

Authority: Etobicoke York Community Council Item
EY30.2, as adopted by City of Toronto Council on March
9, 2022

CITY OF TORONTO

Bill 440

BY-LAW- 2022

To amend Chapters 320 and 324 of the Etobicoke Zoning Code and By-law 1993-84 with respect to lands municipally known in the year 2021 as 340 Mill Road.

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the Planning Act provides that where an owner of lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 11,737, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

The Council of the City of Toronto hereby enacts as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule 'A' of this By-law.
2. Zoning Map D24 of the former City of Etobicoke Zoning Code is hereby amended by changing the zoning category for the lands described on Schedule 'A' attached to this By-law from Sixth Density Residential (R6) to Public Open Space (OS).
3. Notwithstanding Section 320-32, the lands zoned OS, as shown on Schedule 'A' attached to this By-law, may be used for any purpose existing on the lands as of the date of the

passing of this By-law and below ground construction tie-backs accessory to the uses on the lands shown as R6 on Schedule 'A' attached to this By-law.

4. None of the provisions of Sections 320-18, 320-19, 320-39, 320-40, 320-41, 320-42, 320-43, 320-46, and 320-77, shall apply to lands described in Schedule 'A' attached to this By-law shown as R6, subject to compliance with the following:
- (A) Buildings and structures existing on the lot as of February 1, 2022, including Building A are permitted;
 - (B) The permitted maximum height of Building A is the height of such building as it existed on the lot on February 1, 2022, subject to additional projections for roof top mechanical equipment and related enclosures to a maximum of 5.0 metres above the permitted height of Building A and structures for noise or wind mitigation;
 - (C) The permitted maximum height of Building B is the numerical value in metres following the HT symbol on Schedule 'B' of this By-law with the exception of the following permitted projections:
 - i. structures used for safety, noise or wind mitigation purposes, chimneys, vents, stacks and their associated enclosures, lighting fixtures, railings, retaining walls, privacy screens, stairs, enclosed stairs, ornamental or architectural features, landscape features, patios, terraces, cornices, sills, eaves, balconies;
 - ii. planters, ramps to underground parking areas and associated structures, bollards, guards, guardrails, wheelchair ramps, bicycle racks, gas and hydro metres and associated enclosures subject to the restrictions set out in (D)(ii) below;
 - iii. parapets, elements of a green roof and window washing equipment may exceed the permitted maximum building height by 1.5 metres;
 - iv. structures for outdoor amenity space or open air recreation may exceed the permitted maximum building height by a maximum of 3.0 metres; and
 - v. canopies and awnings to a maximum vertical projection of 4.5 metres above finished ground level;
 - (D) The required minimum building setbacks and above-ground separation distances between main walls are as shown on Schedule "B" attached to this By-law, with the exception of the following permitted projections:
 - i. lighting fixtures, railings, retaining walls, privacy screens, stairs, enclosed stairs, ornamental or architectural features, landscape features, patios, terraces, structures used for safety, noise or wind mitigation purposes, chimneys, vents, stacks and their associated enclosures, parapets, elements

- of a green roof and window washing equipment and structures for outdoor amenity space or open air recreation;
 - ii. planters, ramps to underground parking areas and associated structures, bollards, guards, guardrails, wheelchair ramps, bicycle racks, gas and hydro metres and associated enclosures, subject to a maximum vertical projection of 1.5 metres above the level of the finished ground;
 - iii. cornices, sills, and eaves, to a maximum horizontal projection of 0.5 metres;
 - iv. canopies and awnings to a maximum horizontal projection of 2.5 metres; and;
 - v. balconies to a maximum horizontal projection of 2.0 metres;
5. The provisions of Section 304-3 Definitions of the Zoning Code apply unless they are inconsistent with the provisions of this By-law, and for the purpose of this By-law the following definitions will apply:
- (A) “Building A” means the existing apartment building municipally known as 340 Mill Road in the year 2021, as shown on Schedule B, as well as ancillary structures, including a swimming pool, an underground parking garage and enclosed garage entry ramp, all as located on the lot as of February 1, 2022;
 - (B) “Building B” means an addition to Building A on the lot, as well as ancillary structures, including an underground parking garage and portions below ground;
 - (C) “grade” means the Canadian Geodetic Datum elevation of 137.71;
 - (D) “height” means the vertical distance measured between grade and the highest point of the building; and
 - (E) “lot” means the lands zoned R6 as described in Schedule ‘A’ attached to this By-law.
6. Despite any severance or division of the lot, the regulations of this By-law continues to apply to the whole of the lot as if no severance or division had occurred.
7. Except as otherwise provided in this By-law, the provisions of the Zoning Code continue to apply to the lands described in Schedule ‘A’ attached to this By-law.
8. The provisions of By-law 1993-84 do not apply to the lot.
9. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 1

hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

10. Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
11. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
12. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
By-law #####-2022	340 Mill Road	To rezone a portion of the lands to open space, and to provide site specific development standards to permit an addition to the existing apartment building on the lands.

Enacted and passed on May , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

SCHEDULE 1
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Schedule "A" of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Financial Contribution

1. Prior to the issuance of the first above-grade building permit for the Site, the owner shall make a cash contribution to the City in the amount of one million and five hundred thousand dollars (\$1,500,000), payable to the Treasurer, City of Toronto, for the provision of parkland improvements at Centennial Park and/or the provision of connecting cycling infrastructure along Burnhamthorpe Road from Etobicoke Creek to Mill Road, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor.
2. The cash contribution referred to in section 1 above shall be indexed from the date of execution of the Section 37 Agreement to the date the owner makes the payment to the City using the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area.
3. In the event the cash contribution referred to in section 1 above has not been used for its intended purposes within three years of the Zoning By-law Amendments coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose of the contribution is identified in the Toronto Official Plan and the contribution will benefit the community in the vicinity of the Site.

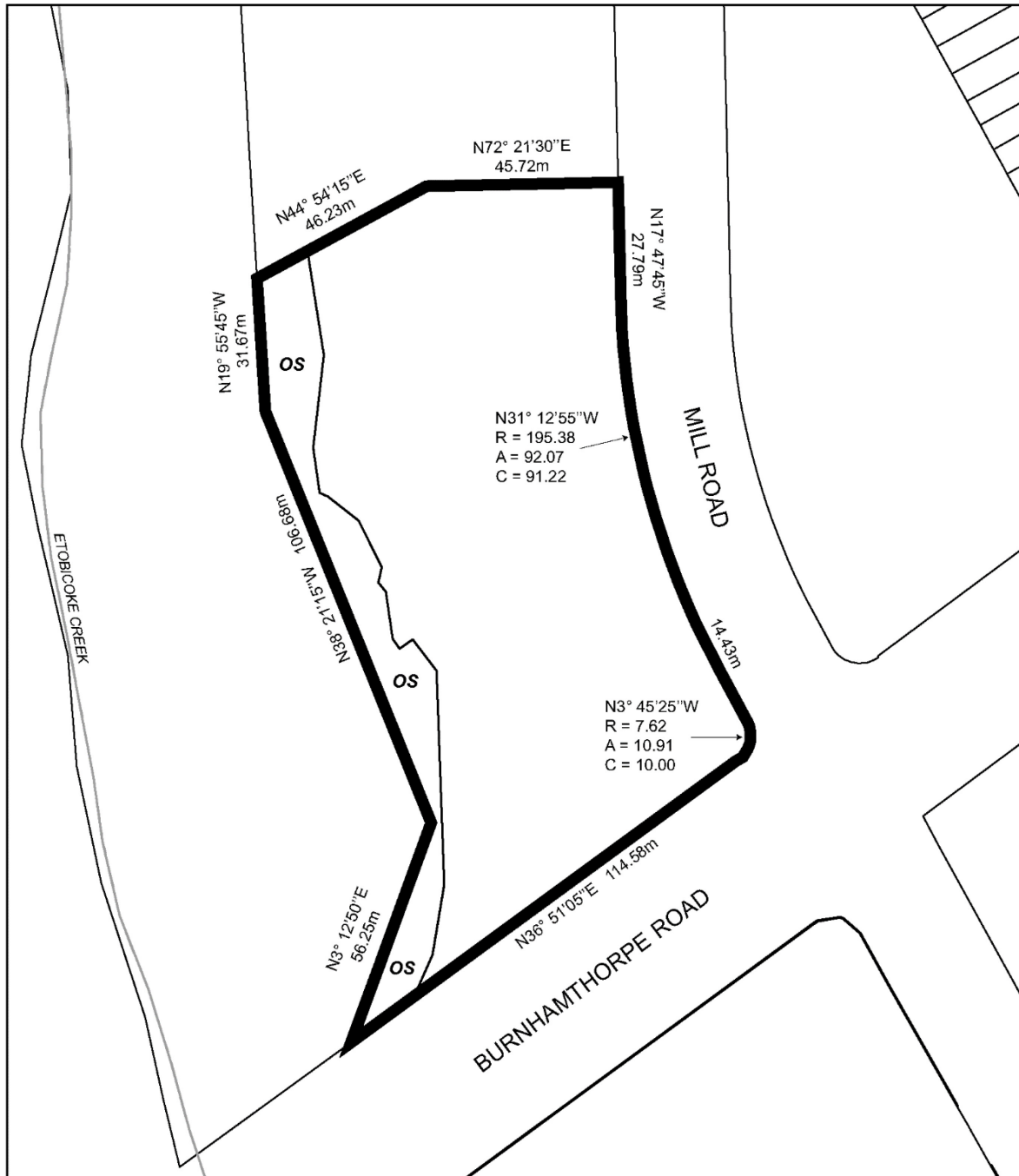
Other Matters in Support of the Development

4. The owner shall continue to provide and maintain the existing 225 rental dwelling units at 340 Mill Road as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least 20 years commencing from the date the Zoning By-law Amendments come into force and effect, with no applications for demolition or conversion to condominium ownership or from residential rental use during such 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
5. The owner shall provide tenants of all 225 existing rental dwelling units at 340 Mill Road with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings.

6. The owner shall provide, at its sole expense and at no cost to tenants, improvements to the existing rental housing at 340 Mill Road, taking into account feedback obtained through a tenant survey, as follows:
7. Prior to the issuance of the first above-grade building permit for the new residential building:
 - a. provide the City with a Letter of Credit in the amount of eight hundred thousand dollars (\$800,000) to secure the full replacement of the windows and balcony doors of the existing rental building at 340 Mill Road within two years of first occupancy of the development, with any additional costs necessary to complete the window and balcony door replacement borne solely by the owner. For clarity, the owner shall complete the replacement of all windows and balcony doors of the existing building and cover any and all costs over and above the eight hundred thousand dollars (\$800,000) within two years of the date the first residential unit in the new building is occupied;
 - b. submit to the City a construction schedule and specifications of the replacement windows and balcony doors secured by the Letter of Credit referred to in section 7.a above, and such schedule and specifications shall be developed by a qualified contractor with expertise in residential window installation services. Any revisions to the window and balcony door construction schedule and specifications shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. construct a new gymnasium, or renovate and undertake improvements to the existing gymnasium, and provide new gymnasium equipment within the existing rental building at 340 Mill Road; and
 - d. undertake improvements to the existing laundry room in the existing rental building at 340 Mill Road, including the provision of a new television and seating area, new folding tables, and one or more oversized laundry machines.
8. Prior to occupancy of any new residential units:
 - a. provide a new outdoor barbeque and seating area with a gazebo within a reasonable and accessible vicinity of the entrance of the existing rental building at 340 Mill Road. The location, layout, and specifications of the new outdoor barbeque and seating area and gazebo shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
9. Prior to the issuance of Notice of Approval Conditions for the site:
 - a. provide plans showing the location, layout, and specifications of the gymnasium and laundry area improvements referred to in sections 7.c and 7.d, to the satisfaction of the Chief Planner and Executive Director, City Planning; and

- b. the owner shall submit a Construction Mitigation Strategy and Tenant Communication Plan as part of a Construction Management Plan to mitigate the impacts of construction of the development on tenants of the existing rental building at 340 Mill Road and on nearby properties, to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the Ward Councillor. The Construction Mitigation Strategy is to include an interim parking plan for residents.
- c. The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan required in sections 7 through 9 above shall not be passed on to tenants of the existing rental building at 340 Mill Road in any form. For clarity, the owner shall be prevented from applying to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements in sections 7.a through 8.a. above.
- d. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, and consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for the development.
- e. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.
- f. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable:
 - 1. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise Feasibility Study prepared by HGC Engineering and dated May 27, 2019, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - 2. Implementation of the mitigation measures identified in the Pedestrian Wind Study and addendum prepared by RWDI and dated August 12, 2020 and January 12, 2021, respectively, to the satisfaction of the Chief Planner and the Executive Director, City Planning;
 - 3. Reconstruction of the City sidewalks to City standards along the frontages of Mill Road and Burnhamthorpe Road, to the satisfaction of the General Manager, Transportation Services;

4. Provision of on-site dog-relief facilities, with the location, nature, and size of the facilities to be determined through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- g. Prior to final site plan approval, the owner shall prepare all documents and convey a 0.4-metre strip of land along the Mill Road frontage of the Site for road widening, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the City Solicitor, all as generally shown on the Site Plan (Drawing No. A101.S dated February 1, 2021);
- h. Prior to final site plan approval, the owner shall prepare a ravine stewardship plan for the lands above the staked top-of-bank line, including lands being conveyed to public ownership, and provide the City with a Letter of Credit to secure the implementation of such ravine stewardship plan, all to the satisfaction of the Toronto and Region Conservation Authority and Parks, Forestry and Recreation Division, Urban Forestry, Ravine and Natural Feature Protection; and
- i. Prior to final site plan approval the owner shall convey to public ownership, for nominal consideration, the lands generally within the required 10-metre setback from the long-term stable top-of-bank line as shown on the Site Plan (Drawing No. A101.S dated February 1, 2021), having an area of approximately 1,908 square metres, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Prior to application for residential occupancy, the owner shall implement a ravine stewardship plan to the satisfaction of the General Manager, Parks, Forestry and Recreation and in accordance with the conditions as set out in the Site Plan Agreement.



 **Toronto**
Schedule A

340 Mill Road

File #: 19 191585 WET 02 02



Former City of Etobicoke By-law 514-2003
Not to Scale
02/03/2022

