

## City Council

### Notice of Motion

MM34.7	ACTION			Ward:27
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### **30 Mutual Street and 88 Queen Street East - Amendment to Section 37 Agreement - by Councillor Kristyn Wong-Tam, seconded by Councillor Gord Perks**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

### **Recommendations**

Councillor Kristyn Wong-Tam, seconded by Councillor Gord Perks, recommends that:

1. City Council authorize an amendment to the Section 37 Agreement (February 28, 2005 AT754496)) respecting 88 Queen Street East and 30 Mutual Street to permit the conveyance of the 0.6 metre Dalhousie Street widening to occur in two phases on timing to be set out in the amending agreement and to revise and update the agreement to reflect the current City policies setting out environmental requirements for conveyances ("Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act", Item PW1.6 adopted by Council February 2015), together with such related amendments as may be appropriate, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the City Solicitor.
2. City Council authorize the execution of the agreement amending the Section 37 Agreement (February 28, 2005 AT754496) by the appropriate City Officials in the manner contemplated in Part 1 above.

### **Summary**

The site is comprised of the block bounded by Dalhousie Street (west), Shuter Street (north), Mutual Street (east) and Queen Street (south). In 2005 Council enacted both official plan and zoning amendments (By-laws 179-2005 and 180-2005) permitting three residential towers and other associated mid-rise buildings.

The zoning by-law identified three tower parcels (A, B and C) from north to south. In Decisions A0463/16TEY and A0264/17TEY respecting Parcel A, the Committee of Adjustment approved certain minor variances. A site plan application for Parcel A and part of

Parcel B has been submitted and is being processed.

The original zoning amendment By-law 180-2005 included increased heights and density not otherwise permitted and required certain facilities, matters and services to be secured in a Section 37 Agreement. A Section 37 Agreement, dated February 28, 2005 (Instrument AT754496), was entered into with the City.

Among other matters, the By-law and the Section 37 Agreement required a 0.6 metre road widening along the full extent of the Dalhousie Street frontage. The agreement specified that the conveyance was to occur prior to issuance of the first building permit within the development.

The developer wishes to proceed with construction of Parcel A. For practical reasons, permission is being requested to phase the conveyance of the widening into two phases to co-ordinate with the construction phasing and to defer timing of the Parcel A/Part of Parcel B widening conveyance to later in the construction process (prior to the earlier of occupancy, including interim occupancy pursuant to the Condominium Act, 1998, and registration of the first condominium within the phase). Council authority for amendment to the Section 37 Agreement is being requested. No amendment to By-law 180-2005 is required.

During review of the 2005 Section 37 Agreement, staff identified that the provisions relating to the conveyance were not fully reflective of the current policies setting out environmental requirements for conveyances to the City ("Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act", Item PW1.6 adopted by Council February 2015). Council authority for necessary amendment to the Section 37 Agreement to more appropriately reflect current policies is also being requested.

### **Background Information (City Council)**

Member Motion MM34.7