

City-Initiated Zoning By-law Amendments to Implement Finch-Kennedy Smart Track Station - Final Report

Date: June 14, 2022

To: Scarborough Community Council

From: Director, Transit and Transportation Planning

Wards: Ward 22 – Scarborough Agincourt

SUMMARY

This report proposes a City-initiated zoning by-law amendment to facilitate the delivery of the Finch-Kennedy SmartTrack station. The purpose of this by-law amendment is to provide relief from certain zoning by-law provisions related to transportation uses for the station lands and to accommodate the SmartTrack station elements.

Finch-Kennedy Station will be located along the Stouffville GO rail corridor in Scarborough, between Milliken Station to the north (at Steeles Avenue East) and Agincourt Station to the south (at Sheppard Avenue East). The station will generally be situated on the north side of Finch Avenue East, about halfway between Kennedy Road and Midland Avenue.

Vehicular access to Finch-Kennedy Station will be provided via a new access road connecting to Finch Avenue East, opposite Baylawn Drive, about 230 metres east of the rail corridor. Pedestrian pickup/drop-off will be provided along the south side of this access road. TTC buses will connect with the station at stops in lay-bys on the north and south sides of Finch Avenue East.

The zoning by-law amendment affects four parcels on both sides of Finch Avenue East, east and west of the rail corridor, which comprise the station site. The station facilities on these lands and the rail corridor include: two side platforms with mini-platforms, north and south stairs elevators from the side platforms to station building station access buildings (both north and south sides of Finch Avenue East) a road-rail grade separation complete with four through lanes, sidewalks and bicycle tracks allowing the rail corridor to cross over Finch Avenue East bus lay-bys to accommodate 3 articulated TTC buses in each direction on Finch Avenue East under the grade separation; para-transit drop-off and curbside passenger pick-up/drop-off east of the main station building; an underground storm-water storage tank; a storm-water pumping station including mechanical, communication and electrical service rooms; and 96 secure and covered bicycle parking spaces. The intent of the proposed zoning by-law amendment

is to provide flexibility to account for minor design changes as the station design is refined; amend zoning requirements to reduce the amount of property Metrolinx will need to acquire where a partial property is needed; and provide new provisions that will provide flexibility on setbacks, lot coverage, gross floor area (GFA) and floor space index (FSI) that only apply to a transportation use for properties zoned in By-law 569-2013. Exemptions would not apply to non-transit portions of a development, and would not change the requirements for non-transit uses.

The amendments have been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the recommended Zoning By-law Amendments are consistent with the PPS (2020), and conform to and do not conflict with the Growth Plan (2020). Furthermore, the zoning amendments are in keeping with the intent of the Official Plan, particularly as it relates to supporting the increased use of existing rail corridors within the City for enhanced local and inter-regional passenger service.

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

RECOMMENDATIONS

The Director, Transit and Transportation Planning, recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 4120 Finch Avenue East and unaddressed lands comprising portions of Finch Avenue East right-of-way between Kennedy Road and Midland Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to this report
2. City Council amend former City of Scarborough Employment Districts Zoning By-law 24982, as amended, for the lands at 4140, 4150 and 4168 Finch Ave East, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the report.
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 is no financial impact associated with this report.

DECISION HISTORY

In November 2016, City Council considered the report EX19.1 Transit Network Plan Update and Financial Strategy and endorsed a Summary Term Sheet that established principles for cost-sharing on a number transit expansion initiatives, including the SmartTrack Stations Program

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX19.1>

In April 2018, City Council considered EX33.1 Implementation of the SmartTrack Stations Program and the Metrolinx Regional Express Rail Program and approved a contribution of up to \$1.463 billion to Metrolinx for the SmartTrack Stations Program subject to the terms and conditions described in Attachment 1 of the report. The approved funding and financing strategy includes \$585 million in federal funding under Investing in Canada Infrastructure Program – Public Transit Stream.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX33.1>

In October 2019, City Council considered EX9.1 Toronto-Ontario Transit Update and authorized the City Manager to negotiate, enter into and execute a Preliminary Agreement with the Province and/or any other relevant provincial agency, in accordance with the terms set out in the term sheet in Attachment 6 to the report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.1>

On February 2 2021, City Council adopted EX20.2 Advancing the SmartTrack Stations Program, which updated terms that will be incorporated into a revised Agreement in Principle to advance the SmartTrack Stations Program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX20.2>

In August 2021, the revised Agreement in Principle (AIP) terms approved in this decision were finalized through the signed agreement between the City and the Province. The signed Revised Ontario-Toronto Agreement in Principle marked the full endorsement of the project and the beginning of the procurement process.

<https://www.toronto.ca/wp-content/uploads/2021/08/9672-revised-ontario-toronto-agreement-in-principle-2021.pdf>

ISSUE BACKGROUND

Planning for major transit expansion projects follows an extensive design and consultation process beginning with the Transit Project Assessment (TPAP) process, a focused environmental assessment process for transit projects. A TPAP is typically undertaken well in advance of the filing of formal planning applications. City staff actively participate in, and in some cases, lead TPAPs, as was the case with the original

Smart Track TPAP which was completed in 2018. 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 TPAP process in advance of the issuance of tender documents for construction of the project. Currently this project is at the procurement and detailed design stage of the process.

Station and site design parameters are established through output specifications or the Statement of Requirements (SOR). This typically happens before a zoning review. After tendering of the project and with a Construction Manager is on board, Metrolinx continues the design process, which reflects the EA design but may not align with existing zoning.

The preliminary 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 TPAP process where transit buildings will be located, arranged on the land, and designed when a project is approved, areas of non-compliance with existing zoning may only be identified later in the detailed design and project delivery stage.

Zoning compliance is required at the time of Site Plan approval and building permit applications and should be demonstrated in the detailed design stage of a transit project. However, addressing zoning compliance at this late stage in the process may introduce significant risk, delay and cost to the project delivery. To reduce these risks zoning compliance is secured prior to project tender. The requirements associated with planning for major transit expansion projects is the overall reason for initiating the zoning amendments.

Metrolinx has recently submitted a 60% design package, and a Site Plan review package is in the process of being submitted. Through the zoning review process, staff have developed recommendations on the definition of parcels based on Metrolinx ownership and station facilities. The proposed amendment gives relief and recognizes the constraints of these irregular parcels.

The aim for these proposed zoning amendments is to provide flexibility to account for minor design changes as the station design is refined; amend zoning requirements to reduce the amount of property Metrolinx will need to acquire where a partial property is needed; and provide new provisions that will provide flexibility on setbacks, lot coverage, gross floor area (GFA) and floor space index (FSI) that only apply to a transportation use for properties zoned in By-law 569-2013.

The former City of Scarborough Employment District By-Law No. 24982 is also being amended for portions of lands located at 4140, 4150 and 4168 Finch Ave East to permit the transportation use. This will bring all of the land into City of Toronto Zoning By-law 569-2013 to ensure consistency with the zoning for the rest of the station and future-proofing for the intended transportation use on all of the lands. These lands are part of a new City right-of-way in the northeast quadrant that will be part of the final station project. Part of this access and the station facilities are in 569-2013, zoned E (Employment Industrial), while the easterly portion is in Scarborough Employment

District By-Law No. 24982 and is zoned Milliken Employment, Industrial zone, M-414-913-991-1054 Ex. 202.

Exemptions would not apply to non-transit portions of a development, and would not change the requirements for non-transit uses.

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 interrelationships 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 4.6 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 with 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 with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2019, with Amendment 1 to the Growth Plan coming into effect on August 28, 2020. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2020 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on-site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and

Conserving and promoting cultural heritage resources to support the social, economic, and cultural well-being of all communities.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS (2020) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) 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 with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

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 and
 - c) increasing accessibility throughout the City by taking advantage of the combined travel benefits afforded by improved mobility and increased proximity.
- 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 TPAP review processes are complete
 - k) supporting the increased use of existing rail corridors within the City for enhanced local and inter-regional passenger service.
- 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/citygovernment/planning-development/official-plan-guidelines/official-plan/>.

Proposed Zoning Changes

The station site which is subject to the by-law amendment has been divided into four geographic quadrants, representing the northwest, northeast, southeast, and southwest sections of the proposed SmartTrack station site. Three out of four quadrants fall within the City of Toronto By-law 569-2013 and one within both City of Toronto By-law 569-2013 and the former City of Scarborough Employment District By-Law 24982. The proposed provisions apply only to transportation use and largely exempt setbacks, heights and FSI within these quadrants.

Public transit uses, identified under the defined term "Transportation Uses" in the City-wide Zoning By-law 569-2013, are permitted in all zones on condition that they comply with the standards for a building or structure in that zone.

Quadrant	Address(es)	Zoning Information
North-West Quadrant	unaddressed lands comprising portions of Finch Avenue East right-of-way between Kennedy Road and Midland Avenue	<ul style="list-style-type: none">• Subject to City of Toronto By-law 569-2013<ul style="list-style-type: none">• Currently zoned E and subject to no exceptions• New provisions apply only to a transportation use:• Exemptions for setbacks, height and FSI, driveway width, parking space size, ancillary buildings and landscape requirement exemptions.
North-East Quadrant (East Parcel)	4140, 4150 and 4168 Finch Ave East	<ul style="list-style-type: none">• Subject to former City of Scarborough Employment District By-law 24982, Zoned Milliken Employment, Industrial zone, M-414-913-991-1054 Ex. 202.<ul style="list-style-type: none">• Bringing in to 569-2013 to permit transportation use• Exemptions for setbacks, height and FSI, canopy projections to lot line and landscape requirement exemptions.

Quadrant	Address(es)	Zoning Information
North-East Quadrant (West Parcel)	4120 Finch Avenue East	<ul style="list-style-type: none"> • Subject to City of Toronto By-law 569-2013 • Currently zoned E and not subject to exceptions • New provisions apply only to a transportation use: • Exemptions for setbacks, height, canopy projections to lot line and landscape requirement exemptions.
South-West Quadrant	unaddressed lands comprising portions of Finch Avenue East right-of-way between Kennedy Road and Midland Avenue	<ul style="list-style-type: none"> • Subject to City of Toronto By-law 569-2013 • Currently zoned RT subject to exceptions • New provisions apply only to a transportation use: • Exemptions for setbacks, height and FSI, and canopy projections to lot line, and driveway width
South-East Quadrant	unaddressed lands comprising portions of Finch Avenue East right-of-way between Kennedy Road and Midland Avenue	<ul style="list-style-type: none"> • Subject to City of Toronto By-law 569-2013 • Currently zoned RS and subject to exceptions • New provisions apply only to a transportation use: • Exemptions for setbacks, height, FSI and driveway width

COMMENTS

The Provincial Policy Statement (2020)

The proposal has been reviewed and evaluated against the Provincial Policy Statement. Staff have determined that the proposed amendments are consistent with the policy aims of the PPS. Specifically, Policy 1.6.7.3 of the PPS requires "As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved" which is implemented through the zoning changes required to facilitate pedestrian and cycling connection facilities and improvements.

The Growth Plan (2020)

The proposal has been reviewed and evaluated against the Growth Plan (2020). Staff have determined that the proposal conforms and does not conflict with the Growth Plan (2020). Particularly relevant sections of the Growth Plan as it pertains to the proposed amendments are as follows:

- Policy 3.2.1.1 of the Growth Plan requires that "infrastructure planning, land use planning and infrastructure investment will be coordinated to implement this Plan."
- Policy 3.2.2.1 states 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 facilitate to deliver zoning compliance for a high-order transit station facility.

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)

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 GO Rail alignment to be utilized by Smart Track. The proposed Zoning Bylaw amendments are consistent with the amended Map 4.

An exemption has been provided for canopy covers to extend to the lot lines which supports objectives to provide shelter for transit riders, is an appropriate exemption for transit uses and is consistent with Policy 2.2.3 - for transit facilities to provide necessary improvements for safety and universal accessibility. The acquisition of lands beyond the right-of-way to facilitate the proposed Finch Ave E access road is also consistent with Policy 2.2.3.

While Policy 2.2.4 deals largely with how 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 minimize the amount of land required for the Finch-Kennedy station project and mitigate zoning compliance issues for all affected properties.

The proposed station building heights to permit a maximum height of 15m, are appropriate in scale and have no impact on surrounding properties which are in a rear-lot condition of approximately 7.50 metres in the southern quadrants and 5.50 metres in the northern quadrants.

Land Use

The proposed zoning by-law amendments amend the City-wide Zoning By-law 569-2013, and the former City of Scarborough Employment Districts Zoning By-law No. 24982. The proposed amendments to By-law 569-2013, outlined in Attachment 1, provide limited site and area-specific exemptions for transportation uses in the areas of building setbacks, gross floor area, floor space index, lot coverage, height, canopy covers, landscaping exemptions, ancillary buildings, driveway widths, and minimum lot area.

The proposed amendments to the former City of Scarborough Employment Districts Zoning By-law No. 24982 are more general and apply an exception for public transit uses at 4140, 4150 and 4168 Finch Ave East. All applicable zoning by-law standards for uses other than transportation uses will remain unaffected.

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 locations and land requirements of previously listed project elements are consistent with the SmartTrack project as approved through the SmartTrack TPAP.

While specific site lands are to be conveyed back to the City from Metrolinx to allow for an access road in the northeast quadrant and pumping station access/operations, the remainder of the station lands will be owned by Metrolinx. Final configuration of land parcels required to be conveyed by Metrolinx to the City of Toronto for the SmartTrack station program is dependent in part on station and program requirements such as the need for an access road to the station entrance and Finch Avenue properties. The zoning by-law amendments, such as reductions in lot area and setback requirements, minimize the amount of land required to accommodate project elements, while at the same time limiting any impacts of the project on adjacent properties.

Landscaping exemptions have been provided in the northwest and northeast quadrants, which are considered appropriate and required due to a lack of sufficient space to accommodate a landscape strip abutting the building.

Community Consultation

A virtual community consultation meeting was held on May 31, 2022 to present information about the project and to seek public input. A project webpage is available and can be accessed by visiting - <https://www.toronto.ca/community-people/get-involved/public-consultations/city-planning-consultations/transit-enabling-zoning-by-law-amendments>. The Zoning By-law Amendments contained in this report were included in the material presented at the community consultation meeting.

Notice of the meeting was advertised on the City Planning Consultations webpage - <https://www.toronto.ca/community-people/get-involved/public-consultations/city-planning-consultations/> and meeting notices were mailed out to affected property owners, with an expanded radius of 400m beyond the standard 120m.

No major concerns were raised by the 17 meeting attendees about the proposed by-law amendments. Questions and comments were raised about the following issues, including:

- clarifications about expropriation and property impacts;
- expected construction timelines of the project;
- active transportation connections to the station and surrounding area;
- fare integration;
- potential for future mixed use development on the transit sites and on adjacent properties, and
- the roles of the City and Province in the station rezoning and implementation process.

Staff noted that the adjacent lands on the north side of Finch Avenue East are designated General Employment and are currently under review as part of the Municipal Comprehensive Review. The proposed zoning by-law amendments for the station facilities apply only to transit uses, and any further land use changes or future proposals are being addressed through the MCR and other planning processes.

The proposed Zoning By-law Amendments reflect feedback that was received from internal City divisions.

Conclusion

The recommendations in this report will enable the construction of Finch-Kennedy SmartTrack station in a manner that is consistent with Official Plan policies.

The amendments have been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the recommended Zoning By-law Amendments are consistent with the PPS (2020), and conform to and do not conflict with the Growth Plan (2020). Furthermore, the zoning amendments are in keeping with the intent of the Official Plan, particularly as it relates to supporting the increased use of existing rail corridors within the City for enhanced local and inter-regional passenger service.

Staff recommend that Council support approval of this zoning by-law amendment.

CONTACT

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SIGNATURE

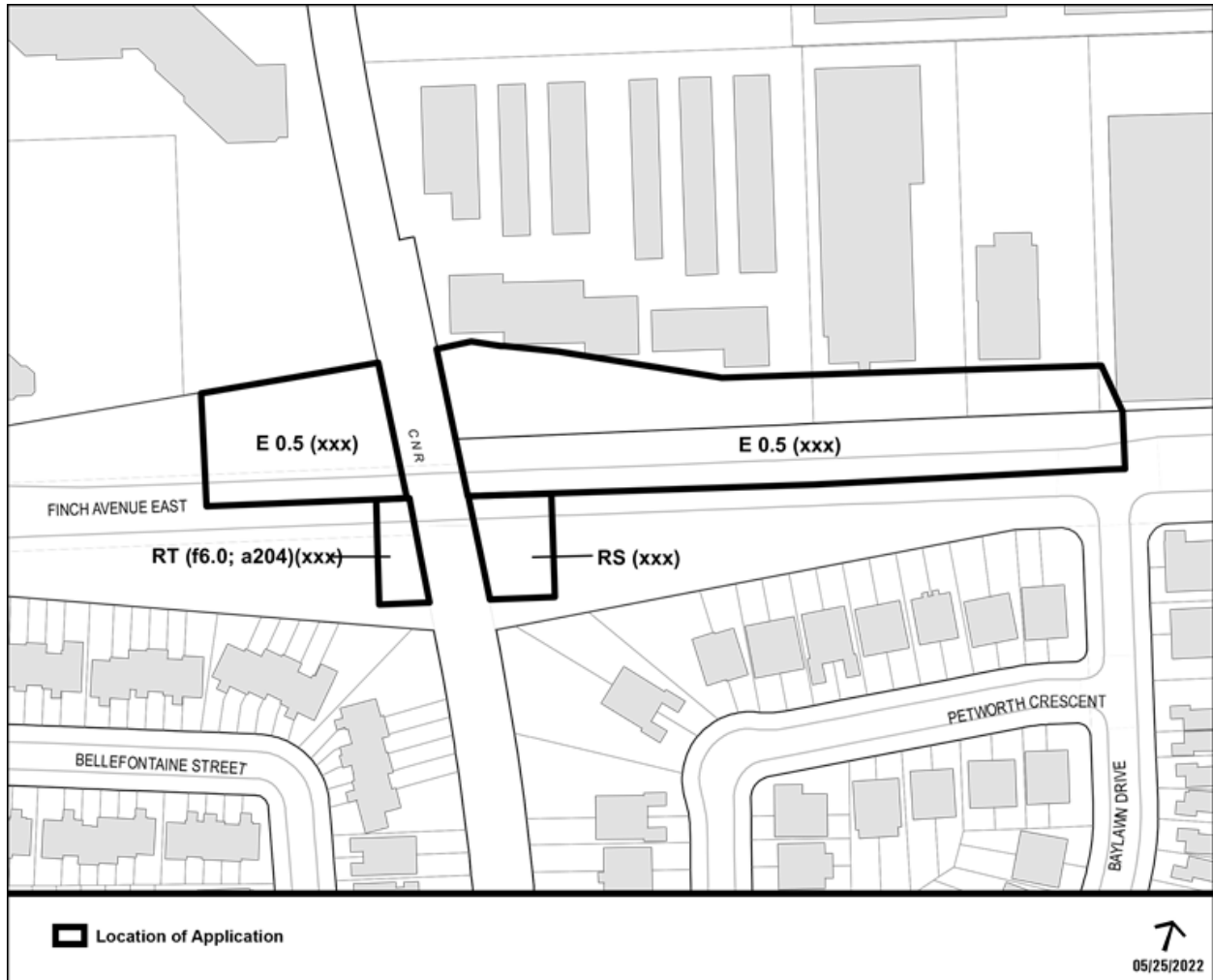
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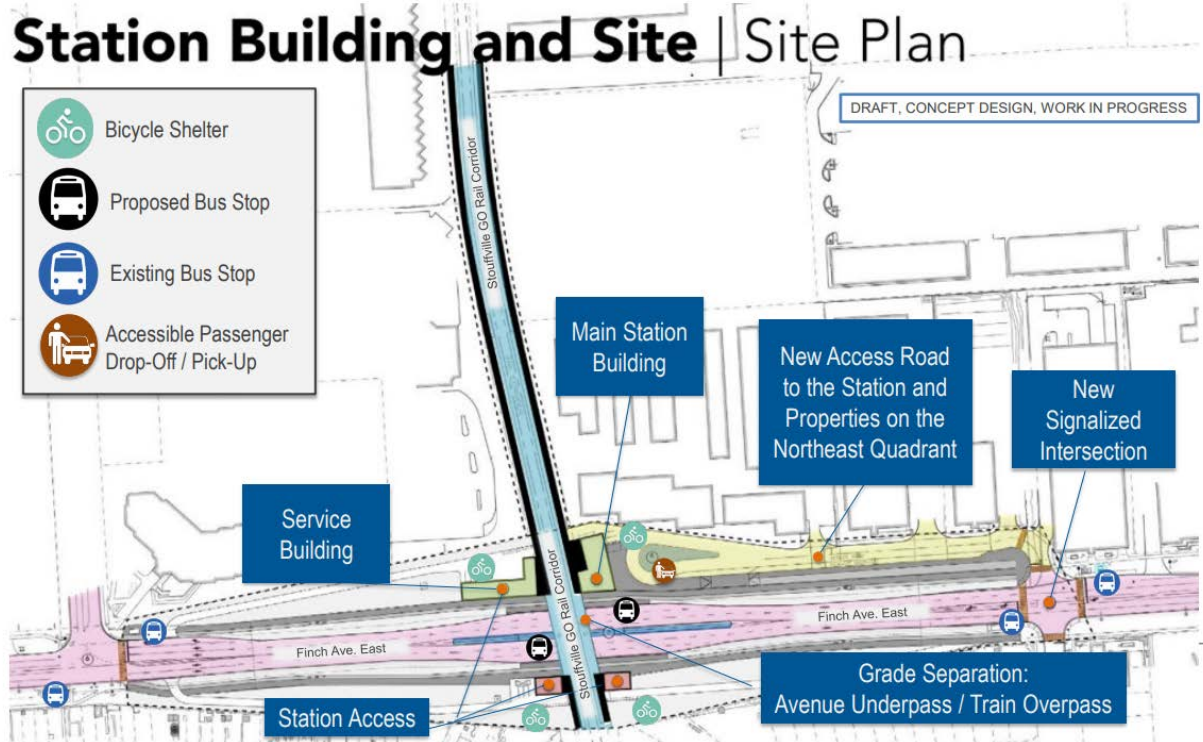
ATTACHMENTS

Attachment 1: Draft Amendments to City of Toronto Zoning By-law 569-2013
Attachment 2: Context map of site and proposed zoning amendments
Attachment 3: Site Plan Map
Attachment 4: Rendering of Proposed Station plan

Attachment 1: The draft By-law will be made available on or before the June 30, 22
Scarborough Community Council meeting.

Attachment 2: Context map of site and proposed zoning amendments





Attachment 4: Rendering of Proposed Station plan

