

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



ISSUE DATE: February 25, 2021

CASE NO(S): PL180282

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:	MonONE Bloor & Humbervale GP Inc.
Subject:	Application to amend the Etobicoke Zoning Code - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	Limited Commercial – Avenues (AV)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a mixed use development
Property Address/Description:	3005 Bloor Street West & 14 Humbervale Boulevard
Municipality:	City of Toronto
Municipality File No.:	17 267906 WET 05 OZ
OMB Case No.:	PL180282
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OMB Case Name:	MonONE Bloor & Humbervale GP Inc. v. Toronto (City)

Heard: October 16, 2020 by Telephone Conference Call

APPEARANCES:

Parties

Counsel/Representative*

MonONE Bloor and Humbervale GP Inc. Patrick Duffy

City of Toronto Sarah O'Connor

Metro Toronto Condominium Corporation John Dalton* and Giovanni Marcheggiani*

MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON OCTOBER 16, 2020 AND INTERIM ORDER OF THE TRIBUNAL

[1] This was a settlement hearing in the matter of the appeal by MonONE Bloor and Humbervale GP Inc. from the refusal or failure of the City of Toronto (“City”) to make a decision regarding an application to amend the Etobicoke Zoning Code as it pertained to the properties municipality known as 3005 Bloor Street West, and 14 Humbervale Boulevard in the former City of Etobicoke, now the City of Toronto (the “Site”).

[2] The original development application was submitted in November 2017 and included an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”). Originally, the proposal contemplated the re-development of the 3005 Bloor Street West and the 14 Humbervale Boulevard properties with an eight-storey mixed use building and a two-storey single detached residential structure, creating a total of 81 residential units with varying accommodation.

[3] The 14 Humbervale Boulevard property was subsequently removed from the proposal, eliminating the need for an OPA and that application was formally withdrawn.

Site and Area Context

[4] The Site is located in the Kingsway Neighbourhood at the southwest corner of Bloor Street West and Humbervale Boulevard. Bloor Street West is the main commercial street running through this Kingsway Neighbourhood.

[5] The Kingsway Neighbourhood was first developed in the 1920’s using ‘Garden City’ principles and is generally characterized by low-density residential housing, except for Bloor Street West which maintains a mix of uses, building heights and densities.

[6] The Site is approximately 1,564 square metres (“sq m”) in area and currently maintains a two-storey building housing a car wash and detailing centre (Kingsway Car Wash) on the ground floor, and the Kingsway Boxing Club on the second floor.

[7] The north side of Bloor Street between Royal York Road to the west and Jackson Avenue to the east contains a mix of one- to two-storey commercial buildings.

[8] To the immediate east of the Site, at the southeast corner of Bloor Street West and Humbervale Boulevard, there is a two-storey building housing the ViBo restaurant. Beyond that point the character of the street is generally consistent, except for a three-storey medical building at the southwest corner of Bloor Street West and Elsfeld Road.

[9] There is an established low-rise residential neighbourhood characterized by one- to two-storey houses to the south of the Site.

[10] Etobicoke Centre, located to the west of the Site, is characterized by a tall and dense built-form, with office, commercial and residential development focused around the Canadian National Railway rail corridor, which accommodates two Toronto Transit Commission subway stations and a GO transit station. There is a six-storey mixed-use building to the immediate west of the Site.

The Revised Proposal

[11] The revised proposal effects the development of a seven-storey mixed use mid-rise building with 60 residential units, comprised of one-bedroom (30), two-bedroom (24) and three-bedroom units (6). The newly proposed building has a metric height of 27.6 metres ("m") (from 33.1 m), and improved setback and stepback conditions.

[12] The modified development scheme results in a GFA of 5,432.3 sq m (from 6,858.6 sq m), comprised of a residential GFA of 4,898.3 sq m (from 6,337.7) and a non-residential GFA of 534 sq m (from 506.8 sq m). The revised FSI is 3.47 (from 3.54).

[13] The proposal includes the provision of approximately 166.6 sq m of indoor amenity space (from 176.1 sq m) and 299.6 sq m of outdoor amenity space (from 227.3 sq m). A total of 62 parking spaces, including 50 resident, seven visitor and five retail

spaces is being provided in 2-levels of underground parking.

[14] The revised proposal results in a number of streetscape and public realm improvements, including that the width of the sidewalk along Humbervale Boulevard will be increased by 3 m, resulting in the building being setback 5.6 m from the curb. The building has been appropriately terraced to achieve the 45-degree angular plane from the south lot line of 14 Humbervale Boulevard.

Planning Evidence

[15] Planning evidence and opinion to support the revised proposal was provided by Kate Cooper. Ms. Cooper is a registered professional planner and a Member of the Canadian Institute of Planners and the Ontario Provincial Planners Institute.

[16] Ms. Cooper provided detailed contextual evidence and a meticulous planning policy analysis and rationale to support the revised proposal. It is Ms. Cooper's professional planning opinion that the revised development proposal constitutes good planning from the perspective of its existing and planned context.

[17] The Site is conceptually appropriate for a seven-storey mid-rise mixed-use building given its location along a major arterial road and its proximity to higher-order transit, and other mid-rise buildings. The revised proposal represents an appropriate level of redevelopment and intensification for the Site.

[18] The development being proposed is in-keeping with the land use planning and urban design framework established in the Provincial Policy Statement, 2020 ("PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("GP"), and the City of Toronto Official Plan ("OP").

[19] From a land use planning perspective, the proposal promotes and facilitates the achievement of numerous Provincial and local planning policy directives that support balanced intensification within the built-up area, particularly in locations that are well

served by municipal infrastructure, including public transit. In that regard, the proposal provides for a desirable mixed-use development in the immediate vicinity of the Royal York Subway station. The development proposal supports and encourages intensification within a built-up urban area in proximity to higher order transit infrastructure, and at the same time, has appropriate regard for the applicable urban design guidelines.

[20] The development proposal assists and furthers the achievement of matters of provincial interest as enumerated in s. 2 of the *Planning Act* in the following manner: makes efficient use of communication, transportation, sewage and water services, and waste management services; provides for the orderly development of safe and healthy communities; supports the provision of a full range and mix of housing opportunities; and assists in the resolution of planning conflicts involving public and private interests.

[21] The Site is an appropriate location for growth and the proposal promotes built-form that is well designed and encourages a sense of place; is designed to be sustainable; and is oriented to pedestrians and supports the use of public transit. The proposal provides for a mix of land uses, in a compact form, in a location that affords access to a range of services, public transit, parks and open spaces, and community facilities.

[22] The proposal supports a density that would optimize the use of land, resources and public investment within the City's urban pattern. The planning and urban design elements of the proposal provides for an efficient and compatible form of development with respect to building type, height and massing, in a compact built form that facilitates redevelopment and provides an appropriate level of intensification.

[23] The proposal provides residential intensification which will assist in meeting projected requirements of current and future residents through the provision of a compact housing form which enhances the viability of the Bloor Street West corridor and improves the public realm. The proposal provides an appropriate transition down to, and setback from the *Neighbourhoods* designated properties.

[24] Ms. Cooper recommends the approval of the proposed ZBA subject to the recommended final approval conditions.

FINDINGS AND DISPOSITION

[25] The Tribunal accepts the uncontradicted planning evidence and opinions of Ms. Cooper in whole, to find that the development of the Site in the manner proposed aligns with the principles of good land use planning and warrants approval.

[26] The development proposal is consistent with the policy direction of the PPS and conforms to the directives of the GP and the policy intent of the OP. The overall development scheme being proposed has appropriate regard for matters of provincial interest and is in the public interest.

[27] In particular, the proposed development supports the Provincial initiatives and policy directives focused on the creation of new housing opportunities of varying built form and tenancies. The Tribunal is satisfied that the proposed zoning amendments appropriately implement the development of the lands in the manner being proposed.

ORDER

[28] The Tribunal orders that the appeal is allowed in part, and the application for amendments to the former Etobicoke Zoning Code is approved in principle.

[29] The Tribunal will withhold its final order pending confirmation by the Solicitor for the City of Toronto that the conditions below have been cleared:

- The Zoning By-law Amendment has been finalized in a form mutually satisfactory to the City Solicitor, the Chief Planner and Executive Director, City Planning, and the Owner; and
- The Owner has submitted a revised Functional Servicing Report and a

revised Traffic Impact Study, including a Pick-up and Drop-off Facility demand and facility Assessment, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

- The Owner has entered into a financially secured agreement for the design and construction of any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

[30] The Tribunal further orders that at the time that the City advises the Tribunal that the conditions have been cleared, the parties are required to provide the Tribunal with a digital copy of the final version of the Zoning By-law Amendment to be attached to the Final Order.

“M. A. Sills”

M. A. SILLS
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

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