

## City Council

### Notice of Motion

MM7.18	ACTION			Ward: 6
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**Authority for a Limiting Distance Agreement between 4330 Dufferin Street and 4340 Dufferin Street - by Councillor James Pasternak, seconded by Councillor Jamaal Myers**

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

*\* This Motion is subject to referral to the General Government Committee. A two-thirds vote is required to waive referral.*

*This Motion was reposted with a revision to the summary.*

### Recommendations

Councillor James Pasternak, seconded by Councillor Jamaal Myers, recommends that:

1. City Council authorize the Chief Building Official and Executive Director (Acting), Toronto Building, on behalf of the City, to negotiate, enter into and execute a Limiting Distance Agreement with the owner of 4340 Dufferin Street, a private parcel of land that abuts to the north the City-owned land known municipally as 4330 Dufferin Street (as shown in Attachment 1), to enable the City's construction of a solar carport at 4330 Dufferin Street, all on terms and conditions that are acceptable to the Chief Building Official and Executive Director (Acting), Toronto Building and in a form satisfactory to the City Solicitor.

### Summary

The Chief Building Official requires authority to enter into and execute a Limiting Distance Agreement with the owner of 4340 Dufferin Street (as shown in Attachment 1), to enable the City's construction of a solar carport on its lands at 4330 Dufferin Street.

#### Solar Carport Project

Multiple City Divisions are involved in a retrofit project at Emergency Services Headquarters to help the City achieve its climate change mandates at one of the most critical buildings in the City's portfolio.

This retrofit is expected to result in an estimated 65 percent reduction in Green House Gas emissions, and a 55 percent reduction in energy use at the site, and to help meet TransformTO Leading by Example targets for City buildings. All measures for this \$6.6M deep retrofit project are now complete apart from the construction of the solar carport.

#### Limiting Distance Agreement

The Limiting Distance Agreement is necessary to comply with the prescriptive requirements in Sentence 3.2.3.1, Division B, of the Building Code. Specifically, the Limiting Distance Agreement will effectively set back future development at 4340 Dufferin Street 3 metres from

the southern property line (as shown in Attachment 1), as the proposal is to build on the existing parking structure to the property line.

#### Council Authority Required

Under the Toronto Municipal Code, Chapter 363, Building Construction and Demolition, the Chief Building Official currently has authority to approve entering into Limiting Distance Agreements under the Building Code where the City is not an owner of the property. However, in circumstances where the City is also one of the landowners, City Council has not expressly delegated authority for the Chief Building Official, as the regulator of building construction, to approve entering into Limiting Distance Agreements or execute such Agreements on behalf of the City.

#### Proposal Urgency

This Matter is urgent as there are significant financial and contractual impacts as purchase orders for the work have been issued. Phase 2 of solar carport construction is scheduled to start July 03, 2023.

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

Revised Member Motion MM7.18

Attachment 1: Map of Property and Limiting Distance Requirement at 4340 Dufferin Street (<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-237255.pdf>)