

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

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 329, 331, 333 and 335-337 Queen Street East and 135R, 139, 139R, 141, and 141R Berkeley 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;

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, as amended;

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 Council removes the holding symbol "(H)" 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, as amended, 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 990.1 respecting the lands outlined by heavy black lines from a zone label of CR 4.5 (c2.0; r4.0) SS2 (x333) and CR SS1 (x339) to a zone label of (H) CR3.0 (c3.0; r3.0) SS2 (x1276) and O as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 1276 so that it reads:

(1276) Exception CR (1276)

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 329, 331, 333 and 335-337 Queen Street East and 135R, 139, 139R and 141, 141R Berkeley 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 (Y) below;
- (B) The lands shown on Diagram 1 of By-law [Clerks to insert By-law number] are one **lot**;
- (C) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 84.72 metres and the elevation of the highest point of the **building** or **structure**;
- (D) In addition to the requirements of Regulation 5.10.40.10(1), and despite any provisions of By-law [Clerks to insert By-law number], **structures** and elements listed in (F) below and in Clauses 40.5.40.10, 40.5.75.1 and 40.10.40.10, must conform to the requirements of By-law 1432-2017 and O. Reg. 10/24, as amended or replaced from time to time;
- (E) Despite Regulations 40.10.40.10 (2), the permitted maximum height of a **building** or structure is the number in metres following the letters “HT” as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (F) Despite Regulation 40.5.40.10(4) to (8) and (D) above, the following elements of a **building** or **structure** may project above the permitted maximum heights shown on Diagram 3 of By-law [Clerks to insert By-law number]:
 - (i) Equipment used for the functional operation of the **building** including mechanical and ventilation equipment, roof access, maintenance equipment storage, chimneys, and vents, by a maximum of 4.5 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above by a maximum of 4.5 metres;
 - (iii) architectural features, parapets, and elements and **structures**

- associated with a **green roof**, by a maximum of 2.0 metres;
- (iv) **building** maintenance units and window washing equipment, by a maximum of 5.0 metre;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 2.0 metres;
 - (vii) the projections listed in (i), (ii) and (iv) above may cover no more than 50 percent of the roof area, measured horizontally;
- (G) Despite Regulations 40.5.40.70(1), 40.10.40.70(2) and 40.10.40.80(2) and Article 600.10.10, the required minimum **building setbacks** and minimum separation distances between **main walls** for a **building** or **structure** are shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (H) Despite Regulation 40.10.40.40(1), the total **gross floor area** of the **buildings** and **structures** must not exceed a maximum of 42,500 metres, of which:
- (i) a maximum **gross floor area** of 38,500 square metres may be occupied by residential uses; and
 - (ii) a minimum **gross floor area** of 350 square metres may be occupied by non-residential uses;
- (I) A minimum of two areas, separated by interior walls, must be provided on the ground floor of the **building** for the uses listed in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A);
- (J) In addition to the areas of a **building** that reduce **gross floor area** listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in the **building** occupied by:
- (i) **loading spaces** and **bicycle parking spaces**, including associated areas for **vehicle** or bicycle maneuvering, such as a **driveway**, **drive aisle** or corridor; and
 - (ii) vehicular elevator shafts and “automated parking system”;
- (K) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a

minimum rate of:

- (i) at least 2.0 square metres per **dwelling unit** of indoor **amenity space**;
 - (ii) at least 0.87 square metres of outdoor **amenity space** for each **dwelling unit** of which 40 square metres must be in a location adjoining or directly accessible to an indoor **amenity space**; and
 - (iii) no more than 25% of the outdoor **amenity space** may be a **green roof**.
- (L) Despite Regulations 5.10.40.70(1), 40.5.40.60(1), 40.10.40.60(1) to (9) and Regulation (G) above, the following may encroach into the required minimum **building setbacks** and **main wall** separation distances shown on Diagram 3 of [Clerks to insert By-law number]:
- (i) balconies, by a maximum of 1.8 metres;
 - (a) notwithstanding (i) above, balconies are not permitted on the east and west elevation of the **building**;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.5 metres;
 - (iv) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (v) eaves, by a maximum of 0.5 metres;
 - (vi) a dormer, by a maximum of 1.0 metres; and
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
- (M) No windows are permitted along the portion of the west **main wall** of the **building** identified on Diagram 3 of By-law [Clerks to insert By-law number], up to a height of 29 metres above the Canadian Geodetic Datum Elevation of 84.72 metres;
- (N) Regulation 200.5.1(3), Clause 200.5.1.10, Article 200.10.1 and Section 200.15 do not apply to a **vehicle** elevator or “automated parking system” or

parking spaces provided within an “automated parking system”;

- (O) For the purpose of this exception, the areas of the **lot** identified as “lane widening” and “surface easement” on Diagram 3 attached to By-law [Clerks to insert By-law number] are considered part of the adjacent **lane**;
- (P) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the **parking spaces** provided may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (Q) Despite Article 200.15.1, 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) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path, which may be shared with another accessible **parking space**;
- (R) Despite Regulation 200.15.1(4), provided accessible **parking spaces** must be located within 30.0 metres of a barrier free entrance to **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (S) Despite Article 200.15.10, if **parking spaces** are provided on the **lot** and are not located within an “automated parking system”, a percentage of the provided **parking spaces** must be accessible **parking spaces** in accordance with Section 200.15.10.5(1)(A);
- (T) Despite regulation 230.5.1.10(4)(A) and (C), **bicycle parking spaces** must comply with the following:
 - (i) a **stacked bicycle parking space** must have a minimum length of 1.8 metres, a minimum width of 0.4 metres and a minimum vertical clearance of 1.0 metres; and
 - (ii) a **bicycle parking space** that is not a **stacked bicycle parking space**, must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.8 metres;

- (U) Despite Regulation 230.5.1.10(9), **bicycle parking spaces** may be located below ground or on the first or second **storey** of a **building**;
- (V) Despite Clause 40.10.90.1 and Clause 220.5.10.1, **loading spaces** must be provided and maintained in accordance with the following:
 - (i) a minimum of one Type “G” **loading space**; and
 - (ii) a minimum of one Type “C” **loading space**.
- (W) The number of **bicycle parking spaces** required by Regulation 230.5.10.1(5) may be reduced, subject to the following:
 - (i) the number of "short-term" **bicycle parking spaces** reduced is not more than half the amount required by regulations 230.5.10.1(5)(A), rounded down to the nearest whole number;
 - (ii) the number of "long-term" **bicycle parking spaces** reduced is not more than half the amount required by regulations 230.5.10.1(5)(A), rounded down to the nearest whole number;
 - (iii) for each **bicycle parking space** required by regulation 230.5.10.1(5) to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto; and
 - (iv) the owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act;
- (X) 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) an additional 15 percent of the total number of **dwelling units** must have a combination of two and three bedrooms, or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures;

- (v) **dwelling units**, as described in (iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
 - (vi) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number; and
 - (vii) none of the above apply to rental replacement **dwelling units** provided in accordance with Section 111 of the Municipal Code;
- (Y) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "automated parking system" means a mechanical system for the purpose of parking and retrieving vehicles without drivers in the vehicle during parking and without the use of ramps or drive aisles, and which may include but is not limited to, a vertical lift and the storage of vehicles on "parking pallets" and the automated maneuvering of other vehicles during parking or retrieving operations; and
 - (ii) "car-share" is the practice where a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iii) "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;

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

5. Despite any severance, partition or division of the lands shown on Diagram 1 of this By-law, the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the lands as one **lot**, as if no severance, partition or division occurred.
6. Holding Symbol Provisions:
 - (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and **buildings** existing as of the date of the passing

of this By-law and as permitted within the existing zoning as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and

- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
- (i) The owner has at its sole cost and expense submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to demonstrate that the existing municipal infrastructure and any required improvements to it, has adequate capacity to accommodate the development of the lands, to the satisfaction of the Director, Engineering Review, Development Review; and
 - (ii) If the Engineering Reports accepted and satisfactory from (i) above have identified any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - (a) the owner or applicant has secured the design, construction and provision of financial securities in respect of any new municipal infrastructure, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or
 - (b) the required new municipal infrastructure, improvements or upgrades to the existing municipal infrastructure as identified in the accepted and satisfactory Engineering Reports are constructed and operational, all to the satisfaction of the Director, Engineering Review, Development Review;
 - (iii) City Council has authorized the permanent closure (stop-up) and sale of the lands measuring approximately 21.6 metres long and 3.5 metres wide, forming the easterly portion of the east-west public lane that extends east from Berkeley Street;
 - (iv) The owner has entered into an agreement to purchase the public lane known as Lane South Queen E Berkeley (the "Lane") from the City, conditional upon City Council approving the permanent closure of the Lane, and subject to the necessary approvals being

granted by the appropriate City authorities to declare the Lane surplus and authorize the sale of the Lane to the Owner, to the satisfaction of the Director, Corporate Real Estate Management, in consultation with the City Solicitor;

- (v) The agreement of purchase and sale to purchase the lane have closed and title has transferred in accordance with the agreement of purchase and sale and any related conveyances, including to a third party, have been completed.
- (vi) The owner has submitted an updated Aeronautical Report confirming the overall height of the proposed mixed use development (inclusive of all requested projections and mechanical equipment), to the satisfaction to the Executive Director, Development Review.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)



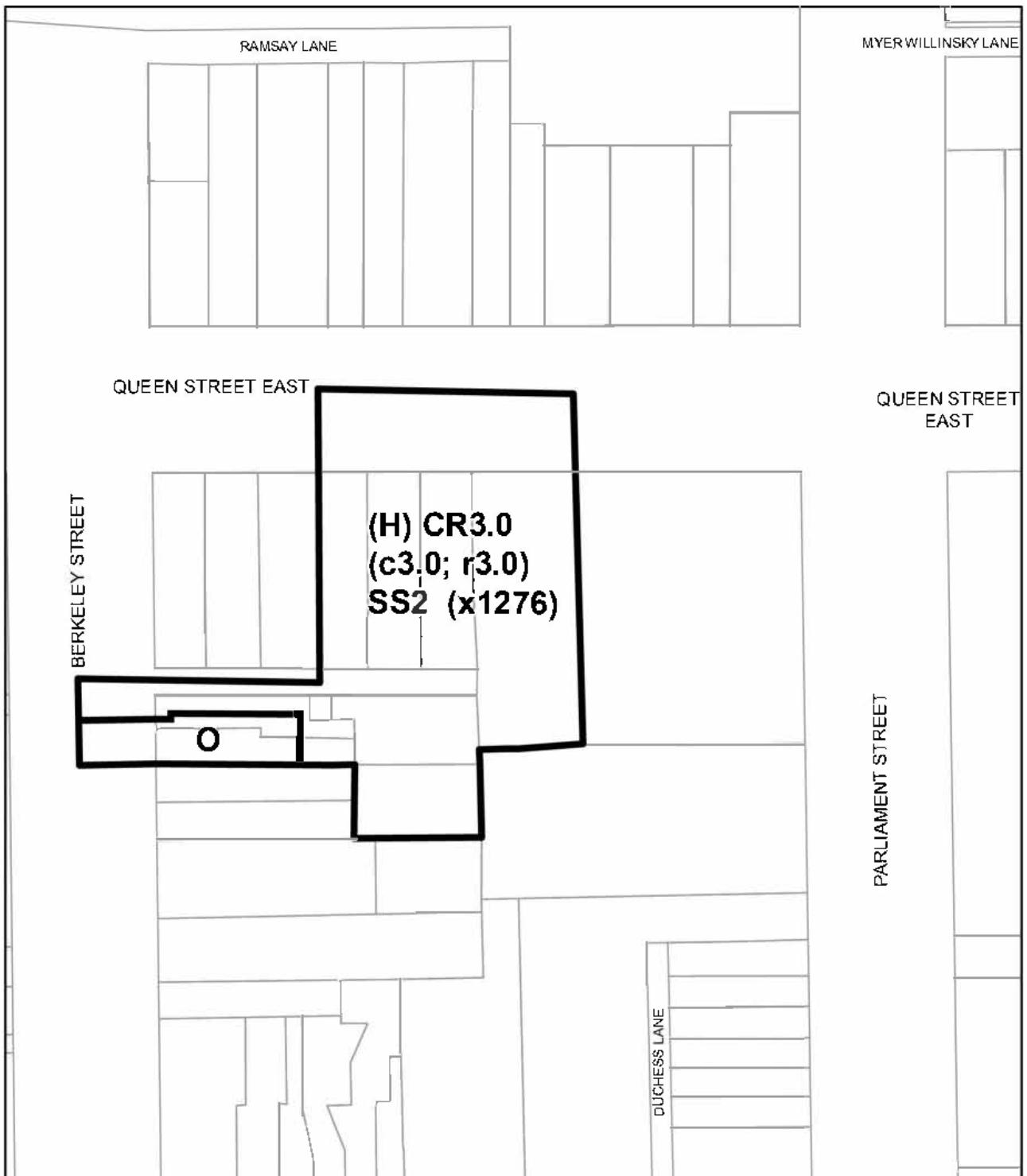
**329-335 Queen St. E; 135R-141R, 139-141 Berkeley St;
and East Portion of the Public Lane**

File # 25 258479 STE 13 0Z

-  Lane widening
 Surface easement
 Part of public laneway to be added to subject lands



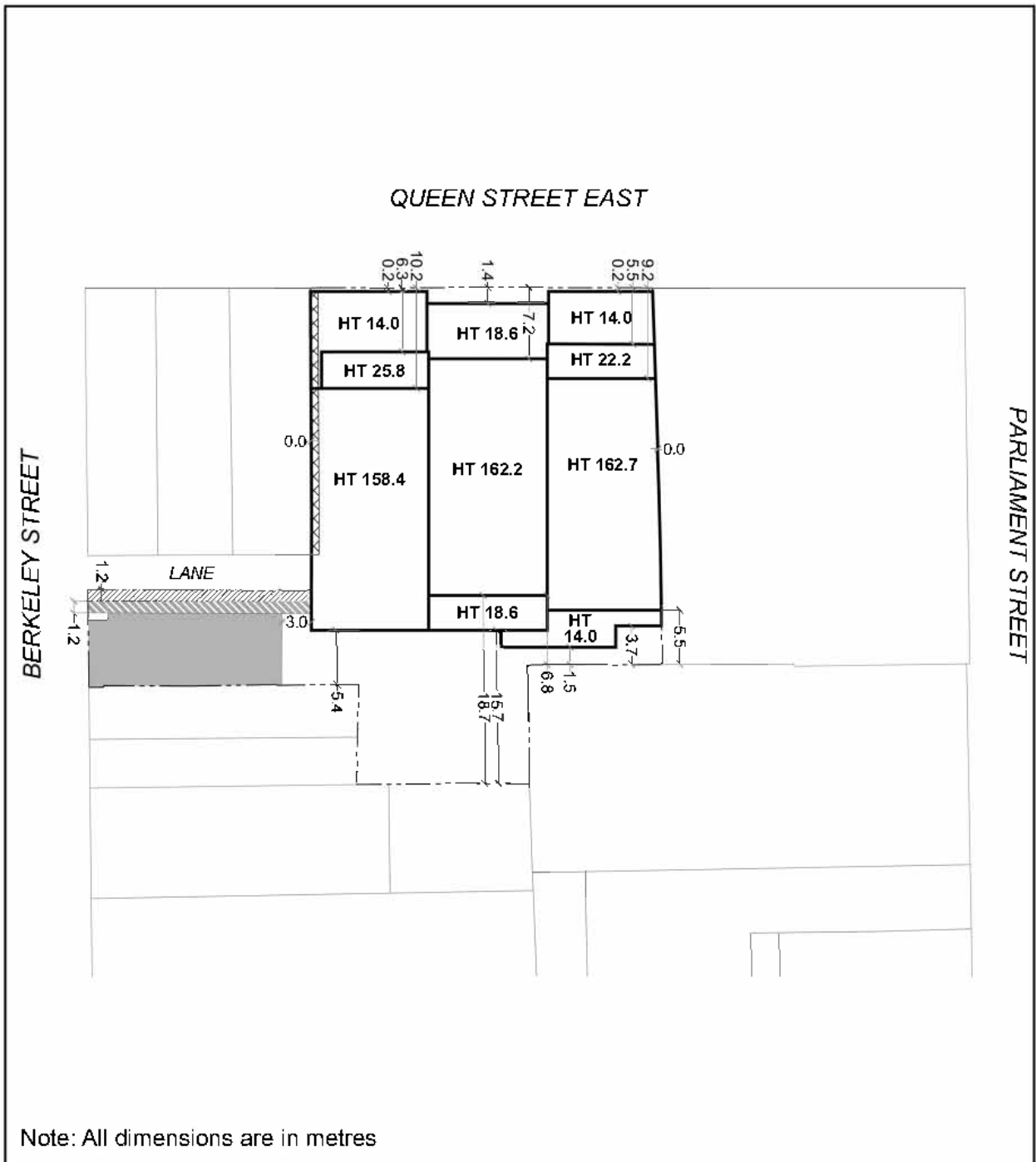
City of Toronto By-law 569-2013
Not to Scale
06/04/2026



Toronto
Diagram 2

329-335 Queen St. E; 135R-141R 139-141 Berkeley St;
and East Portion of the Public Lane

File # 25 258479 STE 13 0Z



TORONTO
Diagram 3

329-335 Queen St. E; 135R-141R 139-141 Berkeley St;
and East Portion of the Public Lane

File # 25 258479 STE 13 0Z

- Lane widening
- Surface easement
- Parkland dedication
- Referred to in provision (M)

City of Toronto By-law 569-2013
Not to Scale
06/17/2026