

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 31, 2017

CASE NO(S): PL160543

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Great Gulf (Power) Ltd. et al
Subject: Application to amend Zoning By-law Nos.438-86 and 569-2013 - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning: RA Reinvestment Area, CRE (x1 and x2)
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a mixed-use building including two tower forms of 15 and 22 storeys
Property Address/Description: 48-54 Power Street And 113-135 Parliament Street
Municipality: City of Toronto
Municipality File No.: 13 181685 STE 28 OZ
OMB Case No.: PL160543
OMB File No.: PL160543
OMB Case Name: Great Gulf (Power) Ltd. v. Toronto (City)

Heard: January 23, 2017, in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Great Gulf (Power) Ltd.

Sidonia Loiacona

City of Toronto

Abbie Moscovitch

**MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON
JANUARY 23, 2017**

INTRODUCTION

[1] Upon determining that there were no other interested individuals in attendance,

this scheduled Prehearing was converted to a Settlement hearing to hear the merits of the modified proposal of Great Gulf (Power) Ltd. (“Appellant”) to redevelop the lands known municipally as 113-135 Parliament Street and 48-54 Power Street. On consent, evidence was heard from the Appellant’s witness, Inger Squires, who was qualified to give expert opinion evidence in matters of land use planning.

The Proposal

[2] The site is an entire city block bounded by Parliament Street on the west, Richmond Street to the north, Power Street to the east and Adelaide Street to the south.

[3] There are currently a mix of lowrise commercial and residential buildings on the site, accommodating a range of uses including 15 rental apartment units.

[4] The site is located within the Jarvis-Parliament Regeneration Area, is serviced by the King and Queen streetcars lines, and is within proximity to a number of the original brick warehouse structures which serve to inform the massing and built form typology emerging through redevelopment in this Regeneration Area.

[5] The towers reach 22 and 19 storeys after emerging from a five storey podium which incorporate amenity areas, some residential units, and commercial floor plans and ceiling heights capable of accommodating a large format food store.

[6] The fact that the site is an entire block allows for significant improvement to the vitality of the public realm. The dedication of 10 per cent of the site area as a public park at the south east corner of the site complements the existing Orphan’s Green dog run on the east side of Power Street and animates the proposed residential frontages of the buildings, allowing street front retail to prevail along the other frontages, with the exception of the access to the underground parking from Richmond Street.

[7] Having heard the evidence of a qualified planner, all as more particularly set out in Exhibit 3, the Board finds that the proposal as modified through settlement discussions and approved by City Council, is consistent with both the Provincial Policy

Statement 2014 and conforms to the Growth Plan. The proposed development is located within an Urban Growth Centre, will support revitalization, is an appropriate location for intensification, and will create transit supported mixed use development incorporating a range of new housing opportunities, including replacement rental.

[8] The Settlement conforms to the housing, parks and open space and revitalization policies of the Official Plan and the Regeneration policies of the King-Parliament Secondary plan in particular.

[9] The proposed built form responds to the Tall Buildings principles of the Official Plan and as a gateway site into the downtown, the site design achieves an appropriate form of infill which will positively contribute to the emerging east downtown skyline.

[10] The five storey base frames all four streets and incorporates uses to appropriately animate the adjoining public realm.

[11] The Board is satisfied that the proposed settlement represents good planning and is in the public interest.

DECISION

[12] The Board therefore allows the appeal in part and approves in principle the site specific amending By-laws filed as Exhibits 8 and 9, subject to confirmation by the City of the Heights set out on Map 2 to Exhibit 8 and Diagram 2 of Exhibit 9.

[13] The Board withholds its order pending confirmation of above and notice from the City Solicitor of the satisfactory execution of the conditions set out in Exhibit 7 and appended hereto as Attachment 1.

"Sharyn Vincent"

SHARYN VINCENT
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

Exhibit: Exhibit 7

Conditions to Issuance of Board Order

File #: R/100593

The Board will withhold its until advised by the City Solicitor that the following conditions are satisfied:

- a. Finalization of the draft Zoning By-law Amendment, that will substantially be in accordance with the enclosed plans, but may reflect revisions necessitated by the rental housing replacement review, the City's desired reduction in the size of individual retail units, or otherwise, as approved by the Chief Planner;
- b. The Functional Servicing Report has been revised to the satisfaction of the Executive Director, Engineering and Construction Services and any work required to be completed by the owner, as outlined in the approved report, is satisfactorily secured, to the satisfaction of the Executive Director and the City Solicitor;
- c. The owner enters into a sanitary discharge agreement for discharging to the sanitary sewer in accordance with Toronto Municipal Code 681-6, By-law No. 868-2010, if required, to the satisfaction of the General Manager of Toronto Water;
- d. The Transportation Impact Assessment has been revised, and the submission of a traffic mitigation strategy, as necessary, to the satisfaction of the Director of Transportation Services – Toronto and East York District;
- e. The Pedestrian Wind Study has been revised to the satisfaction of the Chief Planner;
- f. Conformity to the City of Toronto's Private Tree By-law and City Street Tree By-law, to the satisfaction of the Urban Forestry Supervisor, Tree Protection & Plan Review South, with landscape plans showing street trees on Richmond Street East and Parliament Street, subject to existing utilities, to the satisfaction of the Urban Forestry Supervisor, Tree Protection and Plan Review South and the Chief Planner and Executive Director, City Planning Division;
- g. The parties have entered into a Section 37 agreement to secure a contribution of \$1,400,000 toward community benefits in the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- h. Council has made a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act to demolish the 15 existing residential rental dwelling units at 125 Parliament Street and 50 Power Street (file no. 13 181698 STE 27); and
- i. All appropriate conditions associated with the Section 111 permit have been satisfied, including the execution of any necessary agreements.