

## **City-Initiated Zoning By-law Amendments to Implement Ontario Line – Final Report**

**Date:** September 13, 2023

**To:** Planning and Housing Committee

**From:** Chief Planner and Executive Director, City Planning  
Executive Director, Transit Expansion Division

**Wards:** Spadina–Fort York (Ward 10), Toronto-Danforth (Ward 14), Don Valley West (Ward 15), and Don Valley East (Ward 16).

### **SUMMARY**

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This report proposes a series of zoning by-law amendments to facilitate the delivery of Metrolinx’s Ontario Line (OL) project. The purpose of these amendments is to provide relief from certain zoning by-law provisions related to transportation uses for lands to be acquired by Metrolinx to accommodate OL project elements.

The zoning by-law amendments affect lands which will accommodate transit facilities such as emergency exit buildings, emergency service buildings, traction power substations, operations and maintenance storage facilities, ventilation shaft buildings, transit station entrance buildings and temporary facilities required for construction.

The amendments would apply to transportation uses only and are consistent with Official Plan and zoning policies. None of the proposed amendments reduce zoning permissions on abutting lands, nor will the amendments impact other uses permitted on properties affected by the amendments.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning and the Executive Director, Transit Expansion Division recommend that:

1. City Council amend the City of Toronto Zoning By-law 569-2013, the former City of Toronto Zoning By-law 438-86, and former North York By-law 7625 substantially in accordance with the draft Zoning By-law Amendments in Attachments 1, 2 & 3 for the lands at:

- 20, 26 & 28 Overlea Boulevard;
- 36 Overlea Boulevard;

- 891, 885 & 897 Pape Avenue;
- 1012-1052 Pape Avenue;
- 240 & 242 First Avenue;
- 495 & 497 Pape Avenue;
- 716 Pape Avenue;
- 676-692 Danforth Avenue;
- 5-11 Gertrude Place;
- 1, 3, 5, 6, 7, 11, & 13 Lipton Avenue;
- 855 Gerrard Street East;
- 15 & 17 Minton Place and 156 & 158 Hopedale Avenue;
- 215 Wicksteed Avenue and 50 Beth Neilson Drive;
- 766 & 770 Don Mills Road;
- 825 & 817 Don Mills Road;
- 449 Carlaw Avenue;
- Part of 10 Ordnance Street; and,
- Part of 130 Queen Street West.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

## **FINANCIAL IMPACT**

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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 implications as identified in the Financial Impact section.

## **DECISION HISTORY**

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On June 15, 2022, City Council adopted PH34.4 City-Initiated Zoning By-law Amendments to Implement Ontario Line - Final Report and amended City of Toronto Zoning By-law 569-2013 and the former City of Toronto Zoning By-law 438-86 for facilities in the southern portion of the Ontario Line. Council amended the draft By-law in the Report to remove a portion of a property at 130 Queen Street West for further discussions with Metrolinx on alternative locations for Osgoode Stations main entrance. Link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.PH34.4>

On June 14, 2023, City Council adopted TE5.46 Report Back on Metrolinx's Ontario Line Construction within the Toronto and East York District, which provided additional details on the Ontario Line project requested by City Council. Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE5.46>

On June 14, 2023, City Council adopted with amendments EX5.3 Update on Metrolinx Subways Program – Second Quarter 2023, which provided updates on the entirety of the Subways Program on procurement, design, construction, and engagement milestones achieved by Metrolinx since staff last reported to City Council in June 2022

and addressed related City Council directives.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.EX5.3>

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## **PLANNING FOR THE ONTARIO LINE**

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Planning for major transit expansion projects follows a provincially prescribed design and consultation process beginning with the Environmental Assessment process, termed a Transit Project Assessment Process (TPAP). Under the Environmental Assessments Act, the Ontario Line follows its [own prescribed design](#) process that is a modification of the TPAP. Typically, the TPAP is undertaken well in advance of the filing of formal planning applications. City staff actively participate in, and in some cases lead, TPAPs. The appropriate location, arrangement and design of buildings for major transit expansion projects is examined in considerable detail and is publicly reviewed and documented through the TPAP in advance of the issuance of tender documents for construction of the project.

Zoning compliance is addressed through the detailed design stage of a transit project, at the time of Site Plan approval and building permit applications. However, at this late stage in the process achieving zoning compliance may introduce significant risk, delay and cost to the delivery of the project. To reduce these risks, zoning compliance is secured prior to the project being issued to the market.

The OL project is comprised of a series of contracts: early works, South Civil (including tunnel and stations), Rolling Stock, Systems, Operations and maintenance (RSSOM), Pape Tunnel and Underground Stations (PTUS), Elevated Guideways and Stations, (EGS), Don Valley Crossing (DVC), and Pape Support of Excavation (SOE) contracts. Early works began in late 2021 on the pre- construction investigations and the relocation of utilities and infrastructure. The RSSOM and South Civils contracts were awarded in late 2022. The PTUS and EGS contracts Requests for Proposals were issued by Metrolinx in April 2023.

### **Osgoode Station (Primary Entrance)**

On June 15, 2022, Council amended PH34.4 City-Initiated Zoning By-law Amendments to Implement Ontario Line - Final Report to remove the Osgoode Station (Primary Entrance), identified as a portion of a property at 130 Queen Street West, from the draft amendments to By-law 438-86 (PH 34.4 Attachment 2 and Schedule 5). Council directed City Staff to have further discussions with Metrolinx regarding potential alternative locations for the east station entrance, and to allow time for a public engagement that Metrolinx was conducting at this location to reach a conclusion.

The City retained Parsons to conduct a due diligence review study of the proposed options for the Osgoode Station primary entrance and station entrance building (i.e the headhouse). The findings of the due diligence review concluded that the proposed

Osgoode Hall site for the headhouse was the best qualified option for the location station headhouse based on available information.

Since the June 15, 2022 Council decision, Metrolinx has reduced the original proposed size of the headhouse. However, the site-specific amendment area must include all portions of the above and below grade structure and so describes a somewhat larger area.

### **Temporary Construction Offices**

Toronto Building Division has identified zoning compliance issues with the use of temporary construction offices and trailers due to the length of time that these trailers will be required to be on a site. This issue arises frequently on major transit projects due to the extended construction periods of these projects. Provisions are made in the draft amendments to account for this issue and provide flexibility only for the purpose of constructing transportation uses. Construction trailers to facilitate any other type of permitted uses would require separate permissions, as this would be out of scope with what is intended in the current amendment.

A new provision is added to Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 for the sites that will be used for construction staging and are expected to contain temporary construction offices and trailers. These provisions apply to construction trailers only for the purpose of constructing transportation uses and would only be on-site for the duration of the transportation project. The new provision would apply to properties required for the Ontario Line at Thorncliffe Park.

## **POLICY CONSIDERATIONS**

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

Provincial Policy Statement 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 policy direction province-wide 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, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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.

## **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) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City of Toronto 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*.

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 storm water management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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.

Section 3.2 of the Growth Plan (2020) provide policies to support the development of infrastructure as it relates to transportation, moving people, and integrated planning. The following are applicable policies to the proposed amendments:

- Policy 2.2.1.4.d.i): Applying the policies of this Plan will support the achievement of complete communities that expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
- Policy 2.2.4.1: The *priority transit corridors* shown in Schedule 5 will be identified in official plans. Planning will be prioritized for *major transit station area* on *priority transit corridors*, including zoning in a manner that implements the policies of this Plan.
- Policy 3.2.1.1: Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.
- Policy 3.2.2.1: Transportation system planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.
- Policy 3.2.2.2: The *transportation system* within the *GGH* will be planned and managed to:
  - a) provide connectivity among transportation modes for moving people and for moving goods;
  - b) offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and *active transportation*;
  - c) be sustainable and reduce greenhouse gas emissions by encouraging the most financially and environmentally appropriate mode for trip-making and supporting the use of zero-and low-emission vehicles;
  - d) offer *multimodal* access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services;

- e) accommodate agricultural vehicles and equipment, as appropriate; and
- f) provide for the safety of system users.

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 to 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 applicable 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: 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.
- Policy 2.2.5: 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; and
- Policy 2.2.7: This City will work with its partners to improve and expand the higher-order transit network by:
  - c) implementing higher-order transit services in the corridors identified on Map 4 according to the established priorities as funding becomes available and the Environmental Assessment and business case analysis processes are completed.

## Proposed Zoning Changes

Project elements comprising the OL and their locations are itemized in the table below. The Zoning By-laws that regulate each element are likewise outlined in the table.

OL Project Infrastructure	Address	Existing Land Use at This Location	Regulated under By-law 569-2013	Regulated under Former By-laws
Operations, Maintenance and Storage Facility	215 Wicksteed Ave and 50 Beth Neilson Drive	Industrial, Logistics	Yes	No
Gerrard Station (south entrance)	240-242 First Avenue	City Dog Offleash Park, Industrial Buildings	Yes	No
Gerrard Station (north entrance)	449 Carlaw Avenue	Commercial	Yes	No
Pape-Danforth Station	716 Pape Avenue; 676-692 Danforth Avenue; 5-11 Gertrude Place; 1, 3, 5, 6, 7, 11, & 13 Lipton Avenue	Commercial; Residential	Yes	Yes
Pape-Cosburn Station & Ventilation Building	1012-1052 Pape Avenue	Commercial	Yes	No
Thornccliffe Station	20, 26, and 28 Overlea Boulevard;	Commercial	Yes (parts)	Former Borough of East York 19-18
Thornccliffe Traction Power Substation	36 Overlea Boulevard	Commercial	Yes	No



OL Project Infrastructure	Address	Existing Land Use at This Location	Regulated under By-law 569-2013	Regulated under Former By-laws
Flemingdon Park Station	766 & 770 Don Mills Road	Ontario Science Centre parking lot	No	Former City of North York By-law 7625
Science Centre Station	817 & 825 Don Mills Road	Parking Lot	No	Former City of North York By-law 7625
Bain Emergency Exit Building	495-497 Pape Avenue	Residential	Yes	No
Sammon Emergency Exit Building	891, 895 & 897 Pape Avenue	Commercial	Yes	No
Minton Emergency Exit Building	15-17 Minton Place, 156-158 Hopedale Avenue	Residential	Yes	No
Ordnance Emergency Exit Building	Part of 10 Ordnance Street	City Park	No	Former City of Toronto By-law 416-68
Osgoode Station (primary entrance)	Part of 130 Queen Street West	Osgoode Hall grounds	No	Former City of Toronto By-law 416-68

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. Transportation uses, and public transit in general, are typically not a defined use in the former City of Toronto Zoning By-laws.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The proposed amendments have been reviewed and evaluated against the Provincial Policy Statement (PPS) (2020) and the Growth Plan (2020). Staff have determined that

the proposal is consistent with the overall policies of the PPS and conforms to the Growth Plan (2020).

The proposed amendments conform to Policy 2.2.1.4.d.i of the Growth Plan (2020) as they will be facilitating a new transportation use that will expand access to transportation options, supporting the achievement of complete communities in the City of Toronto.

The proposed amendments conform to Policy 3.2.1.1 and Policy 3.2.2.1 as the zoning will implement a form of land use planning for 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 known zoning compliance issues arising from land acquired to facilitate the Ontario Line project.

Policy 3.2.2.2 is met as the proposed zoning amendments will be facilitating a transportation system that will improve transit and increase choice of transportation modes for people in the City of Toronto to access jobs, housing, cultural and recreation opportunities, goods and services, that ultimately reduces the reliance on automobiles and greenhouse gas emissions.

Policy 3.2.2.2 further requires "the transportation system within the GGH be planned and managed to: f) provide for the safety of system users". The proposed zoning by-law amendments support the provision of emergency exit buildings required to support the Ontario Line project, as well as electrical substations to ensure reliable power supply for the subway vehicles. These are key elements of the project, and their location is driven in large part by safety standards.

The proposed amendments are further consistent with the PPS as the zoning will enable a land use that facilitates new major transit infrastructure that supports the achievement of complete communities.

### **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 Ontario Line, which will primarily be located within the 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 Ontario Line 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 minimize the amount of land required for the Ontario Line project and mitigate zoning compliance issues for all affected properties.

## Land Use

The proposed zoning by-law amendments amend the City-wide Zoning By-law 569-2013, the former City of Toronto Zoning By-law 438-86, and former City of North York By-law 7625. 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, height, floor space index, lot coverage, minimum lot area, and minimum lot frontage.

The proposed amendments to the former City of Toronto Zoning By-law 438-86, outlined in Attachment 2 are more general and apply a permissive exception for public transit uses at various properties along the OL alignment. All applicable zoning by-law standards for uses other than transportation uses will remain unaffected.

The proposed amendments to the former City of North York By-law 7625, outlined in Attachment 3, provide site-specific exemptions to allow for public transit uses, exemptions for building setbacks for public transit uses, as well as provide remedy provisions for parent properties where a portion of a lot is being conveyed to accommodate new transit facilities.

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 project elements including the proposed emergency exit buildings, emergency service buildings, traction power substations, maintenance storage facilities, subway stations and temporary construction facilities are consistent with the OL project as approved through the Ontario Line EA.

Final configuration of land parcels required by Metrolinx for the OL project is dependent in part on requirements of applicable zoning by-laws. Amending certain provisions of the zoning by-law functions to minimize the amount of land required to accommodate these project elements, while at the same time minimizing the impact of the project on affected properties. The draft amendments thus function to mitigate some of the impacts of the OL project.

In some locations the OL project only requires a portion of a larger property. For these cases the conveyance of land would reduce the lot area of the parent property from which the land is acquired. This may create issues as the conveyed lands may have been used, for example, to satisfy a minimum landscaping requirement. As well, the maximum permitted gross floor area or lot coverage may be affected by the reduction of the lot area, thereby reducing the development potential of the site. Finally, the conveyance of land may reduce the lot frontage, lot area, or building setbacks so that the affected property no longer complies with the requirements of the by-law.

To remedy these issues, Zoning By-law 569-2013 contains provisions in regulation 2.1.1(4) that address and resolve zoning compliance when land is conveyed to a public authority. These provisions apply to all land that is regulated through the by-law, but similar provisions are not included in the former City of Toronto Zoning By-laws.

The proposed amendments apply these provisions to affected properties by way of a site-specific exception in the by-laws where the lands are regulated under the former City of Toronto By-law 438-86 and former City of North York By-law 7625.

## **COMMUNITY CONSULTATION**

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A virtual community consultation meeting was held on July 12, 2023, 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/](https://www.toronto.ca/community-people/get-involved/public-consultations/city-planning-consultations/) and meeting notices were mailed out to affected property owners.

A few questions were raised by the approximately 13 attendees. The questions related to future station connections to transit-oriented development, the below and above ground parameters of zoning, balancing design requirements and budget management, and if Osgoode Station was included in the public notice.

The proposed Zoning By-law amendments also reflect feedback that was received through internal City consultation.

## **CONCLUSION**

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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 focusing urban growth into a pattern of compact centres and mobility hubs connected by a high order public transit system.

The recommendations in this report will enable the construction of the OL project in a manner that is consistent with Official Plan policies, particularly 2.1.1 a) and 2.2. The proposed amendments achieve zoning compliance for the OL project, while minimizing the amount of land to be acquired, and mitigating the impacts to affected properties. Staff recommend that Council support approval of these zoning by-law amendments.

## **CONTACT**

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## **SIGNATURE**

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## **ATTACHMENTS**

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- Attachment 1: Draft Amendments to City of Toronto Zoning By-law 569-2013
- Attachment 2: Draft Amendments to former City of Toronto Zoning By-law 438-86
- Attachment 3: Draft Amendments to former City of North York By-law 7625