

# **Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods – Decision Report - Approval**

Date: January 15, 2024

To: Planning and Housing Committee

From: Interim 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 collectively known as "Ready, Set, Midtown", to implement Official Plan Amendment 405, the Yonge-Eglinton Secondary Plan ("the Plan"), The other two initiatives are the Midtown Infrastructure Implementation Strategy (MIIS) and the Midtown Public Realm Implementation Strategy (MPRIS).

The Midtown Zoning Review is intended to implement the policies of the Yonge-Eglinton Secondary Plan via permissions in zoning. City Council has adopted by-laws for this purpose in phases, including those for the 'Villages' Character Areas and select low-rise Neighbourhoods.

The purpose of this report is to bring forward recommended zoning by-law amendments to implement Secondary Plan policies for select lands designated *Apartment Neighbourhoods*, and certain *Parks and Open Space Areas - Parks*. Most of these lands fall within a Council-adopted Major Transit Station Area, which sets a minimum floor space index for the lands. The recommended zoning by-law amendments permit, housing in mid-rise and tall building forms on lands planned for mid-rise to high-rise intensification, along with small scale arts, cultural, retail and service uses. The recommended changes coming into force and effect will streamline the planning approvals for development in conformity with the Plan. Changes proposed also include an enhancement to existing regulations regarding the adequacy of municipal servicing, and rezoning lands identified as future parks. The report outlines the process undertaken to arrive at the recommended zoning by-law amendments, including engagement and public consultation.

The recommended zoning by-law amendments are consistent with the Provincial Policy Statement, and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and with the Official Plan.

## **RECOMMENDATIONS**

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

1. City Council amend city-wide By-law 569-2013 for the areas identified in Attachment 3, substantially in accordance with the recommended Zoning By-law Amendments attached as Attachment 6 to the report dated January 15, 2024.
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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There are no financial implications resulting from the recommendations included in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

## **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.

Supporting complete and inclusive communities is a key consideration in the ongoing development of an updated Zoning By-law for Midtown. To this end, staff encouraged input from diverse individuals and groups through the Midtown Zoning Review, and made efforts to reach these groups through engagement and consultation.

## **DECISION HISTORY**

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The Yonge Eglinton Secondary Plan came into force through a Decision of the Minister of Municipal Affairs and Housing in 2019. The Official Plan directs an implementing zoning by-law be prepared to implement a Secondary Plan. City Council further directed the development of an implementing zoning by-law, which Staff have been advancing in phases.

City Council adopted Official Plan Amendments regarding Major Transit Station Areas in July of 2022, including their geography and minimum floor space indices.

For a more detailed explanation of the Decision History related to this matter, please review Attachment 1.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: 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.

### **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.

### **Toronto Official Plan**

The Toronto 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 Official Plan's vision 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.

Areas called '*Centres*', including Yonge-Eglinton, are outlined in section 2.2.2 of the Plan. This includes direction to accommodate intensification in *Centres*, which have excellent transit accessibility where jobs, housing and services will be concentrated. Good transit accessibility makes the *Centres* attractive locations for developing a range of housing opportunities.

The Official Plan sets direction for the public realm in Chapter 3, stating that the public realm and the buildings that frame it convey our public image to the world and unite us as a city. In section 3.1.1, policies direct public realm enhancement for existing and future populations, space for trees and landscaping, and direction for new parks and open spaces.

Further in Chapter 3, the Plan sets direction for Built Form. Policies in section 3.1.3 direct site organization and location, building shape, scale and massing, improving the public realm through building design, and for private and shared amenity spaces. Our quality of life and personal enjoyment of the public realm depend in part on the buildings that define and support the edges of our streets, parks and open spaces.

The Plan provides specific direction regarding certain types of buildings, including mid-rise buildings and tall buildings. For mid-rise buildings, the Plan indicates that they may vary between four and 11 storeys, but are generally no taller than the width of the adjacent right-of-way and are stepped back generally at 80% of the width of the right-of-way. Tall buildings generally have a height that is greater than the width of the adjacent right-of-way. Tall buildings should typically consist of a base, tower, and top; and the Plan sets direction for each of these elements.

Land use designations of the Plan include *Apartment Neighbourhoods*, set out in section 4.2. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale service and office uses that service the needs of area residents. *Apartment Neighbourhoods* are distinguished from *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development.

The Official Plan includes the *Parks and Open Space Areas - Parks* land use designation in section 4.3. These are areas where the Plan states that development is generally prohibited, as these areas "will be used primarily to provide public parks and recreational opportunities."

Section 5.2.1 of the Official Plan contains policies with respect to Secondary Plans and indicates that 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 directed

staff to advance a review and update to Zoning By-law permissions in the Yonge-Eglinton Secondary Plan area.

The City is required to update its Official Plan through the Municipal Comprehensive Review to include Major Transit Station Areas (MTSAs) across Toronto. The Growth Plan requires that MTSAs are delineated to "maximize the size of the area and number of potential transit users that are within walking distance of the station". The Official Plan must prioritize planning the MTSAs in a manner that implements the Growth Plan (including directing growth, protecting natural heritage and supporting Transit Oriented Development).

Delineation of Protected Major Transit Station Areas (PMTSAs) as a subset of the MTSAs helps advance the implementation of Provincial policy requirements that would enable the use of inclusionary zoning policies, and can increase the supply of affordable housing across the City. City Council endorsed an Official Plan Amendment for this purpose, which includes minimum floor space indices for these areas.

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

The Yonge-Eglinton Secondary Plan provides the current planning policy framework and prioritized improvements related to local transportation, parks, municipal servicing and community infrastructure for the Yonge-Eglinton area. 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. Policies of the Plan specifically direct details to be specified in an implementing zoning by-law, such as maximum building heights.

There are 22 Character Areas in five categories in the Plan as shown in the map in Attachment 2. The Midtown Apartment Neighbourhoods category is described in policy 1.3.3, and includes the following four Character Areas, to which the recommended zoning by-law amendments apply:

- Erskine and Keewatin (1.3.3.a), a stable residential area where low- and mid-rise incremental infill development and interspersed tall buildings will be the predominant form of development;
- Redpath Park Street Loop (1.3.3.b), a dense but distinctly green residential area consisting of towers and a variety of housing types. Heights of buildings will generally decrease in all directions from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas. The public realm will be inviting and green, with a multi-purpose promenade;
- Soudan (1.3.3.c), characterized by apartment buildings of a consistent height located within an open space setting. New development will be compatible with this character; and
- Davisville (1.3.3.d), which contains a diversity of tall buildings, mid-rise buildings and townhouses set within a landscaped setting. New mid-rise and tall buildings will be compatible with the area's physical character.

An additional Character Area subject to the recommended zoning amendments, in the Apartment High Streets category, is described in policy 1.3.4 of the Plan as follows:

- Eglinton East (1.3.4.c), characterized by distinct, mid-century mid-rise pavilion buildings and apartment towers, generously set back from streets and other buildings and surrounded by open space. New buildings and infill development, sympathetic in form and setting with improved transition to surrounding low-rise areas, will contribute to enhancing the character of the area.

The Plan includes "Midtown Transit Station Areas", which are areas planned to accommodate higher density development to increase the efficiency and viability of existing and planned transit service levels. Most of the areas proposed for zoning by-law amendments in this report fall within a Midtown Transit Station Area. The Council-adopted Official Plan Amendments for Major Transit Station Areas from July 19, 2022 align geographically to the Midtown Transit Station Areas, and set minimum floor space indices for lands in these areas.

Policies 2.5.10 and 2.5.11 provide direction on permitted uses in *Apartment Neighbourhoods*, and standards for their uses. For example, residential uses and local and cultural uses are permitted, but retail and service uses will be small in scale and only permitted on the first floor.

Certain areas within the Yonge-Eglinton Secondary Plan, such as portions of Eglinton Avenue East and Redpath Avenue within *Apartment Neighbourhoods* are identified as 'Secondary Retail Streets'. These are areas where the Plan encourages retail uses and ground floors that are designed to accommodate retail uses in the future.

There are a number of public realm policies and Public Realm Moves in Section 3 of the Plan. These include future parks, Greenways, Community Streets and the Park Street Loop, among others, along with associated policies. Landscaped and green areas, trees and the setbacks to accommodate them are described in policy. The public realm policies also seek to limit the impact of vehicles and loading and encourage laneways and mid-block connections.

The Plan includes policies in Section 4 to guide the improvement of Midtown's mobility network through new streets, laneways, mid-block connections and trails. Policies direct the location of these elements and provide standards for them (e.g., for minimum width of a mid-block connection).

Built form policies are outlined in Section 5 of the Plan. This includes principles in Section 5.1 which direct a variety of building types appropriate for the character areas, including transition in height, building placement and setbacks to adequately limit shadow and privacy impacts. The principles also promote framing of the public realm, pedestrian circulation, appropriate spacing between buildings, and mitigating the cumulative impact of multiple tall buildings. Section 5.3 sets further general built form direction, such as policy 5.3.5 which directs appropriate setbacks on all sides of buildings in landscaped settings in Apartment Neighbourhood and Apartment High Street Character Areas.

Section 5.3 continues by including policies for low-rise, mid-rise and tall building types in Midtown. For mid-rise buildings, the Plan indicates that these are between five and twelve storeys, depending on a series of criteria, including consideration of public realm objectives and street proportion. The policies in this section also set out the location of building setbacks. For tall buildings, the Plan sets direction through a variety of policies, including those for base buildings, setbacks above bases (including for balconies), minimum separation distances between towers and a maximum floor plate size for towers.

Policy 5.3.57 requires the submission of a Context Plan where an existing apartment building higher than 11 storeys is proposed to be demolished and redeveloped. The requirements for Context Plans are further set out in Section 9.3.

Minimum heights and height guidance are set out in the policies of Section 5.4. Policy 5.4.1 requires a minimum height of four storeys for all buildings (with exceptions); while policy 5.4.2 provides for institutional and cultural uses in *Apartment Neighbourhoods* to be a minimum two storeys in height. Policy 5.4.3 lists anticipated height ranges for each Character Area and indicates that heights will be specifically determined through rezoning applications or a City-initiated zoning by-law amendment.

Section 5.6 of the Plan provides additional direction regarding sunlight and comfort, including maintaining adequate sunlight access to parks and open spaces, and mitigating wind impacts on the public realm.

Housing is addressed in Section 7, including direction for an appropriate range and mix of housing, encouragement of terraces and balconies, and specific direction in policy 7.1 regarding a minimum proportion of units with multiple bedrooms.

The policies and sections noted are highlights applicable to the content of this report. However, the Plan must be read as a whole.

## **Zoning**

Most of the area is subject to City-wide Zoning By-law 569-2013 ("569-2013"), and is zoned R (Residential). This zone category permits a variety of residential dwelling types, including detached houses, semi-detached houses, townhouses, multiplexes (duplexes, triplexes and fourplexes) and apartment buildings.

Portions of the area are zoned CR (Commercial Residential) in 569-2013, which permits a variety of residential, retail, office, service and cultural uses. Permitted building types in this zone include apartment buildings, mixed-use buildings and townhouses.

Zoning By-law 569-2013 can be accessed online here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Portions of the area are not part of 569-2013 and remain subject to former City of Toronto Zoning By-law 438-1986 ("438-86"). These lands fall mainly into one of three Residential District zone labels: R1, R2, and R4.

In addition to the above, there are hundreds of site-specific exceptions to the by-laws, as well as prevailing by-laws that apply in the area.

The Midtown Zoning Review: Background Report provides additional detail on current zoning in the area and is available on the project website at [www.toronto.ca/readyssetmidtown](http://www.toronto.ca/readyssetmidtown).

## 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 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.

As of December 5, 2023, there were 14 zoning by-law amendment applications under review with over 6,000 dwelling units proposed within the area considered for zoning amendments subject to this report.

Development of housing is enabled through the development review process or by in-force zoning that enables development to proceed. There is an opportunity to revise zoning to reflect the policy direction of the Yonge-Eglinton Secondary Plan; thereby potentially eliminating the need for a zoning by-law amendment application for development proposals that conform with the Plan. Though the Plan applies only to Midtown, revising zoning to be more permissive from a housing opportunities perspective meets the intent of direction of the City's [Housing Action Plan](#). This includes the Toronto Housing Charter's first item, which references zoning as a component of a housing strategy to further the progressive realization of the right to adequate housing.

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

There are seven primary inputs that have informed the zoning amendments to implement the Yonge-Eglinton Secondary Plan:

- 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;
- Objectives and the zoning framework from the November 2021 Status Report (which incorporated public input) adopted by Planning and Housing Committee (PH29.11);
- An infrastructure assessment based on the highest potential growth estimates anticipated through the built form study;



- Council direction from July 19, 2022 regarding minimum floor space indices in Protected Major Transit Station Areas and Major Transit Station Areas;
- Inter-Divisional collaboration between City Planning, Toronto Water, Toronto Building and Legal to consider an appropriate mechanism to ensure adequacy of municipal servicing for ongoing development; and
- Input from the public and stakeholders.

Additional details with respect to inputs into the developing an updated zoning by-law in Midtown are included in Attachment 4.

## Engagement and Consultation

Engagement and public consultation on the Midtown Zoning Review began in October of 2021, with 346 attendees at the first two meetings, both held on October 27, 2021. Input from before, during and after these meetings were considered by Staff in the development of objectives and a zoning framework which guides the development of revised zoning to implement the Plan.

Building on the objectives and zoning framework adopted by Planning and Housing Committee in November 2021, a meeting focussed on *Apartment Neighbourhoods* designated lands was held on June 27, 2023. Approximately 85 members of the public attended the meeting, based on the number of individual sign-ins to the virtual meeting from the meeting record. Participants were engaged at the meeting, with comments and questions received on a variety of topics and varying degrees of alignment with the Official Plan and with zoning. For example, there were questions about how height limits would be arrived at, comments supporting more retail uses, questions about parking, requests for more park space, support for more housing and housing affordability, and questions about floor plate size limits. The meeting materials and a consultation summary (see Attachment 5) were available online in July 2023. Input was also received from the public following the event (e.g. via phone call or email) through the summer and fall.

On November 30, 2023, a draft zoning by-law for the *Apartment Neighbourhoods* was posted on the project website at [www.toronto.ca/readyssetmidtown](http://www.toronto.ca/readyssetmidtown), distributed via the project listserv (email) and to local Councillors. As a zoning by-law is a technical document, the draft by-law includes short 'explanatory notes' to help ensure that the intent of the by-law is provided in more plain language. Further, 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.

In addition to public consultation, Staff also reached out to engage with 11 First Nations, the Metis Nation, and the Toronto Aboriginal Support Services Council in earlier phases of the Midtown Zoning Review via email and letter. Staff invited direct participation in the Midtown Zoning Review. Previous Midtown Zoning Review staff reports provide additional detail regarding these efforts.

## Proposed Changes to Zoning in Apartment Neighbourhoods Presented for Consultation

For the purpose of developing zoning for engagement and public consultation, Staff evaluated the policies of the Yonge-Eglinton Secondary Plan, conducted detailed analysis and evaluation, considered consultant recommendations, and input received through engagement. The draft zoning changes presented for public consultation included:

- Adding lands to Zoning By-law 569-2013 which are not presently part of this by-law;
- Changing the zone labels from R (Residential) to one of: RA (Residential Apartment), RAC (Residential Apartment Commercial) or OR (Open Space Recreation);
- Adding a minimum height of 4 storeys for all lands (with limited exceptions, such as for cultural uses);
- Increasing height permissions to align with the intent and purpose of the Plan, including the height guidance. The height guidance for the relevant Character Areas is as follows:
  - 8-20 storeys in Eglinton East;
  - 25-35 storeys in Erskine and Keewatin;
  - 35-50 storeys in the Redpath Park Street Loop;
  - 20-35 storeys in the Soudan; and
  - 25-40 storeys in the Davisville;
- Setting a minimum Floor Space Index of 2.0 in the following areas:
  - Eglinton East;
  - Portions of Erskine and Keewatin;
  - The Redpath Park Street Loop;
  - Soudan; and
  - Portions of Davisville;
- Regulating building size by form rather than by maximum floor space index;
- Setting minimum building setbacks and other measures to achieve the public realm policies of the Plan (e.g., green streets and room for large trees);
- Reducing the total provision of landscaping required while maintaining the existing requirements for soft landscaping;
- Setting a maximum width of a residential lobby facing a street;
- Setting minimum building setbacks and stepbacks, including those for separation distance between towers of tall buildings. This includes a:
  - Minimum 3.0 metre stepback from a base building of a tall building to the tower;
  - Minimum 15.0 metre side yard and rear yard setbacks for the tower of a tall building;
  - Minimum 3.0 metre stepback for mid-rise buildings;
- Setting a maximum floor plate size of a tall building containing residential uses at 750 square metres, exclusive of inset and projecting balconies;
- Requiring a minimum proportion of units with multiple bedrooms and minimum sizes;
- Adding permissions for certain non-residential uses (e.g., barber shops, art galleries, and take-out eating establishments);
- Changes to the requirements regarding servicing;
- Setting minimum dimensions for publicly-accessible walkways; and

- Including a provision that allows a ground floor residential unit to include two levels.

Where the land use designation is *Parks and Open Space Areas - Parks*, the draft by-law included changes to zone labels to an Open Space Recreation zone (OR) from a Residential zone (R). In addition, the draft by-law included site-specific exceptions and prevailing by-laws to recognize existing buildings and recent zoning by-law amendments.

The draft by-law would provide increases to zoning permissions, such that fewer development proposals may require a site specific zoning by-law amendment. The level of growth contemplated in the Plan requires an appropriate mechanism to ensure adequacy of municipal servicing for ongoing development. The draft by-law includes an exception applicable to the subject lands, that builds on existing Regulation 5.10.30.1(1) of City-wide zoning by-law 569-2013. The purpose of the exception is to ensure that there is adequate water and sewer capacity to service the proposed building or structure to the satisfaction of the City. While adequate water and sewer capacity would have to be demonstrated for zoning compliance prior to the issuance of a building permit, this approach results in a more streamlined process relative to alternative mechanisms such as a zoning by-law subject to holding provisions. Certain small-scale development and replacement buildings are exempted from this requirement. Toronto Water and Toronto Building support implementation of this zoning regulation for the subject lands, with a process that allows for review of site-specific servicing capacity prior to issuance of building permit.

The draft zoning by-law includes regulations for sites where policy 5.3.57 applies. Policy 5.3.57 requires the submission of a context plan for proposals for development which include the demolition and redevelopment of a building greater than 11 storeys. Among other things, the required context plan would identify the appropriate heights and scale of buildings, and would support coordination among sites, including publicly accessible connections and public streets. It is not possible to predict if a proposal will or will not include demolition of an existing building (e.g. a proposal may only be for an addition or for an infill development). Therefore, evaluation of conformity with 5.3.57 is only possible through a development review application, which is likely to require the submission of a context plan.

Staff support implementing as much of the Plan as possible in zoning, in order to make future development applications more efficient. Therefore, the draft by-law responds to policy 5.3.57, and does so in two ways. In the first scenario, if there is a site-specific or prevailing by-law that permits the existing development on site, the draft zoning includes these exceptions. In the second scenario, where a site specific or prevailing zoning by-law does not exist, the draft zoning by-law maintains the existing height permissions on the site. In both scenarios, submission of a context plan per policy 5.3.57 would be required for a development proposal to either increase existing height permissions and/or modify the zoning of an existing development. In this way, it becomes possible for a development proposal that is otherwise in conformity with the Plan to advance in a more streamlined manner than if the zoning were to remain unchanged. For example, assuming a context plan and proposal that represents good planning, it is possible that the only change needed to permit a proposal may be the removal of reference to a

prevailing by-law (in the first scenario) or a change to the height permissions (in the second scenario).

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

Further engagement and public consultation resulted in responses from the public and stakeholders regarding the draft by-law. Staff have considered this input and undertaken further analysis, resulting in the following changes, which are reflected in the recommended zoning by-law attached to this report:

- A minimum width of 6.0 metres for a mid-block connection interior to a building (to conform with policy 4.16);
- The addition of transition clauses to resolve potential conflicts between current development applications and the proposed by-law;
- A list of references in the R zone to be removed, as they no longer exist due to the proposed zoning by-law amendment. This could be considered a 'housekeeping' or technical change;
- The removal of the site at the southwest corner of Redpath Avenue and Roehampton Avenue from the recommended by-law due to technical issues with the existing by-law;
- Changes to mapping near the intersection of Brownlow Avenue and Soudan Avenue, and the inclusion of prevailing by-laws on these lands to reflect Ontario Land Tribunal decisions;
- Changes to mapping near Pailton Crescent to correct a drafting error;
- Adding prevailing by-laws that are recommended to be carried forward;
- The deletion of a regulation requiring a minimum of 90% of required parking spaces to be in a building or underground structure, as staff believe the intent and purpose of the policy has been met through the existing zoning by-law (as amended through zoning by-law amendment 89-2022);
- An increase to the maximum lobby width permissions;
- A requirement for day nurseries to be accessible from a public street, lane, or pedestrian walkway;
- A clause to clarify that replacement rental units shall not be counted in the minimum proportion of units required to have 2 bedrooms, 3 or more bedrooms, or to be of a minimum size;
- A correction to zoning for lands where a parkette currently exists on Keewatin Avenue;
- the addition of a minimum 5.0 metre setback from lands in the Open Space Zone category;
- mapping changes reflecting the above-noted changes, and to ensure accuracy and clarity; and
- Stylistic, technical, organizational and typographical changes to ensure proper drafting of the by-law (e.g., bolding of defined terms).

## Conformity with the Policy Framework

The recommended zoning by-law amendments are consistent with the Provincial Policy Statement and conforms with the Growth Plan and the Official Plan.

The recommended zoning by-law amendments implement the policies of the Yonge-Eglinton Secondary Plan as they pertain to specific geographic areas. The recommended zoning by-law amendments implement 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. Together, these permissions implement the vision of the Plan and applicable policy direction that applies to these lands. Accordingly, the recommended zoning by-law amendments conform with the Secondary Plan.

## Conclusion

The recommended zoning by-law amendments for certain lands designated *Apartment Neighbourhoods* and *Parks and Open Space Areas - Parks* in the Yonge-Eglinton Secondary Plan are the result of research, analysis, engagement and public consultation. The recommended zoning by-law amendments conform with and implement the Yonge-Eglinton Secondary Plan.

The recommended zoning by-law amendments represent a further phase of the Council-directed implementation of the Secondary Plan, following the Midtown 'Villages', *Neighbourhoods* designated lands in the Avenue Midtown Transit Station Area, and select low-rise areas. The amendments also respond to direction of the Official Plan to bring forward implementing zoning by-laws with new Secondary Plans.

The recommended zoning by-law amendments permit housing on lands planned for mid-rise building to tall building intensification, along with small scale arts, cultural, retail and service uses. This supports both housing creation through a more streamlined development review process, and a complete community in the Midtown area.

## CONTACT

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## SIGNATURE

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Kerri A. Voumvakis  
Interim Chief Planner and Executive Director,  
City Planning

## **ATTACHMENTS**

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Attachment 1: Decision History

Attachment 2: Yonge Eglinton Secondary Plan Character Area map

Attachment 3: Key Map Showing the General Location of the Recommended Zoning By-law Amendment

Attachment 4: Details with Respect to Inputs into Drafting the Zoning By-law Amendments

Attachment 5: Consultation Summary

Attachment 6: Recommended Zoning By-law Amendment for Select Lands Designated Apartment Neighbourhoods

## **Attachment 1: Decision History**

### **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 adopted by Council. 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 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. The report also discussed a targeted exercise for the

Chaplin Crescent Midtown Transit Station Area and Avenue Road Midtown Transit Station Area.

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

### **Midtown Infrastructure Implementation Strategy - Final Report**

On June 15, 2022, City Council adopted the Midtown Infrastructure Implementation Strategy - Final Report, which supports improved capital project planning and delivery in Midtown, over the near, mid and long terms. The Implementation Strategy 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.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.IE30.7>

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

On June 15, 2022, City Council adopted Ready, Set, Midtown: Zoning Review - Final Report and Zoning By-law Amendment for Midtown 'Villages', which included a zoning by-law amendment to implement the Yonge Eglinton Secondary Plan in its five 'Village' Character Areas. The report outlined the process undertaken to arrive at the recommended zoning by-law amendment, described the content of the amendment, and outlined next steps for zoning implementation of further Character Areas. Four appeals of the zoning by-law amendment were made to the Ontario Land Tribunal. A hearing date has not been set.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH34.10>

### **Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Neighbourhoods Designated Lands within the Avenue Midtown Transit Station Area - Final Report**

On July 19, 2022, City Council adopted Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Neighbourhoods Designated Lands within the Avenue Midtown Transit Station Area - Final Report, which included zoning by-law amendments to implement the Yonge Eglinton Secondary Plan in the Avenue Midtown Transit Station Area. This included zoning to implement the minimum people and jobs/hectare value as modified in the Provincially-approved Plan. No appeals of these by-laws were made to the Ontario Land Tribunal, and the by-laws are in force and effect.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH35.5>

### **Our Plan Toronto: City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations - Final Report**

On July 19, 2022, City Council adopted Our Plan Toronto: City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations - Final Report. The report included Official Plan Amendments which delineated the geographic areas of Eglinton, Davisville, Mount Pleasant and Leaside PMTSAs, and set minimum floor space indices for lands in these areas.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH35.16>

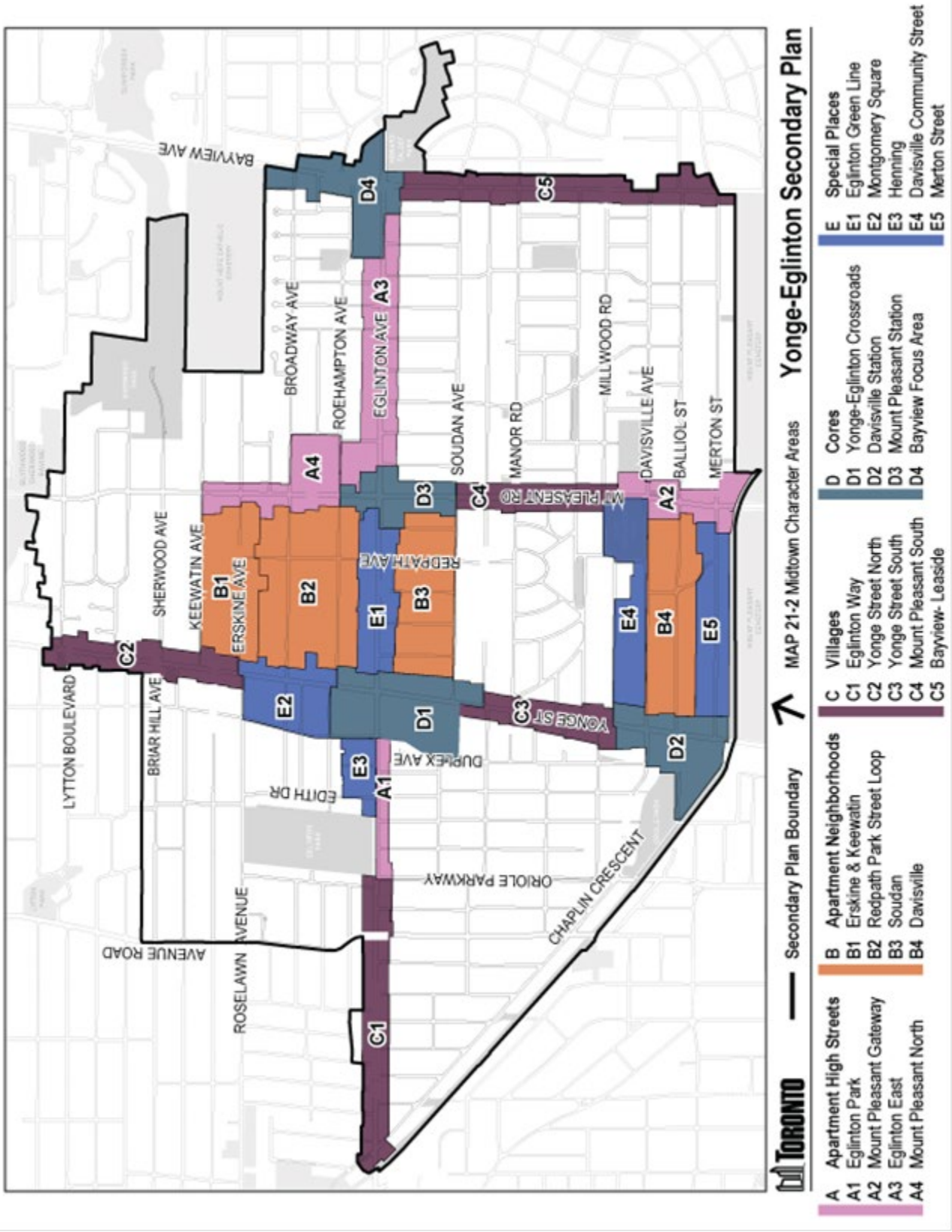


## **Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Low-rise Areas - Decision Report - Approval**

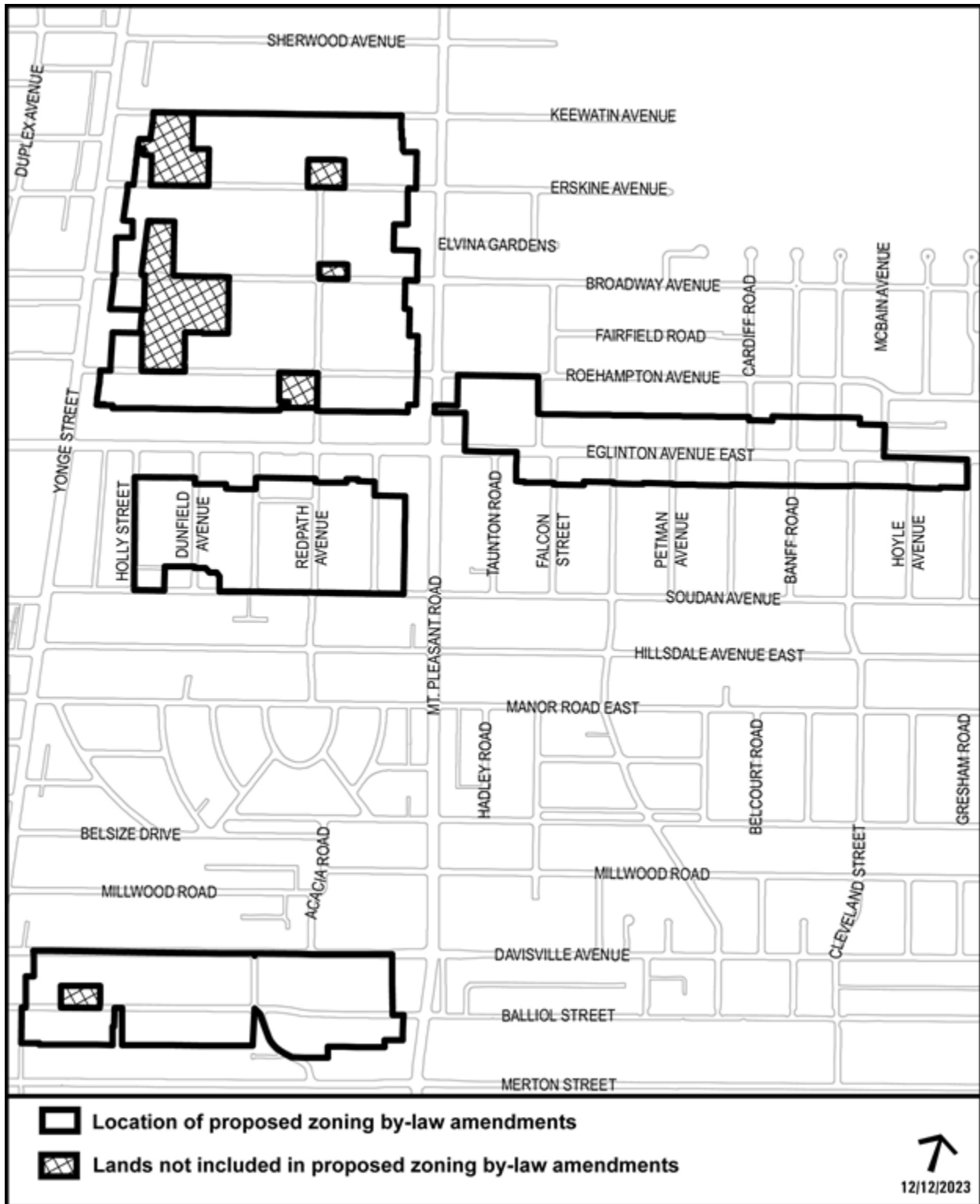
On May 10, 2023, City Council adopted Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Low-rise Areas - Decision Report - Approval. The report included zoning by-law amendments to implement the Yonge Eglinton Secondary Plan for select lands designated *Neighbourhoods "A"*, a portion of lands designated *Apartment Neighbourhoods*, and a portion of lands designated *Parks and Open Space Areas - Parks*. The amendments permit a variety of low-rise housing on lands planned for low-rise intensification, along with zoning lands identified as future parks. Two appeals of the zoning by-law amendments were made to the Ontario Land Tribunal. A hearing date has not been set.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH3.2>

# Attachment 2: Yonge Eglinton Secondary Plan Character Areas



### Attachment 3: Key Map Showing the General Locations of the Recommended Zoning By-law Amendments



## **Attachment 4: Details With Respect to Inputs into Drafting the Zoning By-law Amendments**

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/readysmidtown](http://www.toronto.ca/readysmidtown). 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 also challenging to update. Due to the policy framework change, there are areas of inconsistency between the Plan and the in-force zoning, necessitating updates to zoning to ensure conformity with the Plan. Additional study was needed to determine appropriate regulations for built form, including 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 was to evaluate the modifications made to the Secondary Plan by the Province, including the appropriate application of the "anticipated height ranges" policy approach, considering microclimatic impacts on the public realm (including parks and open spaces), tower separation distances, floor plate sizes, setbacks and stepbacks. For example, the consultant evaluated different tower separation scenarios for identified soft sites in consideration of policy direction for the Plan's various Character Areas, as well as built form concerns such as sunlight, sky view and wind impacts. The consultant's report shows that a 30-metre tower separation distance results in no fewer tall buildings than a 25-metre tower separation distance, and leads to improved built form and public realm outcomes on a cumulative basis.

Planning and Housing Committee adopted objectives and a zoning framework through the November 2021 Ready, Set, Midtown: Zoning Review - Status Report. These objectives and zoning framework were developed through the results of engagement including public consultation, and set foundational direction for the development of future zoning by-laws to implement the Plan. For example, the zoning framework sets out how elements such as building size and tower separation will be regulated.

The Midtown Infrastructure Implementation Strategy (MIIS), developed in coordination with multiple City Divisions through 2021-22, was adopted by City Council on June 15, 2022. The MIIS guides capital planning and implementation to align with growth in the Secondary Plan area in the near, mid and long terms to 2051. The report includes 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 Midtown Public Realm Implementation Strategy (MPRIS) provides detailed recommendations for the implementation of the Public Realm Moves outlined in the Yonge-Eglinton Secondary Plan and related initiatives. The strategy

provides preliminary concept drawings for public realm improvements, and recommends minimum building setbacks to achieve Secondary Plan objectives and to aid in development review and capital project planning. The minimum setbacks recommended in the MPRIS inform the standards to be included in draft zoning by-laws across the Secondary Plan area.

City Planning, Toronto Water, Toronto Building and Legal worked collaboratively to consider an appropriate mechanism to ensure adequacy of municipal servicing for ongoing development. Results are reflected in the recommended by-law.

Input from engagement, including public consultation, was also considered in the development of the by-law. Engagement in the Midtown Zoning Review has been ongoing since 2021 for various geographies of the Plan, including public consultation specifically focused on *Apartment Neighbourhoods* designated lands as described in the main body of the report.

**Attachment 5: Consultation Summary**

(provided separately)

**Attachment 6: Recommended Zoning By-law Amendment for Select Lands Designated Apartment Neighbourhoods**

(provided separately)