

# **City-initiated Zoning By-law Amendments to Implement Eglinton Crosstown West Extension - Decision Report - Approval**

**Date:** March 15, 2024

**To:** Etobicoke York Community Council

**From:** Director, Transportation Planning

**Wards:** York South-Weston and Etobicoke Centre

**Planning Application Number:** 23 142796 STE 10 OZ

## **SUMMARY**

---

This report proposes City-initiated Zoning By-law amendments to facilitate the delivery of the Eglinton Crosstown West Extension (ECWE) project. The purpose of these amendments is to provide relief from certain zoning provisions related to transportation uses for lands to be acquired by Metrolinx to accommodate ECWE project elements.

The Zoning By-law amendments affect lands that will accommodate transit facilities such as emergency exit buildings, traction power substations, transit station entrance buildings and temporary facilities required for construction.

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

## **RECOMMENDATIONS**

---

The Director of Transportation Planning recommends that:

1. City Council amend the City of Toronto Zoning By-law 569-2013 substantially-in-accordance with the draft Zoning By-law Amendments in Attachment 1, for the lands at:

- A portion of 3650 Eglinton Avenue West;
- A portion of 3700 Eglinton Avenue West;
- A portion of 101 Emmett Avenue;

- A portion of 1 Richview Road;
- A portion of 4200 Eglinton Avenue West;
- A portion of 4300 Eglinton Ave West;
- A portion of 4530 Eglinton Avenue West;
- A portion of 4760 Eglinton Avenue West;
- A portion of 535 Martin Grove Road;
- A portion of 555 Martin Grove Road;
- A portion of unaddressed lands north of Eglinton Avenue West east of Richview Road cul-de-sac;
- A portion of 4400 Eglinton Avenue West;
- A portion of 4600 Eglinton Avenue West;
- A portion of unaddressed lands north side of Eglinton Avenue West, east of Highway 427 ramp;
- A portion of unaddressed lands north side of Eglinton Ave West, west of Highway 427 Eglinton Avenue off-ramp; and
- A portion of unaddressed lands at Eglinton Avenue West and Matheson Boulevard East.

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**

---

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

## **DECISION HISTORY**

---

On June 14, 2023, City Council adopted without amendments EX5.3, Update on Metrolinx Subways Program – Second Quarter 2023, which provided updates on the entirety of the Subways Program including procurement, design, construction, and engagement milestones achieved by Metrolinx since staff last reported to City Council in June 2022. Section 2 of the report covered the Eglinton Crosstown West Extension. Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.EX5.3>.

## **PLANNING FOR EGLINTON CROSSTOWN WEST EXTENSION**

---

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). The 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. 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 Control review and building permit applications. However, at this late stage in the process achieving zoning compliance may introduce significant risks, delay and cost to the delivery of the project. To mitigate these risks, zoning compliance is secured prior to the project being issued to market.

The ECWE project is comprised of four contracts: Advance Tunnel 1 (AT 1), Advance Tunnel 2 (AT 2), Elevated Guideway (EG) and the Stations, Rail and Systems (SRS) contract. Construction of the ECWE is underway by Metrolinx with work being completed to advance the AT1 contract. Tunneling, as part of the AT1 contract, for the tunnel between Renforth Drive and Scarlett Road began in April 2022. The Request for Proposals (RFP) for the AT2 contract for the 500-metre tunnel between Jane Street and Mount Dennis Station was released in April 2022 and closed in November 2022. The AT2 contract was awarded to Strabag on February 15, 2024. The EG contract was awarded in December 2023 to Aecon Infrastructure Management Inc. IO and Metrolinx will initiate the procurement process for the SRS contract to deliver seven stations and related facilities, and systems installation and commissioning once design plans have advanced further.

## **POLICY CONSIDERATIONS**

---

### **Provincial Land Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020) (the "PPS"), and shall conform to Provincial plans, including A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan").

### **Official Plan**

The land use designations for the sites undergoing transit enabling Zoning By-law amendments vary. The land use designations can be found on Map 14 - Land Use Plan. The land use designations are Parks, Natural Areas, Apartment Neighbourhoods, Neighbourhoods, and Core Employment Area.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. The Official Plan can be found here: <https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/official-plan/>.

### **Major Transit Station Areas**

The Official Plan has policies in place to accommodate minimum density targets around planned and existing higher-order transit stations. Major Transit Station Areas (MTSA) are defined as the areas within a 500- to 800-metre radius of a transit station,

representing about a 10-minute walk. MTSA's for ECWE have not been identified yet; however, once they are identified minimum density targets will apply.

### **Eglinton West Planning and Streetscape Study**

The Eglinton West Planning and Streetscape (EWPS) Study informs the future streetscape improvements and built form development and growth along Eglinton Avenue West, stretching from Mount Dennis to Renforth Station.

The objectives of the Eglinton West Planning and Streetscape Study were:

- To establish and visualize a detailed approach to the design of the corridor's streetscape and public realm, co-ordinated with a built form analysis and vision, consistent with the vision from Eglinton Connects while promoting opportunities to embrace each area's unique character; and
- To identify areas where change should be anticipated and encouraged, to begin planning for that change by demonstrating the potential and, when appropriate, recommending future study to produce policies and guidelines to direct and manage growth.

The study's findings and recommendations support a multi-modal transportation network that includes the LRT's extension along Eglinton Avenue West from Mount Dennis to the Renforth Station. While the study was based on an at-grade LRT alignment, the principles and design directions of the study are still applicable to the ECWE.

The EWPS study developed design directions which connect to three study themes: travelling, greening and building. The ECWE should be easily accessible to provide a more direct connection from Etobicoke to downtown Toronto. Safety is most important to balance the needs of drivers, pedestrians and cyclists by creating a distinction between these travel modes and providing the required associated infrastructure. The design should include clear and visible access to stations, all weather travelling, comfortable waiting at stops, safe intersections, streetscape between stops, Toronto's Greatest Bikeway, and a sense of arrival.

### **Proposed Zoning Changes**

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

Project Infrastructure	Address	Location Description	Regulated under By-law 569-2013	Regulated under Former By-laws
Jane Station (Secondary Entrance)	A portion of 3650 Eglinton Avenue West A portion of 3700 Eglinton Avenue West	Fergy Brown Park	Yes	No
Jane Station (Main Entrance)	A portion of 101 Emmett Avenue	Eglinton Flats	Yes	No
Scarlett Station (Main Entrance)	A portion of 1 Richview Road	Multi-tower residential development	Yes	No
Royal York Station	A portion of 4200 Eglinton Avenue West A portion of 4300 Eglinton Avenue West	Heritage Building on large lot (Mary Reid House)	Yes	No
Islington Station	A portion of 4530 Eglinton Avenue West	Vacant	Yes	No
Kipling Station	A portion of 4760 Eglinton Avenue West	Woodlot	No	Former City of Etobicoke By-law 11,737
Martin Grove Station (Main Entrance)	A portion of 535 Martin Grove Road A portion of 555 Martin Grove Road	Richview Park and Richview Reservoir	Yes	No
Emergency Exit Building #1	A portion of unaddressed lands north of Eglinton Avenue West at Richview Road cul-de-sac	Vacant	Yes	No
Emergency Exit Building #2	A portion of 4400 Eglinton Avenue West	Vacant	Yes	No
Emergency Exit Building #3 & Traction Power Sub-Station #2	A portion of 4600 Eglinton Avenue West	Vacant	Yes	No

Project Infrastructure	Address	Location Description	Regulated under By-law 569-2013	Regulated under Former By-laws
Emergency Exit Building #4	A portion of unaddressed lands north side of Eglinton Avenue West, east of Highway 427 ramp	Vacant	Yes	No
Emergency Exit Building #5 & Traction Power Sub-Station #3	A portion of unaddressed lands north side of Eglinton Ave West, west of Highway 427 Eglinton Avenue off-ramp	Vacant	Yes	No
Emergency Exit Building #6	A portion of unaddressed lands at Eglinton Avenue West and Matheson Boulevard East	Vacant	Yes	No

Public transit uses, identified under the defined term "Transportation Uses" in 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 permitted in the former City of Toronto Zoning By-laws.

**COMMENTS**

---

**Provincial Policy Statement and Provincial Plans**

The proposal has 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 ECWE 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 bylaw amendments support the provision of emergency exit buildings required to support the ECWE 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 ECWE, which will 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 ECWE 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 ECWE 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 amendments, outlined in Attachment 1, provide limited site and area-specific exemptions for transportation uses in the areas of building height, setbacks, gross floor area, floor space index, lot coverage, minimum lot area, and minimum lot frontage.

Kipling Station is zoned by the former City of Etobicoke By-law 11,737. Amendments to the former City of Etobicoke By-law 11,737 are not required because the proposed amendment will bring the site into city-wide Zoning By-law 569-2013.

The proposed Zoning By-law amendments have been reviewed against the Official Plan policies described in the Policy Considerations Section of the report, as well as the policies of the Toronto Official Plan as a whole. The locations and land requirements of project elements including the proposed emergency exit buildings, traction power

substations and subway stations are consistent with the ECWE project as approved through the ECWE TPAP.

The final configuration of land parcels required by Metrolinx for the ECWE project is shaped by the requirements of applicable zoning by-laws. Amending certain zoning performance standards can reduce the amount of land required to accommodate project elements, minimizing the impact of the project on affected properties. The draft amendments thus function to mitigate impacts of the ECWE project.

In some locations the ECWE project does not require the entirety of a property. In these cases, Metrolinx only requires the conveyance of part of the lands, which would reduce the lot area of the property from which the land is acquired.

City-wide Zoning By-law 569-2013 contains provisions that address and resolve most potential zoning compliance issues that can arise when land is conveyed to a public authority, relating to lot area, frontage, depth, setbacks and similar standards, as Regulation 2.1.1(4) and in other regulations that recognize lawfully existing buildings and uses.

However, a conveyance may still create zoning compliance deficiencies if, for example, the conveyed lands had contributed towards satisfying the original property's minimum landscaping requirements, and a lot area reduction may still impact redevelopment potential if it causes the existing buildings to meet or exceed the maximum permitted lot coverage for the site. Finally, the conveyance of a sufficiently large part of the land may reduce the lot frontage, lot area, or building setbacks beyond what is allowed in the regulations, in which case the affected property would no longer comply with the zoning requirements.

In addition to the Zoning By-law's provisions for conveyances and lawfully existing buildings and uses, Section 34(9) of the Planning Act protects the ongoing "legally non-conforming use" of lands and buildings that are non-compliant with a zoning by-law so long as the land, building or structure continues to be used for that purpose.

The ECWE transit enabling zoning by-law amendments are consistent with the Eglinton West Planning and Streetscape Study. They implement a key element of one of the three study themes – travelling – by way of a major high order public transit system. The ECWE meets all the Study's priorities for safe, efficient and logically designed mobility through the Study area, and station locations will define future growth areas by way of their associated Major Transit Station Areas.

### **Temporary Construction Offices and Noise Walls**

Toronto Building Division has identified zoning compliance issues with the use of temporary construction offices and trailers, noise shelters and noise walls due to the length of time that these structures 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. The requirements for temporary uses are not set out in the zoning by-law, rather, they reside in Section 39 of the Planning Act. Municipalities can pass by-laws which permit temporary uses, however, it cannot exceed a period of three years, as per



Section 39(2) of the Planning Act. This often affects major infrastructure projects that involve multi-year construction periods. Since many locations will remain under construction for an extended period to facilitate the construction of the transit infrastructure, provisions are made in the draft amendments for construction offices and trailers, noise shelters and noise walls only for the purpose of constructing transportation uses. Construction trailers to facilitate any other type of construction, including other uses, would require separate permissions if required for longer than Section 39(2) of the Planning Act contemplates.

A new provision is proposed to be added to Zoning By-law 569-2013 for the sites that will be used for construction staging and are expected to contain temporary construction offices and trailers, and noise shelters and noise walls. These provisions apply to construction trailers and construction offices and noise shelters and noise walls 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 Eglinton Crosstown West Extension.

## **COMMUNITY CONSULTATION**

---

A virtual community consultation meeting was held on February 1, 2024, 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](#) and meeting notices were e-mailed out to affected property owners. The local area Councillors also shared the consultation meeting details through their social media channels and/or newsletters.

Approximately 23 community members attended the virtual consultation. Concerns were raised and directed toward Metrolinx about the elevated guideway alignment, loss of trees and greenspace at Eglinton Flats, Fergy Brown Park and Pearen Park and along Eglinton Avenue West. A question was raised about whether the amendments would be available to the public for review and whether the decision on transit zoning by-law amendments results in approval of ECWE.

The City continues to work with Metrolinx to address community concerns regarding the impact of the elevated guideway in Eglinton Flats, Fergy Brown Park and Pearen Park and mitigation measures are being developed and are under review. Report [IE11.4](#) Metrolinx Eglinton Crosstown West Extension Elevated Guideway – Response to Member Motion MM13.3 provided the latest available information in this regard.

The proposed Zoning By-law amendments reflect feedback that was received from the community and internal City divisions.

## CONCLUSION

---

The draft 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 higher order public transit system.

The recommendations in this report will enable the construction of the ECWE 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 ECWE project, while minimizing the amount of land to be acquired, and mitigating the impacts to affected properties.

Staff recommend that Council approve the draft zoning by-law amendments.

## CONTACT

---

Margherita Cosentino, RPP, Senior Planner, Transit Implementation Unit,  
Transportation Planning, City Planning  
E-mail: [margherita.cosentino@toronto.ca](mailto:margherita.cosentino@toronto.ca)

Richard Borbridge, Director, Transit Expansion Program Planning  
Infrastructure Services  
E-mail: [richard.borbridge@toronto.ca](mailto:richard.borbridge@toronto.ca)

## SIGNATURE

---



James Perttula  
Director, Transportation Planning  
City Planning

## ATTACHMENTS

---

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