

Authority: Local Planning Appeal Tribunal Decision  
issued on July 16, 2019 and Ontario Land Tribunal  
Order issued on July 30, 2021 in File PL161269

## **CITY OF TORONTO**

### **BY-LAW 214-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known as 8 Elm Street, and 348-354 and 356 Yonge Street and a portion of 14 Elm Street.**

Whereas the Ontario Land Tribunal pursuant to its Order issued on July 30, 2021 and the Local Planning Appeal Tribunal Decision issued on July 16, 2019, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 8 Elm Street, and 348-354 and 356 Yonge Street; and

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; and

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

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 and 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; and

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

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;

By-law 569-2013, as amended, of the City of Toronto is further amended by the Local Planning Appeal Tribunal as follows:

1. The lands subject to this By-law are outlined in heavy black lines on Diagrams 1a and 1b attached to 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 lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone label to these lands: CR6.0 (c2.0; r6.0) SS1 (x395) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 395 so that it reads:

**Exception (CR) (395)**

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 8 Elm Street, and 348-354 and 356 Yonge Street and a portion of 14 Elm Street, if the requirements of Section 8 and Schedule A of By-law 214-2022(OLT) are complied with then a **mixed use building** may be constructed in accordance with (B) to (T) below:
- (B) Despite regulation 40.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 93.72 metres to the highest point of the **building** or **structure**;
- (C) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** must not exceed 55,000 square metres, of which a minimum **gross floor area** of 945 square metres must be provided for office uses on the lands identified as Part B on Diagrams 1a and 1b of By-law 214-2022(OLT);
- (D) Despite regulation 40.10.40.1(1), on the first, second, third, fourth and fifth **storeys** residential uses may be located on the same **storey** as non-residential use portions;
- (E) Despite regulation 40.10.40.70 (1), and Section 600.10, the required minimum **building setbacks** are as shown in metres on Diagrams 3a and 3b of By-law 214-2022(OLT);
- (F) **Dwelling units** must be provided as follows:
  - (i) A minimum of 10 per cent of **dwelling units** must be three bedroom **dwelling units**;
  - (ii) A minimum of 30 per cent of **dwelling units** must be two bedroom **dwelling units**; and
  - (iii) There is no minimum **gross floor area** of **dwelling unit** size;

- (G) Despite Regulations 5.10.40.70(1), 40.5.40.60(1) and Clause 40.10.40.60, the following are permitted to encroach into the required minimum **building setbacks** as shown on Diagrams 3a and 3b of By-law 214-2022(OLT) as follows:
- (i) Lighting fixtures, balconies and guards, balcony roof or canopies, privacy screens, mechanical and architectural screens, window sills, chimneys, mechanical fans, retaining walls and curbs, monitor wells, structural columns, fences and safety railings, balustrades, bollards, underground garage ramps and their associated **structures**, and public art features by no more than 1.5 metres; and
  - (ii) Despite section (G) (i) above, balconies are not permitted to encroach into the required **building setback** on the north façade of any **building** or **structure**;
- (H) Despite Regulations 40.10.40.10(1) and 40.5.40.10(8) the permitted maximum height of a **building** or **structure**, including the mechanical penthouse, is the height measured in metres specified by the numbers following the symbol HT as shown on Diagrams 3a and 3b of By-law 214-2022(OLT);
- (I) Despite Clause 40.5.40.10 and (H) above, the following **building** elements or **structures** may project above the permitted maximum heights in metres specified by the numbers following the symbol HT as shown on Diagrams 3a and 3b of By-law 214-2022(OLT), as follows:
- (i) a **structure** on the roof of the **building** used for outside or open air recreation, window washing equipment on the roof of a **building**, light fixtures, elevator overrun, railings, elements of a **green roof**, by no more than 5.0 metres;
  - (ii) an unenclosed roof top amenity **structure** above the locations identified as HT 11.0 on the Part A lands on Diagrams 3a and 3b, by no more than 5.0 metres;
  - (iii) Despite section (I) (i) above, the only permitted projections above the locations identified as HT 29.0 and HT 25.8 on the Part B lands on Diagrams 3a and 3b are parapets, handrails and window washing equipment that may project by no more than 2.0 metres;
  - (iv) Despite section (I) (i) and (iii) above, an architectural and mechanical screen shall be required and shall project 3.5 metres above the location identified as HT 29.0 on the Part B lands on Diagrams 3a and 3b. For greater clarity, the architectural and mechanical screen shall be restricted to the area indicated on Diagrams 3a and 3b;
  - (v) Despite section (I) (i), (iii) and (iv) above, no projections are permitted above the locations identified as HT30.0 and HT31.0 on the Part B lands on Diagrams 3a and 3b; and

- (vi) Despite section (I) (i) above, the only permitted projections above the location identified as HT 25.8 on the Part A lands on Diagrams 3a and 3b are parapets, handrails, window washing equipment, privacy screens, elements of a **green roof** and mechanical equipment that may project by no more than 2.0 metres;
- (J) Despite regulation 40.10.40.10.(5), the required minimum height of the first **storey** is 3.8 metres;
- (K) Despite regulation 40.10.40.50(1), **amenity space** must be provided as follows:
- (i) A minimum of 2.0 square metres of indoor **amenity space** for each **dwelling unit**; and
- (ii) A minimum of 1.0 square metres of outdoor **amenity space** for each **dwelling unit**;
- (L) Despite regulation 200.5.10.1.(1), Table 200.5.10.1 and article 200.20.10, **parking spaces** must be provided and maintained at a minimum rate of 0.15 **parking spaces** per **dwelling unit** which may be provided in a **stacked parking space** or in a **parking space**, and the **parking spaces** may be in an **automated parking system**;
- (M) Despite regulations 200.5.1.10.(2), (3), (5) and (6), if the parking is provided in a **stacked parking space**, the following dimensions apply to a **stacked parking space**:
- (a) a minimum width of 2.2 metres; and
- (b) a minimum length of 5.2 metres;
- (N) **Parking spaces** provided within an **automated parking system** will not be subject to clause 200.5.1.10;
- (O) Despite regulation 200.15.10.(1), no accessible **parking spaces** are required;
- (P) Despite regulations 220.5.10.1.(2), (3), and (5) and regulations 220.5.10.11.(3) and 220.20.1.(2), a minimum of 1 **loading space** – type C and 1 **loading space** – type B must be provided and despite regulation 220.5.1.10(5) the **loading space** – type B can be provided on an automated turntable;
- (Q) Despite regulation 40.10.90.40.(3), access to a **loading space** located in a **building** is permitted through a **main wall** that faces a **street**;
- (R) Despite regulation 230.5.1.10.(4), the minimum width of a **bicycle parking space**, including a **bicycle parking space** placed in a vertical position on a wall, **structure** or mechanical device and a stacked **bicycle parking space** is 0.5 metres;

- (S) Despite Regulations 230.5.1.10(9) and (10), and Clauses 230.40.1.20, long-term and a short-term **bicycle parking spaces** may be:
- (i) located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions;
  - (ii) located in a secured room or area on any floor of a **building** above or below ground level; and
  - (iii) located more than 30 metres from a pedestrian entrance;
- (T) Despite Regulation 230.5.1.10(7), no shower and change facilities are required on the lands identified on Diagrams 1a and 1b of By-law 214-2022(OLT);

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

5. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 900.11.10(2318) Exception CR 2318 under the heading Prevailing By-laws and Prevailing Sections, by adding a new provision (F) which reads:
- (F) On a portion of 14 Elm Street, By-law 214-2022(OLT)
6. Despite any existing or future severance, partition, division or conveyance of the lands shown on Diagrams 1a and 1b, the provisions of this By-law will apply as if no severance, partition or division occurred.
7. For the purposes of interpreting By-law 214-2022(OLT) "**automated parking system**" means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of cars on parking pallets. Automated manoeuvring of other vehicles may be required in order for cars to be parked or to be retrieved. Parking pallets and parking elevators will not conform to the parking space dimensions set out in City of Toronto Zoning By-law 569-2013 and the relevant clauses above in By-law 214-2022(OLT). For clarity, parking pallets will be considered as a parking space for the purpose of determining compliance with the requirements in City of Toronto Zoning By-law 569-2013 and relevant clauses above in By-law 214-2022(OLT).
8. 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 Diagrams 1a and 1b 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.

Local Planning Appeal Tribunal Decision issued on July 16, 2019 and Ontario Land Tribunal Order issued on July 30, 2021 in File PL161269.

**SCHEDULE A****Section 37 Provisions**

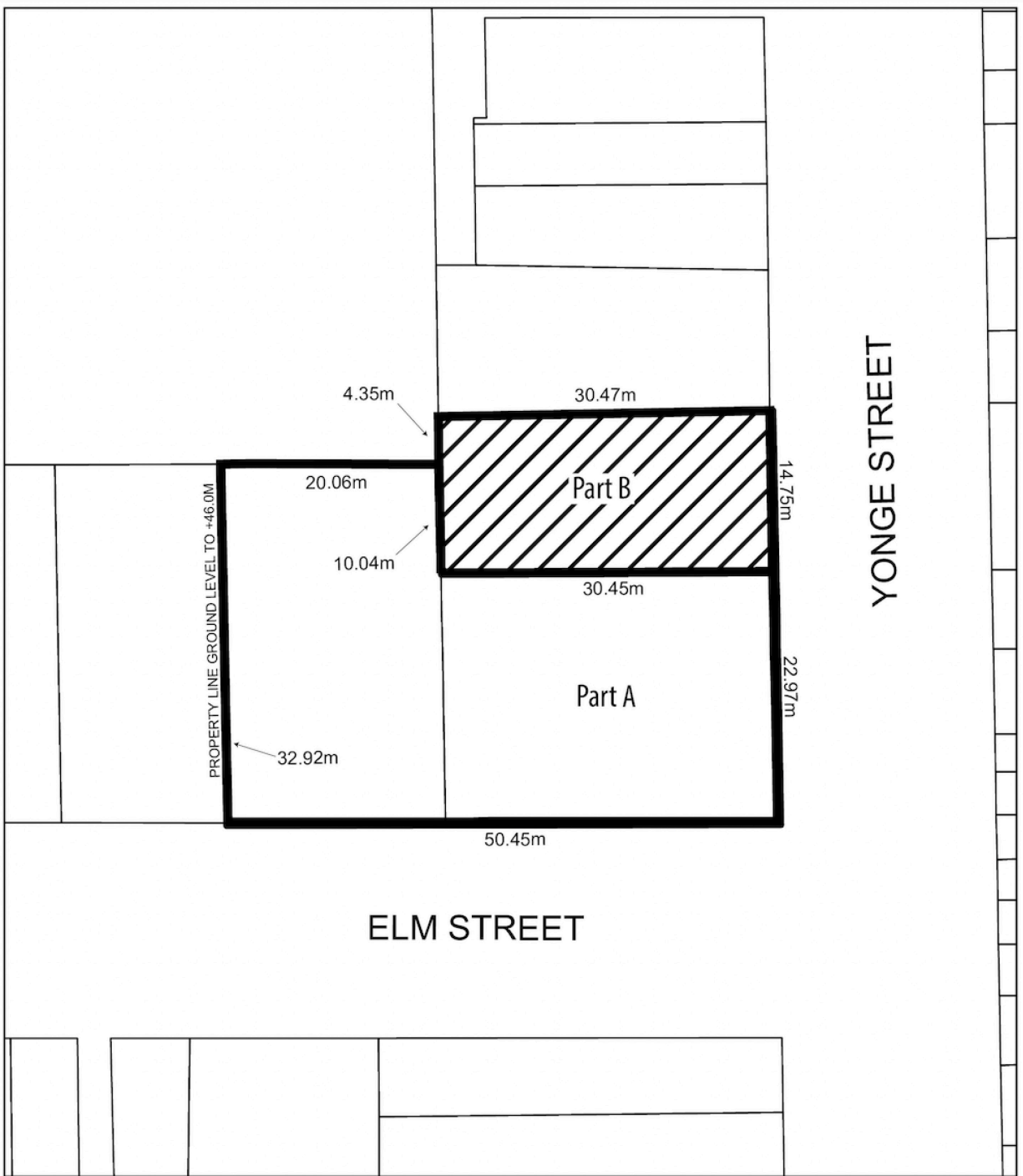
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the **lands** as shown on Diagrams 1a and 1b in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of an above-grade building permit, the Owner shall provide the sum of Two Million Dollars (\$2,000,000.00) to the Affordable Housing Capital Revolving Fund for the provision of off-site affordable housing within Ward 11;
2. The payment amount referenced in 1. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index, calculated from the date of the City Council decision authorizing the Zoning By-law Amendment to the date of payment;
3. The Owner shall, at the option of and complete discretion of the City shall either:
  - a. Make a payment in the amount of Five Million Dollars (\$5,000,000.00) for the provision of off-site affordable housing within Ward 11, or towards other Section 37 matters as determined by the Ward Councillor, in consultation with the Chief Planner and Executive Director, City Planning, payable prior to the issuance of the first above-grade building permit, and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index and calculated from the date of the City Council decision authorizing the Zoning By-law Amendment; or in the alternative; and
  - b. Design, construct to base building standards and convey to the City in fee simple a minimum of 471 square metres of community space on the third floor of the proposed building and make a further cash payment to the City in accordance with the following:
    - i. Prior to filing a site plan application, the Owner will provide written notice to the City of its intention to apply for Site Plan Approval, after which date the City would have 90 days to elect whether to take the \$5,000,000.00 as a cash contribution described in 3.a. above or take the conveyance of 471 metres of on-site community space; if the City elects to take the conveyance of the community space, then:
      1. The Owner will design and construct the community space to base building standards as approved by the City and agreed to by the Owner;
      2. The City and the Owner will enter into an easement and cost sharing agreement to facilitate the integration of the development and the community space, with the City being responsible for its pro rata share of operating costs for shared facilities, and for

- paying utilities for the community space; and further that the Owner will not be required to pay development charges, if any, in respect of such community space to be conveyed to the City;
3. Any changes to the location of the space to be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  4. In addition to the fee simple conveyance of the community space, the Owner will make a cash payment of One Million Five Hundred Seventy Seven Thousand Eight Hundred Fifty Five Dollars and Thirty Cents (\$1,577,855.30), towards Section 37 matters as determined by the Ward Councillor, in consultation with the Chief Planner and Executive Director, City Planning, payable prior to the issuance of the first above-grade building permit and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index and calculated from the date of the City Council decision authorizing the Zoning By-law Amendment;
4. As a condition of Site Plan Approval and prior to the issuance of any foundation permit, the Owner shall submit a Crane and Construction Structures Plan to the satisfaction of the City in consultation with the Hospital for Sick Children demonstrating that no part of any structure used in conjunction with the construction of the development will interfere with the Obstacle Limitation Surface shown in By-law 1432-2017;
  5. As a condition of Site Plan Approval and prior to the issuance of any foundation permit, the Owner shall demonstrate that the Owner has entered into an agreement with the Hospital for Sick Children securing compliance with the Crane and Construction Structures Plan;
  6. As a condition of Site Plan Approval and prior to the issuance of any foundation permit, the Owner shall submit an Obstacle Marking and Lighting Plan to the Hospital for Sick Children for review and approval;
  7. Prior to the issuance of the Notice of Approval Conditions and as a condition of Site Plan Approval, the Owner shall be required to provide an updated Hydrological Review to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with Toronto Water;
  8. If required by the Toronto Transit Commission, prior to the issuance of the Notice of Approval Conditions and as a condition of Site Plan Approval, the Owner shall be required to complete a Toronto Transit Commission Technical Review with respect to the subway, and obtain the Toronto Transit Commission's written acknowledgment that the Owner has satisfied all of the conditions arising out of the review;
  9. Prior to a demolition permit being issued, the Owner shall provide final specifications, including drawings, for the dismantling and reconstruction of the property at 352-354 Yonge Street, and to provide final project specifications including drawings for the second-storey panelizing and ground floor dismantling and reconstruction of the

property municipally known as 348-350 Yonge Street, satisfactory to the Senior Manager, Heritage Planning;

10. Prior to a demolition permit being issued, the Owner shall provide a Letter of Credit in a form and amount satisfactory to the Senior Manager, Heritage Planning to secure the approved dismantling and reconstruction of the property at 352-354 Yonge Street and the second-storey panelizing and ground floor dismantling and reconstruction of the property municipally known as 348-350 Yonge Street;
11. Prior to the release of the Letter of Credit described in 10. above, the Owner shall provide a certificate of completion prepared by a qualified heritage consultant confirming that the work has been completed in accordance with the approved drawings and specifications to the satisfaction of the Senior Manager, Heritage Planning;
12. As a condition of Site Plan Approval, the Owner shall submit a Construction Management Plan to the satisfaction of the General Manager, Transportation Services and in consultation with the Ward Councillor. The Owner shall implement the Construction Management Plan, which shall include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor, during the course of construction. The Owner and the City agree that the Ontario Land Tribunal may be spoken to should any issues arise in satisfying this condition;
13. As a condition of Site Plan Approval, the Owner shall implement wind mitigation measures as part of its application for Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning.



 **TORONTO**  
 Diagram 1A

Ground to Measured Height of +46.0m

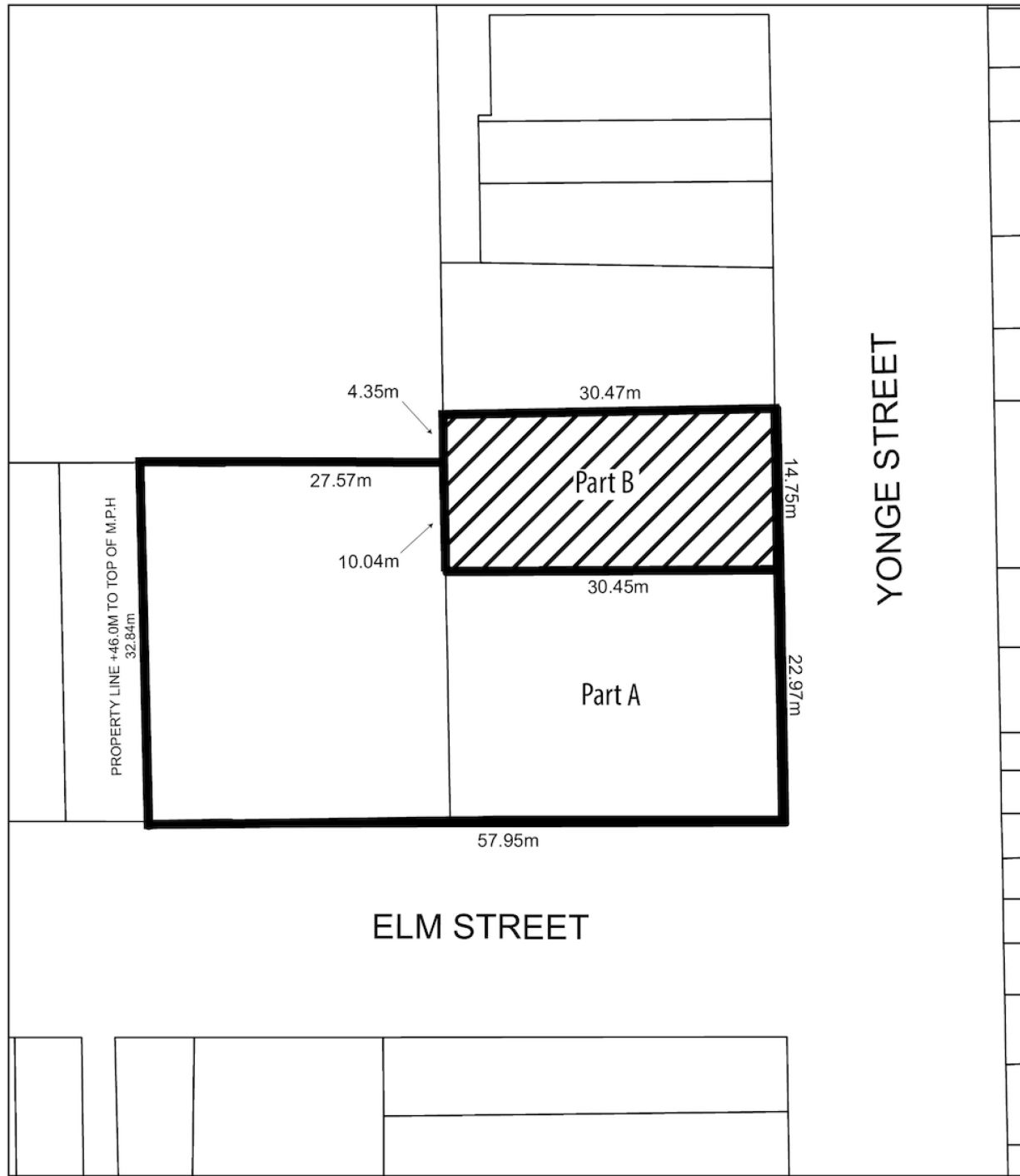
8 Elm St & 348-356 Yonge St &  
 a portion of 14 Elm St

File #: 16 189782 STE 27 OZ

-  PART A: 8 ELM STREET & 348-354A YONGE STREET
-  PART B: 356 YONGE STREET



City of Toronto By-law 569-2013  
 Not to Scale  
 07/15/2021



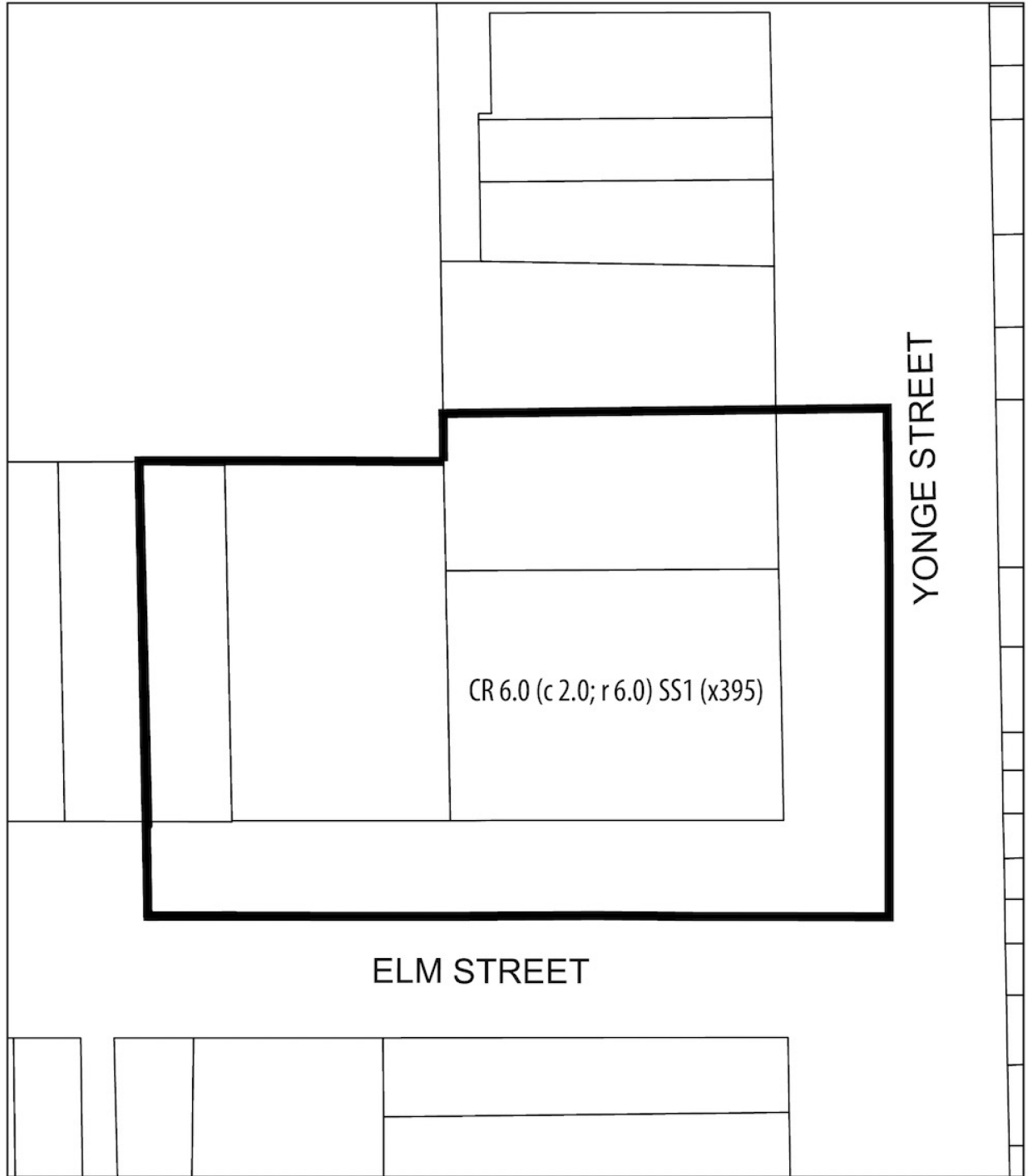
**Diagram 1B**  
+46.0m to top of M.P.H

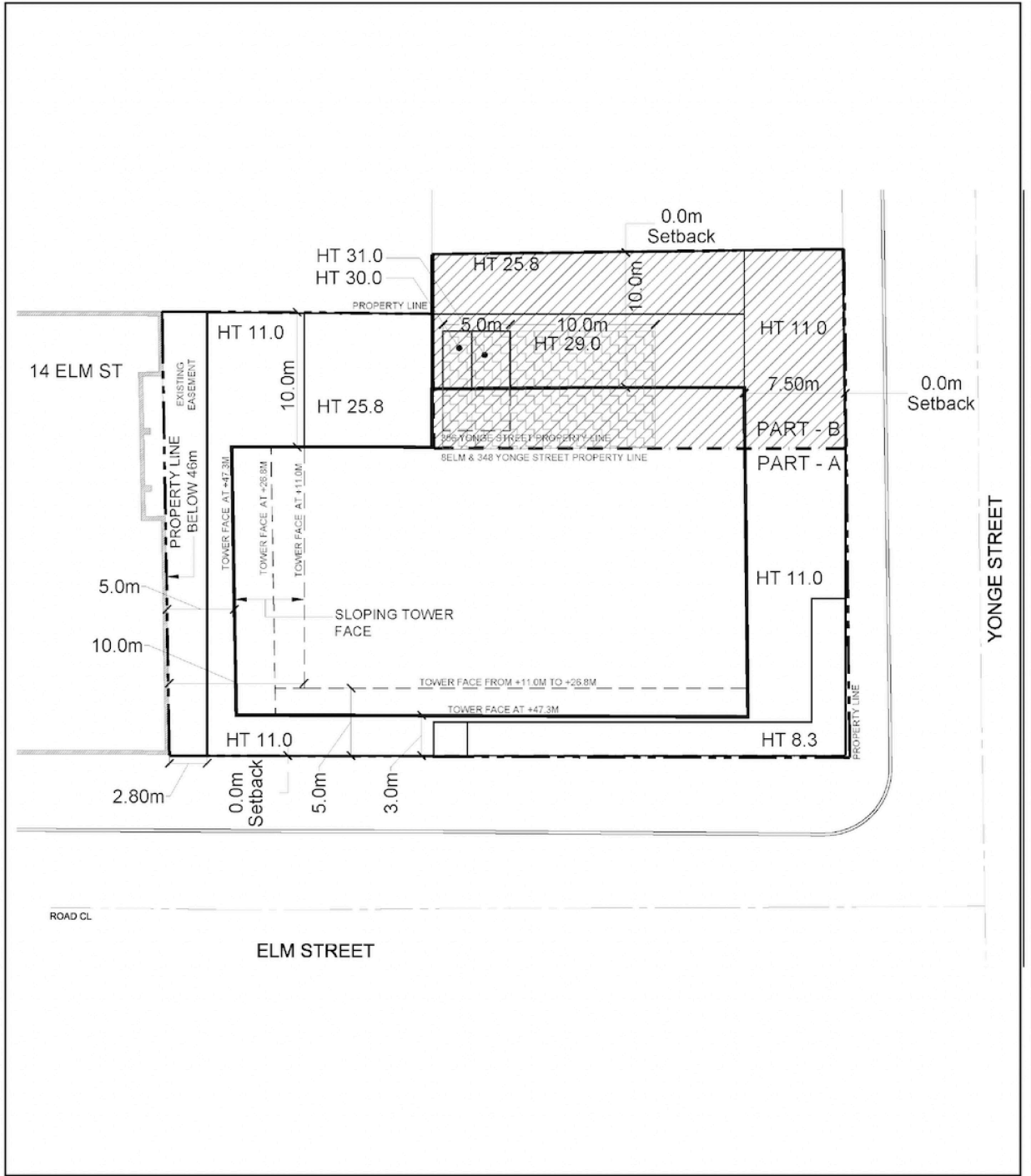
8 Elm St & 348-356 Yonge St &  
a portion of 14 Elm St

File #: 16 189782 STE 27 0Z

-  PART A: 8 ELM STREET & 348-354A YONGE STREET
-  PART B: 356 YONGE STREET







**Diagram 3A**  
**Ground to Measured Height of +46.0m**

**8 Elm St & 348-356 Yonge St &  
 a portion of 14 Elm St**

File #: 16 189782 STE 27 0Z

-  PART - A : 8 ELM ST & 348-354A YONGE ST
-  PART - B : 356 YONGE ST
-  HATCH DENOTES THE AREA THAT 3.5M SCREEN IS RESTRICTED TO



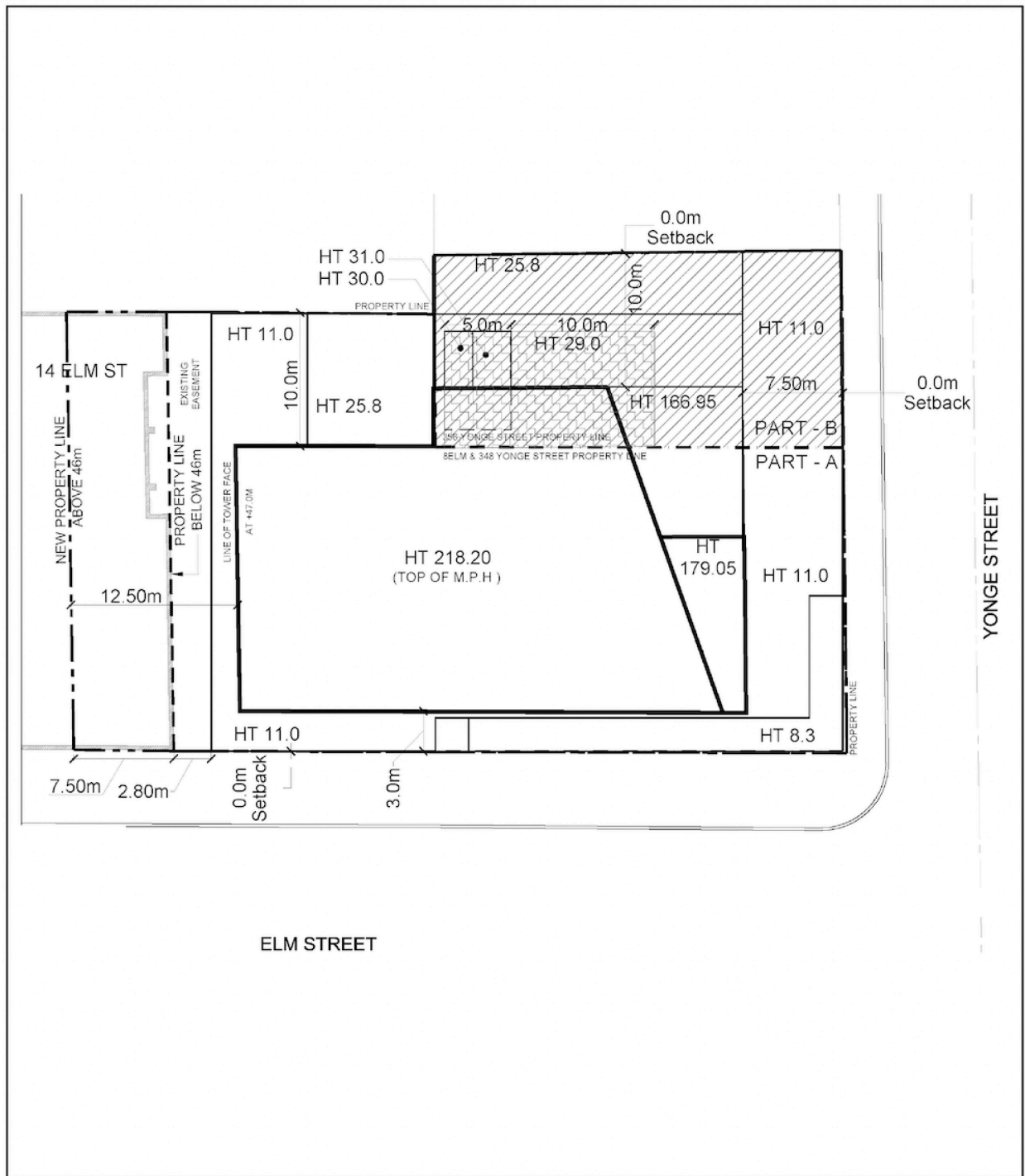


Diagram 3B

+46.0m to top of M.P.H

8 Elm St & 348-356 Yonge St & a portion of 14 Elm St

File #: 16 189782 STE 27 0Z

- PART - A : 8 ELM ST & 348-354A YONGE ST
- PART - B : 356 YONGE ST
- HATCH DENOTES THE AREA THAT 3.5M SCREEN IS RESTRICTED TO

- Property line above 46m
- Property line below 46m



City of Toronto By-law 569-2013  
Not to Scale  
07/15/2021