

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: May 20, 2020

CASE NO(S): PL171261

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	450 Richmond Street West Limited
Subject:	Application to amend Zoning By-law No. 438-86 - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	Vacant
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the construction of a 19-storey mixed-use building
Property Address/Description:	444-450 Richmond Street West
Municipality:	City of Toronto
Municipality File No.:	17 192881 STE 20 OZ
OMB Case No.:	PL171261
OMB File No.:	PL171261
OMB Case Name:	450 Richmond Street West Limited v. Toronto (City)

Heard: April 8, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel/Representative*

450 Richmond Street West Limited

Eileen Costello

City of Toronto

Alex Suriano

Garment District Neighbourhood
Association

Valerie Eggertson*

Grange Community Association Inc.

Max Allen*

DECISION DELIVERED BY SHARYN VINCENT AND INTERIM ORDER OF THE TRIBUNAL

INTRODUCTION

[1] In the months leading up to what had been scheduled as a contested hearing of an appeal by 450 Richmond Street West Limited against Council's failure to make a decision with respect to an application to amend the zoning to permit an infill residential development of a currently vacant lot within the King-Spadina regeneration area, the Parties reached a settlement for the consideration of the Tribunal.

[2] Ratified by City Council, and supported by sworn affidavit evidence dated April 3, 2020, from Paul Stagl, a land use planner qualified to assist the Tribunal in areas of land use planning, the Tribunal was advised, is satisfied, and finds that the revised proposal represents a density, deployed in a built form, which is appropriate and compatible with the surrounding existing and planned context.

[3] The affidavit confirms that the proposal is consistent with the Provincial Policy Statement 2014, and 2020, and reflects the policy thrust of the Downtown Plan as approved by the Minister, and the policies of the King-Spadina Secondary Plan (which is currently under appeal).

[4] Similarly, the affiant confirms for the Tribunal that the proposed development achieves appropriate intensification in an area well served by existing and future transit, in a built form, which addresses both the public realm and built context.

[5] Specifically, the building massing addresses issues of light, view and privacy through step back relationships, with detailed pedestrian comfort to be confirmed with final site plan approval conditions.

[6] Draft instruments were submitted in support of the settlement and the Tribunal is satisfied that the proposed zoning amendments are consistent with and conform to relevant provincial policies, conform to the City's Official Plan and Secondary Plan policies and reflect the urban design guidelines. The Tribunal finds accordingly that development subject to the settlement represents good planning.

ORDER

[7] The Tribunal allows the appeal in part to permit the rezoning of the subject lands and approves in principle Exhibits H and I, being the draft amending zoning by-laws which amend Zoning By-law Nos. 438-86 and 569-2013 respectively.

[8] The Tribunal withholds its final order until advised that the conditions precedent agreed to by the Parties and set out in condition 3 of Exhibit D being the ratification report of Council, that the draft zoning by-law amendments are in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor; that the revised Functional servicing report and other reports required by the Chief Engineer and General Manager of Toronto Water have been addressed; that the necessary, secured agreements have been entered into; and that a satisfactory Construction Management Plan has been submitted.

[9] The Member may be spoken to should anything arise out of the execution of the matters addressed in this order.

“Sharyn Vincent”

SHARYN VINCENT
VICE CHAIR

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

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248