

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

CITY OF TORONTO

Bill 441

BY-LAW- 2022

To amend Toronto Zoning By-law 569-2013, as amended, with respect to the 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 569-2013, 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined in heavy line to RA (f24.0; d1.94) (x73) and ON (x20) as shown on Diagram 2 of this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.7.10 Exception Number 73 so that it reads:

(73) Exception RA (73)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On a portion of the lands municipally known as 340 Mill Road in the year 2021, shown as Area B on Diagram 4 of By-law #####-2022 [Clerks to insert By-law number], if the requirements of Section 7 and Schedule A of By-law ###-2022 [Clerks to insert By-law number] are complied with, a **building** or **structure** may be erected and used on the **lot** in compliance with (B) to (BB) below;
- (B) For the purpose of this Exception, the lot comprises the lands outlined by heavy lines on Diagram 4, attached to By-law #####-2022 [Clerks to insert By-law number] shown as "Area B";
- (C) The only **buildings** and **structures** permitted on the **lot** include "Building A" and "Building B" as shown on Diagram 3 of By-law #####-2022 [Clerks to insert By-law number] as follows:
- (i) for the purposes of this exception, "Building A" means the existing **apartment building** municipally known as 340 Mill Road as shown on Diagram 3, as well as **ancillary structures**, including a swimming pool, an underground **parking garage** and enclosed garage entry ramp, located on the **lot** as of February 1, 2022, and alterations and additions permitted in accordance with this exception;
 - (ii) for the purposes of this exception, "Building B" means an addition to Building A on the **lot** as shown on Diagram 3, as well as **ancillary structures** and portions below ground; and
 - (iii) for the purpose of this exception, "Building A" and "Building B" are collectively one **building**;
- (D) For the purpose of this exception:
- (i) Despite any Regulation to the contrary, **buildings** and **structures** existing on the **lot** as of February 1, 2022, including "Building A", are permitted; and
 - (ii) In addition to the permitted uses in Clause 15.10.20.10, "car-share" is also a permitted use on the **lot**
- (E) Despite Regulation 15.10.40.40(1)(A), the permitted maximum **gross floor** area on the **lot** is as follows:

- (i) The **gross floor area** of "Building A", must not exceed the **gross floor area** existing therein as of February 1, 2022, plus an additional 150.0 square metres; and
 - (ii) The **gross floor area** of "Building B" must not exceed 17,200.0 square metres;
- (F) The permitted maximum number of **dwelling units** on the **lot** must not exceed the following:
 - (i) 225 **dwelling units** in "Building A"; and
 - (ii) 200 **dwelling units** in "Building B";
- (G) Dwelling **units** provided in "Building B" must comply with the following:
 - (i) A minimum of 40% of the total number of **dwelling units** must contain two or more bedrooms; and
 - (ii) A minimum of 10% of the total number of **dwelling units** must contain three or more bedrooms, and these **dwelling units** may also be used to determine compliance with (i) above;
- (H) Despite Regulations 5.10.40.70(6), 5.10.40.80(1), and Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above finished ground are shown in metres on Diagram 3 of By-law XXXX-2022 [Clerks to insert By-law number];
- (I) Despite Regulations 15.5.40.50(2), 15.5.60.30(1), Clauses 15.5.40.60, 15.5.60.20 and (H) above, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
 - (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;
- (J) With respect to "Building B" and despite Regulation 15.5.60.40(2), Clauses 15.5.40.10 and 15.10.40.10, the permitted maximum **building** and **structure** height, measured between **established grade** and the highest point of the **building** or **structure** is the numerical value in metres following the HT symbol on Diagram 3 attached to By-law #####-2022 [Clerks to insert By-law number], with the exception of the following 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 (I)(ii) above;
 - (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;
- (K) For the purpose of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 137.71;
- (L) The permitted maximum height of "Building A" is the height of the **building** as it existed on the **lot** on February 1, 2022, subject to permitted projections for the functional operation of a **building** as set out in Regulation 15.5.40.10(3) and **structures** for wind or noise mitigation;
- (M) Despite Regulation 15.10.40.10(2), the permitted maximum number of **storeys** in "Building B" is the numerical value following the letters "ST" on Diagram 3 of By-law ###-2022; [Clerks to insert By-law number]
- (N) Despite Clause 15.10.40.50, **amenity space** must be provided on the **lot** in accordance with the following:

- (i) A minimum of 4.0 square metres of **amenity space** must be provided for each **dwelling unit** in "Building B", of which:
 - (a) A minimum of 2.0 square metres per **dwelling unit** must be provided as indoor **amenity space**; and
 - (b) A minimum of 40.0 square metres of outdoor **amenity space** must be provided in a location that adjoins or is directly accessible from indoor **amenity space**;
 - (ii) A minimum of 90.0 square metres of indoor **amenity space** must be provided in "Building A"; and
 - (iii) The **amenity space** required by (i) above may be used by both the occupants of "Building A" and "Building B", regardless of which **building** the occupants reside in;
- (O) Despite Regulation 15.5.50.10(1), **landscaping** and **soft landscaping** must be provided as follows:
- (i) A minimum of 42% of the area of the **lot** must be provided as **landscaping**; and
 - (ii) A minimum of 50% of the **landscaping** required in (i) above must be provided as **soft landscaping**;
- (P) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for "Building A", as shown on Diagram 3 of By-law #-2022 [Clerks to insert By-law number], must be provided in accordance with the following:
- (i) A minimum of 264 **parking spaces** for residents; and
 - (ii) A minimum of 32 **parking spaces** for visitors;
- (Q) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for "Building B", as shown on Diagram 3 of By-law #-2022 [Clerks to insert By-law number], must be provided in accordance with the following:
- (i) Minimum resident requirement:
 - (a) 0.8 **parking spaces** per bachelor **dwelling unit**;
 - (b) 0.9 **parking spaces** per one bedroom **dwelling unit**;
 - (c) 1.0 **parking spaces** per two bedroom **dwelling unit**; and
 - (d) 1.2 **parking spaces** per **dwelling unit** with three or more bedrooms;

- (ii) Minimum visitor requirement: 0.14 **parking spaces** per **dwelling unit**; and
 - (iii) The **parking spaces** required by (Q)(i) above may be reduced by four **parking spaces** for each "car-share parking space" provided, up to a maximum of one "car-share parking space" for every 60 **dwelling units** on the **lot**;
- (R) For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a car sharing organization, and "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for "car-share" purposes;
- (S) Despite Regulation 200.15.1(1) an accessible **parking space** must have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) Width of 3.4 metres;
 - (iii) Vertical clearance of 2.1 metres; and
 - (iv) A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;
- (T) Despite Regulation 200.15.1(4):
 - (i) An accessible **parking space** provided for "Building A" must be no more than 46.0 metres from a barrier free entrance into "Building A"; and
 - (ii) An accessible **parking space** provided for "Building B" must be no more than 28.0 metres from a barrier free entrance into "Building B";
- (U) Despite any provisions of this exception or this by-law, as amended, **parking spaces, drive aisles, driveways** and ramps existing on the **lot** as of February 1, 2022, may be maintained and are deemed to comply with the provisions of By-law 569-2013, as amended, and such existing **parking spaces** may be used for the purpose of determining compliance with (P) and (Q) above;
- (V) Despite Clause 220.5.10.1, one Type "G" **loading space** must be provided on the **lot**;
- (W) Regulation 230.5.10.1(5) with respect to the provision of **bicycle parking spaces** for **dwelling units**, does not apply to **dwelling units** in "Building A";

- (X) Despite any Regulation of this exception and of this by-law, as amended, "Building A" may be occupied by residents during construction of "Building B" without the provision of required **parking spaces, loading spaces and bicycle parking spaces**;
- (Y) Regulation 15.5.60.70(1) does not apply with respect to **lot coverage** requirements for **ancillary buildings and structures**;
- (Z) Regulations 15.5.100.1(1)(B) with regards to permitted maximum **driveway** width and 15.5.100.1(2) with regards to **driveway** access to **apartment buildings** does not apply;
- (AA) Clause 15.10.30.40 does not apply with respect to **lot coverage**;
- (BB) If the requirements of Section 7 of By-law #####-2022 [**Clerks to insert By-law number**] are complied with, By-laws 1993-84 and 1524 do not apply to the **lot** as Prevailing By-laws.

Prevailing By laws and Prevailing Sections:

- (A) Former City of Etobicoke by-laws 1993-84 and 1524, except as otherwise provided for in Regulation (BB) of Exception RA 73.

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.41.10 Exception Number (####) so that it reads:

(20) Exception ON 20

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) In addition to the uses permitted by Clauses 90.20.20.10 and 90.20.20.20, the lands zoned ON, as shown on Diagram 2 to By-law #####-2022 [**Clerks to insert By-law number**], may also be used for any purpose existing on the lands as of the date of the passing of By-law #####-2022 [**Clerks to insert By-law number**] and below ground construction tie-backs **ancillary** to "Building A" and "Building B" shown on Diagram 3 of By-law #####-2022.

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Despite any existing or future severance, partition or division of the **lot** the provisions of this By-law and By-law 569-2013, shall apply to the whole of the **lot** as if no severance, partition or division had occurred.

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law #####-2022 [Clerks to insert By-law number] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A 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.
- (B) Where Schedule A 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.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on May , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City

SCHEDULE A
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 Diagram 3 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.

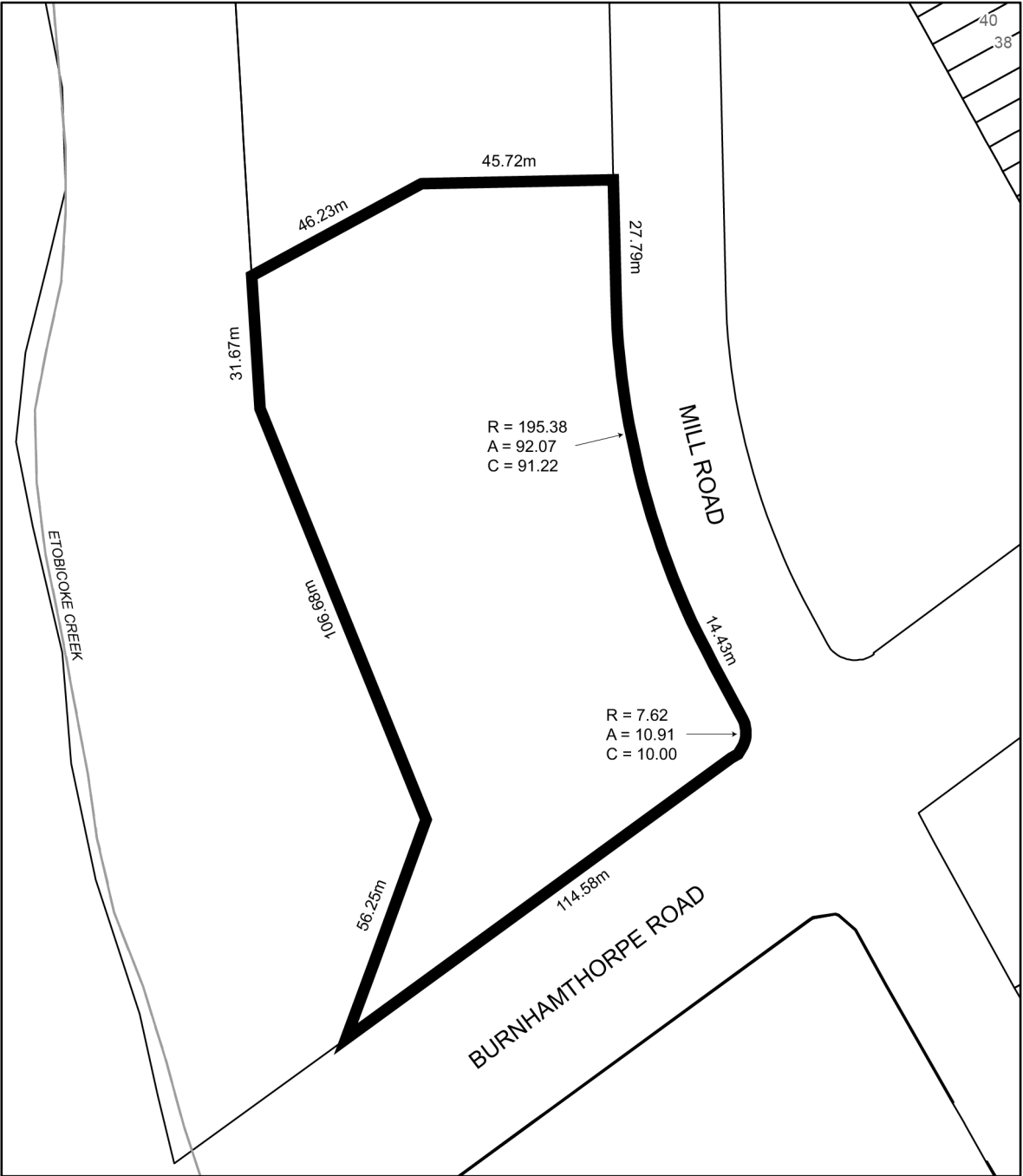
Other Matters in Support of the Development

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

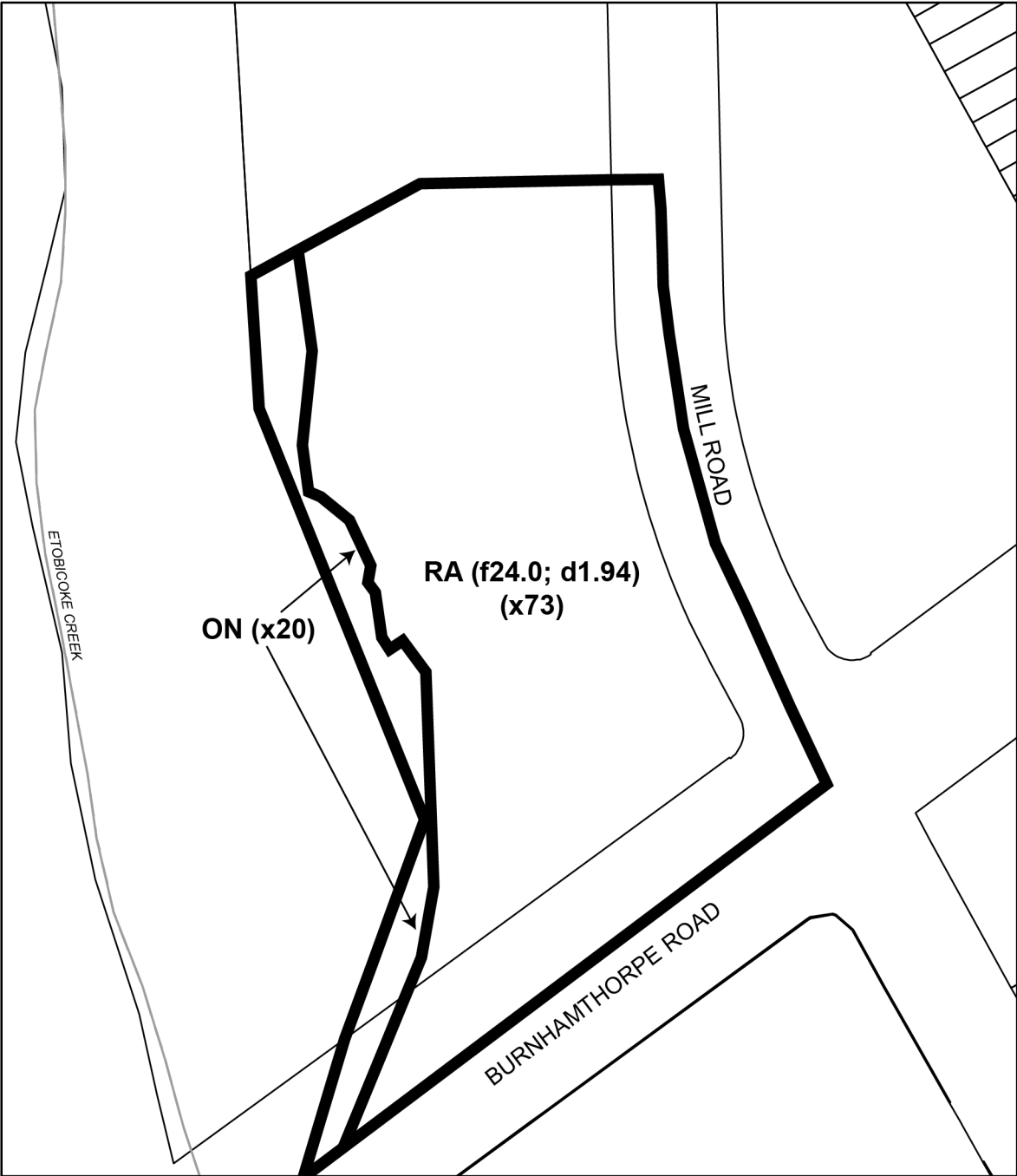
- b. The owner shall submit a Construction Mitigation Strategy and Tenant Communication Plan as part of a Construction Management Plan to mitigate the impacts of construction of the development on tenants of the existing rental building at 340 Mill Road and on nearby properties, to the satisfaction of 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, on terms set out in the Section 37 Agreement, 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.



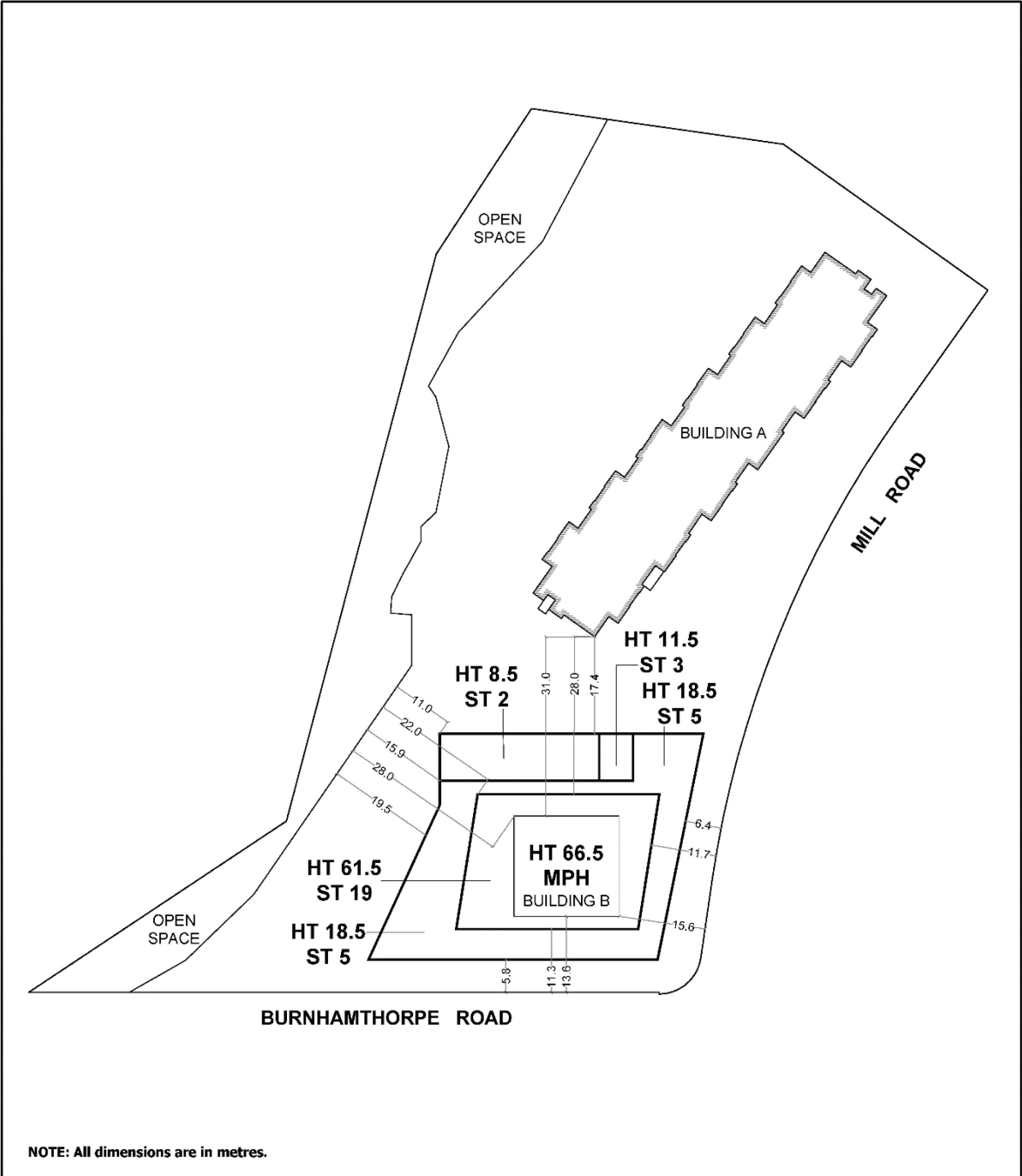
 **Toronto**
Diagram 1

340 Mill Road
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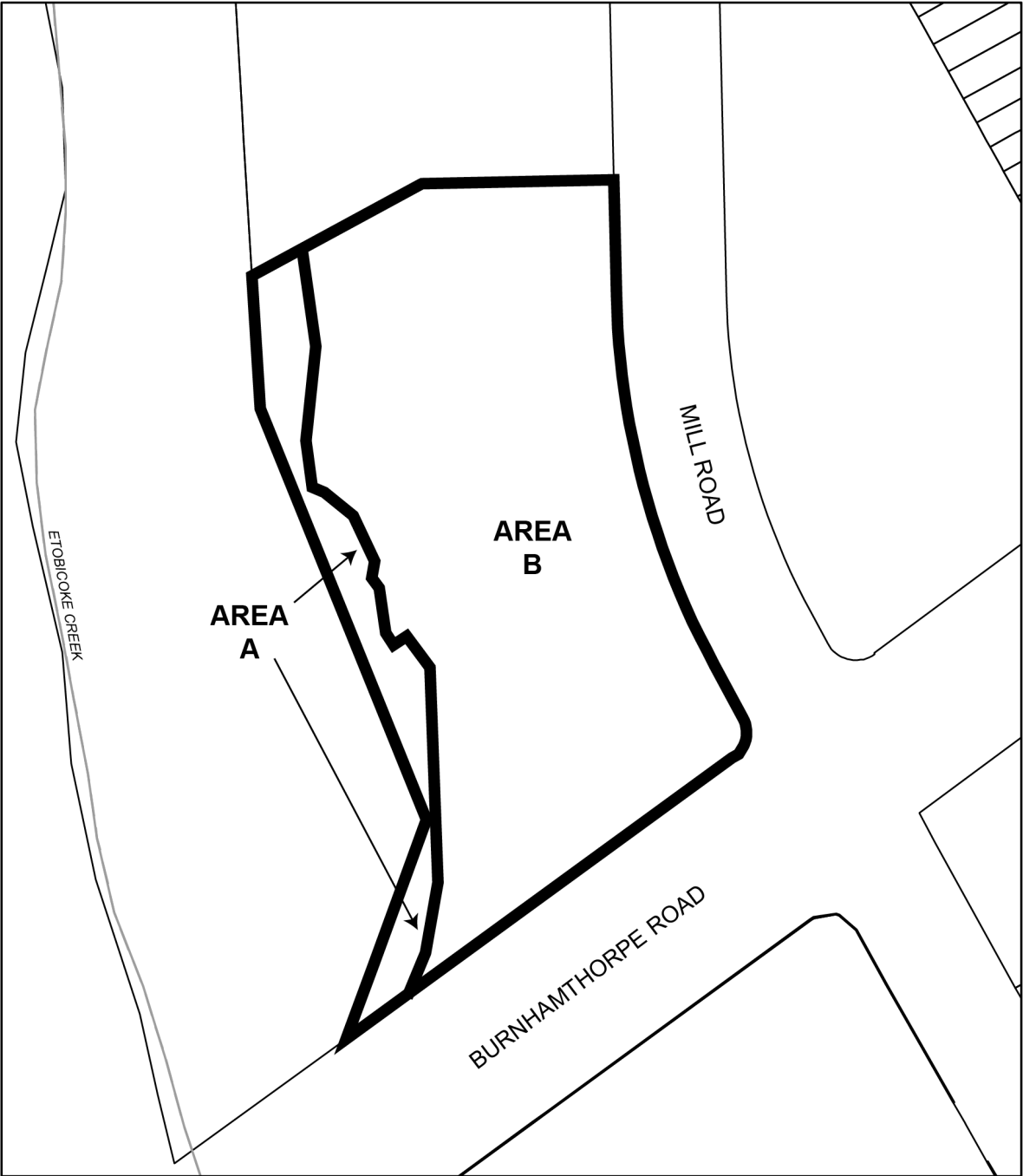
 **TORONTO**
Diagram 2

340 Mill Road
File #: 19 191585 WET 02 02



 **TORONTO**
Diagram 3

340 Mill Road
File #: 19 191585 WET 02 02



 **Toronto**
Diagram 4

340 Mill Road
File #: 19 191585 WET 02 02