

1555-1575 Queen Street East – Authority to Amend Section 37 Agreement to Reflect the Minor Variance Decision of the Committee of Adjustment

Date: January 26, 2023

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto-Danforth

SUMMARY

On July 28, 2020, City Council approved Site-Specific Zoning By-law 831-2020 and Site-Specific Zoning By-law 832-2020 (the "Zoning By-laws") permitting the revitalization of a Toronto Community Housing site located at 1555-1575 Queen Street East including a 10 storey residential building (the "TCHC Building"), and a 17 and 16 storey mixed-use building (the "Market Building").

On December 16, 2022, the applicant submitted a minor variance application to the Committee of Adjustment seeking relief from the provisions of the Zoning By-laws relating to the timing of certain obligations related to the design and construction of municipal infrastructure improvements in connection with the development of the Market Building (the "Minor Variance Application"). On January 18, 2023, the Committee of Adjustment approved the Minor Variance Application (the "Committee of Adjustment Decision").

The Section 37 Agreement registered on title as Instrument No. AT5558406 on October 29, 2020 (the "Section 37 Agreement") similarly includes provisions relating to the timing of the design and construction of municipal infrastructure improvements in connection with the development of the Market Building. In light of the Committee of Adjustment Decision, the Section 37 Agreement will need to be amended to reflect the revised timing as approved by the Committee of Adjustment.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council authorize the appropriate City officials to enter into and register on title an agreement to amend the Section 37 Agreement dated October 26, 2020, registered as Instrument No. AT5558406 on October 29, 2020 to implement the revised timing for the design and construction of municipal infrastructure improvements as approved by the Committee of Adjustment Decision dated January 18, 2023.
2. City Council authorize the City Solicitor to make any other such amendments determined necessary to implement City Council's decision on this matter, on terms satisfactory to the Chief Planner and Executive Director, City Planning and in a form satisfactory to the City Solicitor.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on February 25, 2020. The Preliminary Report may be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-146569.pdf>

On July 28, 2020, City Council adopted the recommendations of Community Planning staff to approve the Official Plan and Zoning Amendment, Part Lot Control, and Rental Housing Demolition and Conversion applications to permit the development of a 10 storey residential building and a 17 storey and 16 storey mixed-use building, collectively containing approximately 771 residential units with a variety of housing tenures including rent geared-to-income, affordable rental, market rental, and condominiums.

City Council's decision may be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.5>

On February 2, 2022, City Council adopted recommendations in Member Motion MM39.3 which exempted the conveyance of the off-site parkland dedication at 2 Phin Avenue from the applicable provisions of the "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act*" and authorized the conveyance of the parkland dedication prior to environmental investigation and remediation. City Council's decision may be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.MM39.3>

On July 19, 2022, City Council adopted recommendations from the City Solicitor authorizing exemptions for the Canada Mortgage and Housing Corporation, Canada Mortgage and Housing Corporation approved lenders and subsequent transferees from certain obligations in the Section 37 and Section 111 Agreements. City Council's decision on the City Solicitor's report may be found at the following link:
<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC47.12>

COMMENTS

Prior to the Committee of Adjustment's Decision, the Zoning By-laws required the owner to design and construct any required municipal road and servicing infrastructure prior to the issuance of the first above-grade building permit for any part of the lot. The applicant submitted a Minor Variance Application to the Committee of Adjustment to replace "prior to the issuance of the first above-grade building permit" with "prior to the issuance of the Full Building Permit, except a structural part permit". The purpose of this modification was to facilitate the continuation of the construction of the Market Building currently underway, and provide additional time to finalize detailed design and undertake construction of the municipal infrastructure.

Staff from Community Planning, Engineering and Construction Services, Transportation Services and Toronto Building staff reviewed and supported the Minor Variance application. Staff's report on the Minor Variance Application is found in Attachment 1.

On January 18, 2023 the Committee of Adjustment approved the Minor Variance Application. The Committee of Adjustment Decision is found in Attachment 2.

The Section 37 Agreement registered as Instrument No. AT5558406 on October 29, 2020 (the "Section 37 Agreement") similarly includes provisions relating to the timing for the design and construction of municipal infrastructure improvements. The Section 37 Agreement will need to be amended to reflect the revised timing as approved by the Committee of Adjustment. This report seeks City Council's authority to amend those provisions and permit the City Solicitor to make any other such amendments determined necessary to implement City Council's decision on this matter.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Attachment 1 - Staff Report on 1555 Queen Street East (1050-1060 Eastern Avenue) Committee of Adjustment Application, dated January 10, 2022
2. Attachment 2 - Committee of Adjustment Decision regarding File No. A1370/22TEY dated January 18, 2023