

Authority: Etobicoke York Community Council Item [-], as adopted by City of Toronto Council on [-]

## CITY OF TORONTO

### BY-LAW **XX-2026**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2026 as 39 Newcastle Street.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; 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 pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)".

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 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 zone label on the Zoning By-law Map in Section 990.10, respecting the lands subject to this By-law, as outlined in heavy black lines, from E1.0 to (H) CR **3.0 (c3.0; r3.0) SS2 (x1240)** as shown on Diagram 2 attached to By-law **XX-2026**.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying no value.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.

7. Zoning By-law 569-2013, as amended, is further amended by adding the following subsection to Article 900.11.10 Exception Number x1240 so that it reads:

**(1240) Exception CR 1240**

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 lands municipally known as 39 Newcastle Street, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) below;
- (B) Despite regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured from the following Canadian Geodetic Datum elevations for the following Blocks as illustrated on Diagram 4:
  - i. East Block - 93.67 metres
  - ii. West Block - 94.37 metres
- (C) Despite regulation 40.10.40.10(2), a **building** or **structure** must not exceed the height (inclusive of mechanical penthouse) in metres specified by the numbers following the letter "HT" in the height areas delineated on Diagram 3;
- (D) Despite (C) above and regulations 40.5.40.10(3) to (8), the following elements or portion of any **building** or **structure** may project above the **height** indicated by the numbers following the symbol "HT" on Diagram 3 as follows:
  - i. fences, raised planters, landscape features and **structures**, light fixtures, guardrails associated with an outdoor amenity space, and **structures** used for wind protection purposes to a maximum of 4.0 metres;
  - ii. window washing equipment, railings or guards located at each of the roof levels of the building provided the maximum vertical distance does not exceed 1.8 metres;
  - iii. a parapet, including roof drainage, roofing, decking, vibration dampening equipment and/or waterproofing membranes, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension does not exceed 1.2 metres;
  - iv. elements associated with a green roof provided the maximum vertical projection does not exceed 2.0 metres;
  - v. **structures** used for outside or open air recreation or safety purposes, including noise barriers, provided the maximum vertical projection does

not exceed 3.0 metres, and that said **structures** shall not enclose space so as to constitute a form of penthouse or other room or rooms;

- vi. spires, ornamental, decorative or architectural elements, stair towers, access corridors to stairs, elevator shafts, communications and electrical equipment, garbage chutes, and structures that enclose, screen or cover the elements, located above the height of each of the roof levels of the **building** provided the maximum vertical dimension of any such element does not exceed 3.0 metres; and
  - vii. lightning rods and exhaust flues located above the mechanical penthouse roof level provided the maximum vertical dimension of any such element does not exceed 2.5 metres.
- (E) Despite (D) above, no element or portion of a **building** or **structure** may project above a height of 143.37 metres for the West Block as identified on Diagram 4 and above a height of 144.07 metres for the East Block as identified on Diagram 4.
- (F) For the purposes of this exception, the maximum area of the tower floor plate above the 8th storey, as measured from the exterior of the **main wall** on each **storey** and excluding balconies, is as follows:
- i. 890 square metres for Building A identified on Diagram 4;
  - ii. 870 square metres for Building B identified on Diagram 4;
  - iii. 815 square metres for Building C identified on Diagram 4.
- (G) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of the **buildings** and **structures** is 112,000 square metres, of which:
- i. the permitted maximum **gross floor area** for residential uses is 110,000 square metres; and
  - ii. the required minimum **gross floor area** for non-residential uses is 750 square metres.
- (H) In addition to the elements which reduce **gross floor area** listed in regulation 40.5.40.40(3), the following areas used for the purposes specified below also reduce the **gross floor area** of a **building**:
- i. storage rooms, electrical, utility, mechanical and ventilation rooms above grade;
  - ii. indoor **amenity space** provided;
  - iii. areas used for an alternative low-carbon energy system.

- (I) Despite regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.0 square metres for each **dwelling unit**.
- (J) The provision of **dwelling units** is subject to the following:
- i. a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
  - ii. a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
  - iii. any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
  - iv. if the calculation of the required number of **dwelling units** as required by i. and ii. above results in a number with a fraction, the number may be rounded down to the nearest whole number.
- (K) Despite regulation 40.10.40.70(2) and 40.10.40.80(2), the required minimum building setbacks are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (L) Despite regulations 40.5.40.60 and 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. landscape features, wheelchair ramps, light fixtures, stairs, ramps and stair enclosures, balustrades, guardrails, bollards, arcades, raised planters, patios, retaining walls, fences, vents, screens, underground parking ramp and associated structures, damper equipment, window washing equipment, heating and ventilation equipment including transformers, communications equipment, bicycle parking, to a maximum of 4.0 metres;
  - ii. balconies and associated guardrails, to a maximum of 2.0 metres;
  - iii. structures used for outside or open air recreation, safety or wind protection, including balustrades, guardrails, retaining walls, fences, and screens, to a maximum of 2.0 metres; and
  - iv. canopies, awnings, eaves, cornices, columns, window sills, signage, and ornamental, decorative or architectural elements, to a maximum of 3.0 metres.
- (M) Despite regulations 40.10.40.70(2) and (4) and 40.10.40.80(2), the required minimum **building setbacks** and the required separation of **main walls** are shown in metres on Diagram 3.
- (N) Despite Clause 40.10.50.10, no **landscaping** or soft **landscaping** are required.

- (O) Despite regulation 200.5.1.10(2), a maximum of 15% of the provided car **parking spaces** may be small car **parking spaces**, having a minimum length of 5.2 metres and a minimum width of 2.6 metres;
- (P) Despite regulation 200.15.1(4), a minimum of two accessible **parking spaces** per **building** may be located no further than 100.0 metres to a barrier free:
- i. entrance to a **building**;
  - ii. passenger elevator that provides access to the first **storey** of the **building**; and
  - iii. shortest route from the required entrances in (i) and (ii) above.
- (Q) Despite regulation 200.15.10.5(1), accessible **parking spaces** on the **lot** must be provided in accordance with the following:
- i. No accessible **parking spaces** are required for residents.
  - ii. One accessible **parking space** is required where 12 or fewer visitor **parking spaces** are provided for residential uses.
  - iii. No accessible **parking spaces** are required for non-residential uses.
- (R) An accessible **parking space** must have the following minimum dimensions:
- i. A length of 5.6 metres;
  - ii. Width of 3.4 metres;
  - iii. Vertical clearance of 2.1 metres; and
  - iv. The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
- (S) Despite regulations 220.5.10.1(2) and (3), **loading spaces** must be provided and maintained for each block identified on Diagram 4 as follows:
- i. One Type “G” and one Type “C” **loading space** for the West Block; and,
  - ii. One Type “G” and one “Type “C” **loading space** for the East Block.
- (T) Despite regulation 230.5.1.10(4)(B), a **stacked bicycle parking space** must have the following minimum dimensions:
- i. A length of 1.63 metres;
  - ii. width of 0.45 metres; and
  - iii. vertical clearance of 1.2 metres.
- (U) Despite regulation 230.5.1.10(14), access to **bicycle parking spaces** within areas used for bicycle parking must be provided via an unobstructed aisle that complies with the following:

- i. A minimum 1.8 metres width if it is a **stacked bicycle parking space** or an **oversized bicycle parking space**; and
  - ii. A minimum 1.35 metres width in all other cases.
- (V) Phasing of the development is permitted, provided all requirements in this By-law are satisfied prior to the occupancy of the last phase.
- (W) For the purposes of this exception, “alternative low-carbon energy system” means devices and supporting equipment and systems that use sources of energy or energy conversion processes to produce power, heat and/or cooling for a **building** or complex of related **buildings** that reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. “Alternative low-carbon energy system” includes, but is not limited to, systems that use renewable energy produced or converted on the premises.

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

8. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

9. Holding Symbol Provisions

(A) Lands zoned with the “H” Holding Symbol shall not be used for any purpose other than those provided for in provision (C) herein until the “H” Holding Symbol has been removed; and

(B) An amending by-law to remove the “H” Holding Symbol in whole, or multiple by-laws to remove the “H” Holding Symbol in parts, shall be enacted by City Council when the following conditions are fulfilled:

- i. the owner or applicant, at their sole cost and expense has submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review, Development Review; and
- ii. if the Functional Servicing and Stormwater Management Report accepted and satisfactory from (i) above requires any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
  - 1. the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted

Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or,

2. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report in (i) above are constructed and operational, all to the satisfaction to the Director, Engineering Review, Development Review.

(C) Despite Clauses 40.10.20.10 and 40.10.20.100 until such time as the “H” Holding Symbol has been remove, the following uses shall be permitted:

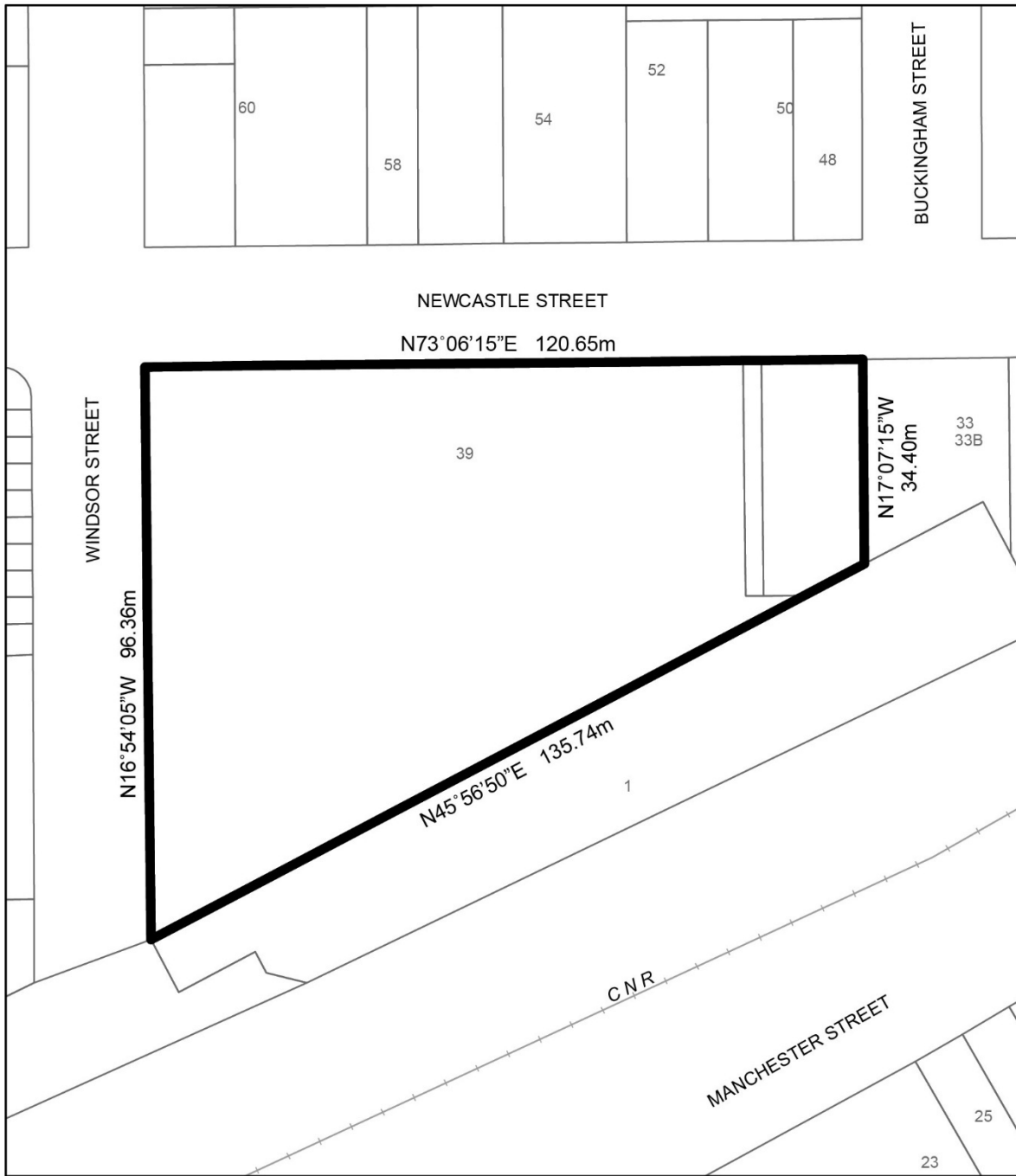
1. **Parking Garage**
2. **Public Parking**
3. **Market Garden**
4. **Take-out Eating Establishment** of not more than 100 square metres, including food trucks and associated **Outdoor Patio**.

Enacted and passed on **XX XX, 2026**.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

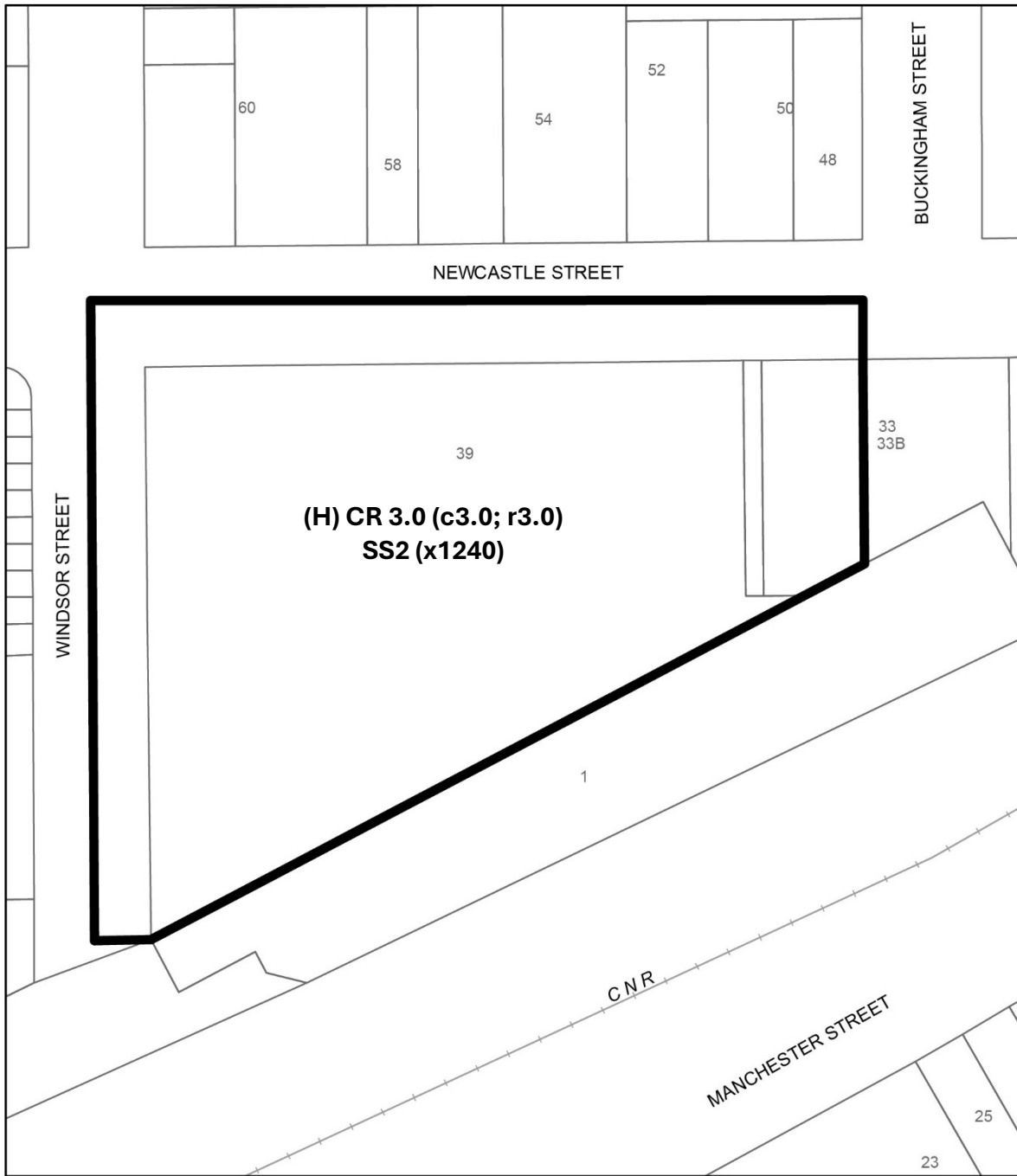
(Seal of the City)



 **TORONTO**  
Diagram 1

**39 Newcastle Street**

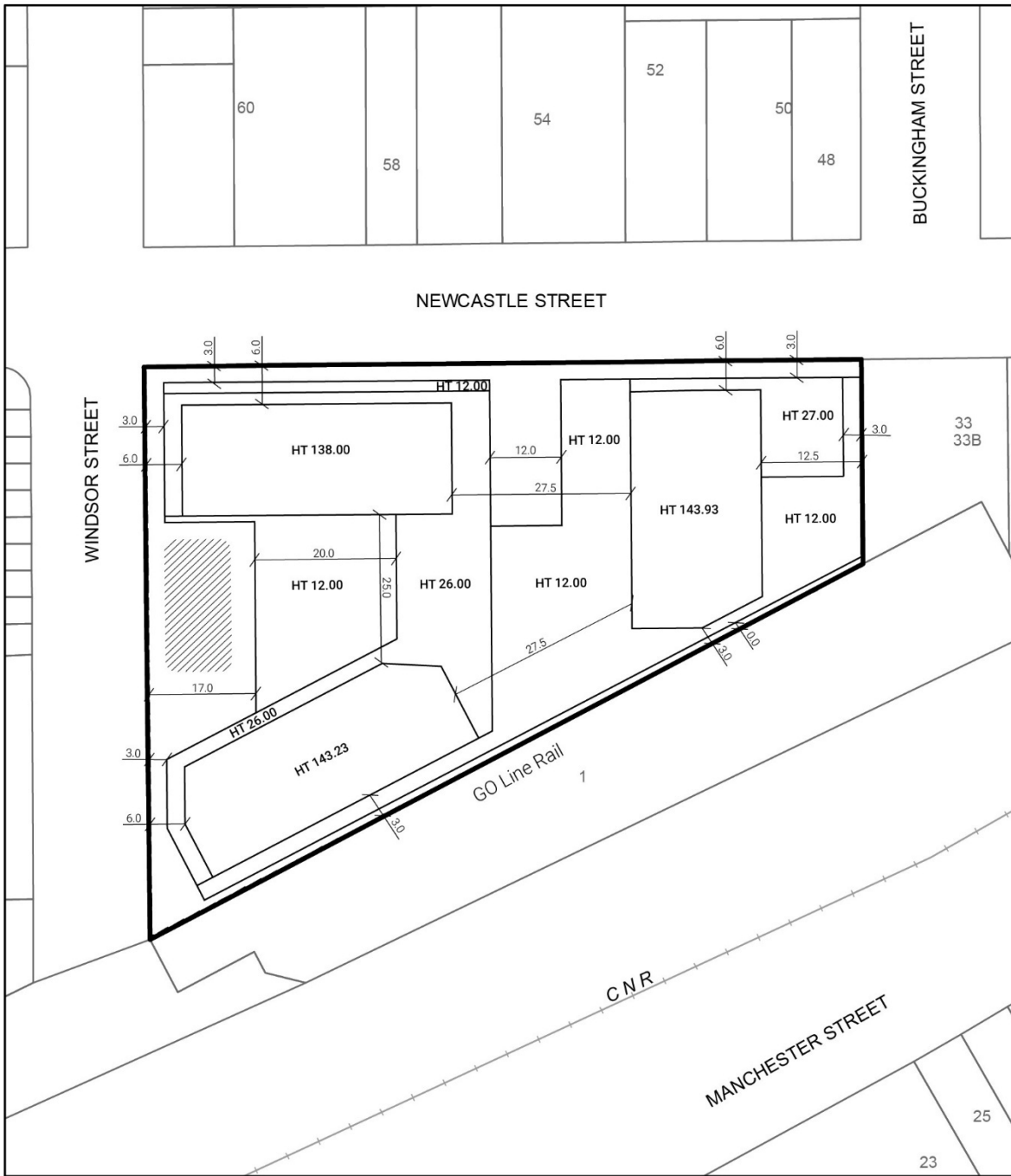
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 **TORONTO**  
Diagram 2

**39 Newcastle Street**


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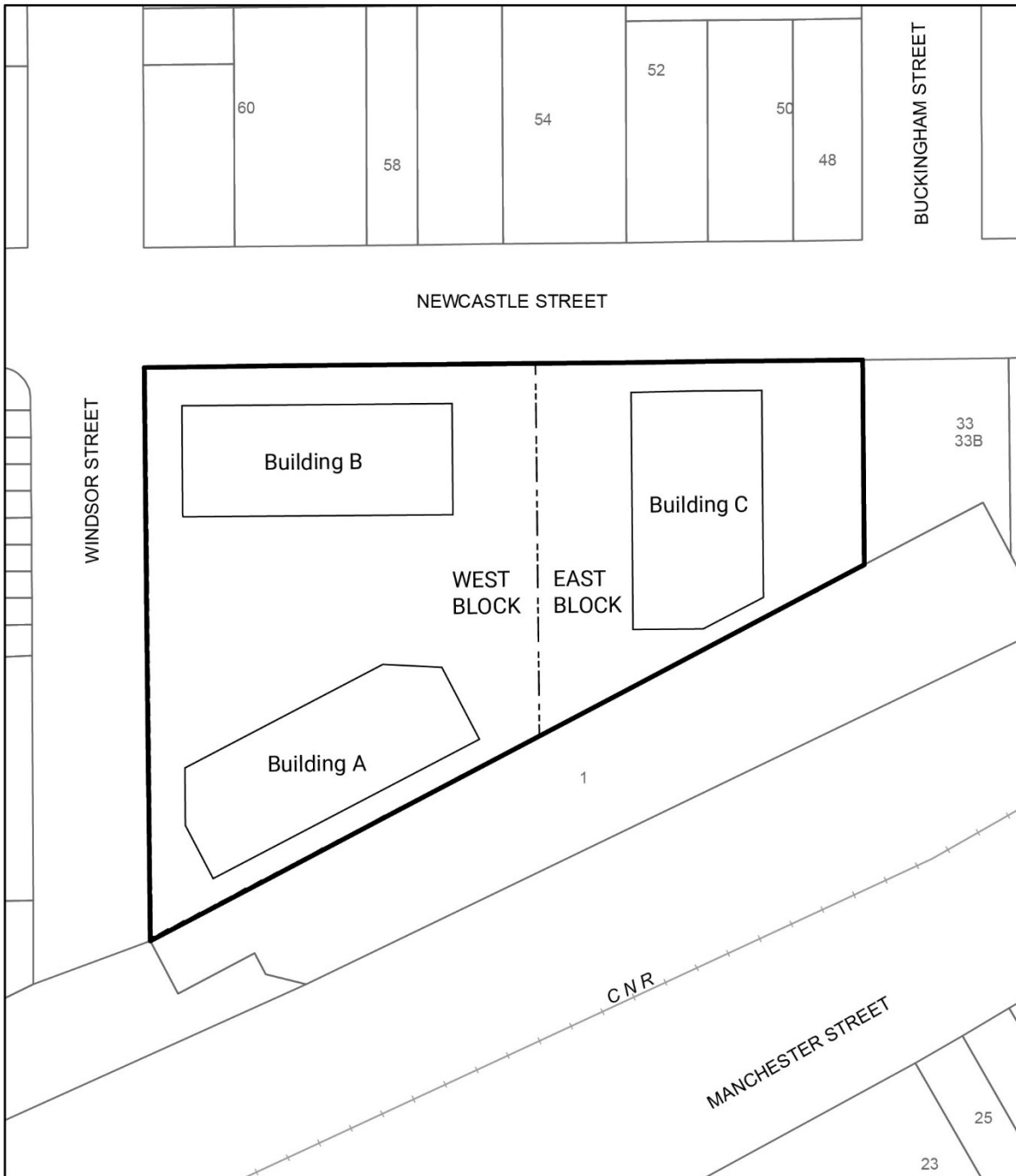
 **TORONTO**  
Diagram 3

39 Newcastle Street

File # 25 212266 WET 03 02

 Conceptual POPS location

  
City of Toronto By-law 569-2013  
Not to Scale  
04/17/2026



 **TORONTO**  
Diagram 4

**39 Newcastle Street**

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