning by-law amendment for the Yonge-Eglinton Secondary Plan 'Villages' is the result of a robust analysis and community engagement. The recommended by-law amendment simplifies a complex series of zoning by-laws and exceptions by significantly reducing the number of applicable exceptions and prevailing by-laws, where appropriate and in conformity with the Plan. The amended zoning will bring clarity and consistency to help direct and manage growth in Midtown.

The recommended zoning by-law amendments represent the first phase of a conformity exercise to implement the Secondary Plan and respond to direction of the Official Plan to bring forward zoning by-law amendments with new Secondary Plans. The recommended zoning by-law amendments are consistent with and conform to Provincial policy and represent good planning. Staff recommend adoption of the recommended zoning by-law amendment and to proceed with amendments to zoning in other Character Areas of the Secondary Plan using a similar structure and process.

## CONTACT

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## SIGNATURE

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director,  
City Planning

## **ATTACHMENTS**

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Attachment 1: Recommended Zoning By-law Amendment for Yonge-Eglinton  
Secondary Plan 'Villages' and Certain Adjacent Lots

Attachment 2: March 2022 Draft Zoning By-law Overview

Attachment 3: Summary of Comments Received and Staff Responses to the March 24,  
2022 Draft Zoning By-law Amendment

**Attachment 1: Recommended Zoning By-law Amendment for Yonge-Eglinton Secondary Plan 'Villages' and Certain Adjacent Lots**  
(provided separately)

**Attachment 2: March 2022 Draft Zoning By-law Overview**  
(provided separately)

### Attachment 3: Summary of Comments Received and Staff Responses to the March 24, 2022 Draft Zoning By-law Amendment

Comment	Staff Response
Questions about what the by-law does, and criticism of the complexity of the draft by-law.	Staff responded to all enquiries and calls, and assisted those who enquired in understanding the draft by-law. Staff acknowledged that a zoning by-law is technical and that staff tried to help it be more understandable through the summary document and explanatory text in the draft.
Requests for affordable housing and inclusionary zoning.	Staff clarified that the draft by-law makes the development of housing more streamlined, and does not prevent future inclusionary zoning, which is advancing through a separate process.
Provision of additional parks, schools and community centres.	Staff indicated that the zoning implements the Plan, and that a parallel process called the Midtown Infrastructure Implementation Strategy is ongoing.
Questions about what areas are covered by the draft by-law, and questions and comments regarding areas outside of that covered by the draft.	Staff responded regarding the areas covered by the draft zoning by-law and noted comments regarding areas outside of those covered by the first phase.
Questions about the removal of permitted uses and the impact on currently operating businesses (e.g. automobile related uses);	Staff clarified that zoning must conform to the Secondary Plan. Where the Secondary Plan requires removal of certain uses, then those uses must be removed in the zoning. Staff also clarified that existing uses would continue to be legal through provisions of the zoning, including those related to 'lawfully existing' uses.
Suggestions that are out of scope with respect to implementation of the Secondary Plan, such as suggestions changes to height permissions in the Plan.	Staff clarified that these suggestions are out of scope. Staff noted that the Plan came into force in 2019 and that the municipality is required to revise zoning to implement the Plan.
Suggestions regarding the height of buildings.	All of these were related to areas outside of the first phase of zoning, but staff have noted them for future phases.

<b>Comment</b>	<b>Staff Response</b>
Questions about transition clauses.	Staff pointed out the transition clauses in the draft, and their intention to not impact current complete development applications.
Requests to remove prevailing by-laws to simplify the by-law, and requests to maintain prevailing by-laws to maintain provisions.	The objectives to develop the zoning by-law include implementing the Secondary Plan's intent and purpose, and to simplify the zoning where possible. Staff have considered the requests received and have made changes to the draft as appropriate.
A question was equating "as-of-right" zoning as a removal of public consultation.	Staff responded that zoning exists across the Toronto and was put in place in consideration of public input. That is the case with the draft by-law as well.
A request to limit shadows on parks and schools.	Shadow studies were built into the development of the Secondary Plan, including limiting shadow on the public realm. However, modifications to the Secondary Plan by the Province, especially with respect to height, necessitated further evaluation. Results of the evaluation will be incorporated into the implementing zoning by-law, with the goal of limiting shadows on the public realm. Further, a limit on the maximum floor plate of tall buildings and separation between tall buildings helps reduce shadow impacts and maintain sky view.
Comments in support of (or no concerns with) the proposed draft.	Staff acknowledged those comments.