

**333 Dixon Road – Zoning By-law Amendment
Application – Final Report**

Date:	February 7, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	11 330228 WET 04 OZ

SUMMARY

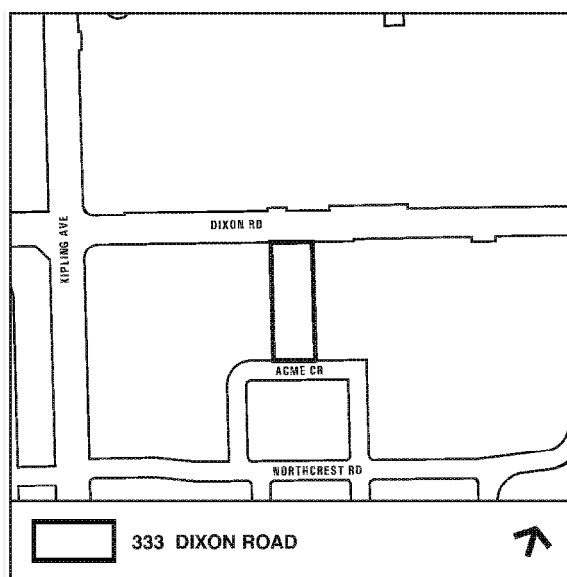
This application proposes 6 semi-detached dwelling units on the north side of Acme Crescent, on a site that contains an existing 6-storey, 55 unit residential building.

The proposal for semi-detached dwellings in this location is consistent with the *Apartment Neighbourhoods* policies of the Official Plan and represents appropriate development for the subject property. As such, this report reviews and recommends approval of the application to amend the former City of Etobicoke Zoning Code.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code, for the lands at 333 Dixon Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 4 to this report.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment, as may be required.
3. Before introducing the necessary Bills to City Council for enactment:
 - a) Require the Owner to enter into a Section 37 Agreement to provide the following community benefits:
 - i) Securing the rental tenure of the 55 dwelling units in the existing building for a period of at least 20 years commencing from the date the By-law comes into force and effect. None of the existing rental units or associated parking spaces shall be registered as condominium or any other form of ownership, such as life lease or co-ownerships which provide a right to exclusive possession of a unit, and no application for conversion for non-rental housing purposes, or application to demolish the existing rental units or associated parking spaces can be made during such 20 year period; and
 - ii) Site improvements to include the construction of an outdoor amenity space with durable fixtures such as benches, seats and garbage/recycling containers for the exclusive use of all residents of the subject site. The design and materials will be secured via the site plan approval process and the costs of any such improvements, as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the existing rental building.
 - b) Require the applicant to submit a Functional Servicing Report to the satisfaction of the Executive Director, Construction and Engineering Services, and to provide any improvements that may be required to the City's infrastructure to accommodate the proposed development, as well as obtaining necessary approvals from the Ministry of the Environment for such infrastructure.
4. Prior to the issuance of the first building permit for the development, the Owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning, a Construction Management Plan and Tenant Communication Strategy for the development, and agrees to implement same.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 22, 1960, By-law 12,413 rezoned this property to Fourth Density Residential Zone (R4) with a restriction limiting development to apartment houses only.

ISSUE BACKGROUND

Proposal

The property presently contains a 6-storey, 55 unit rental apartment building fronting Dixon Road with a rear garage and surface parking area that abuts Acme Crescent. The applicant proposes to demolish the parking garage and sever the rear portion of the property to provide for 6 semi-detached dwellings fronting Acme Crescent. The semi-detached dwellings would have a total gross floor area of approximately 715 m². The grounds of the retained parcel containing the rental apartment building would be redeveloped to provide new surface parking and enhanced open amenity/landscaped areas.

A statistical summary of the proposal is detailed in Attachment 5 of this report.

Site and Surrounding Area

The property has an area of approximately 5,570 m², with 44 m frontage on Dixon Road, and abuts Acme Crescent to the rear. The property contains a 6-storey, 55-unit apartment building with a 1-storey brick parking garage and surface parking area to the rear. An open space area is located in the front yard and in the east side yard adjacent to the apartment building. Vehicular access to the property is provided from Dixon Road. A secondary access from Acme Crescent was closed in response to a high incidence of non-resident through-traffic on the site to Dixon Road.

The site is located within walking distance to a number of local amenities. Public transit routes are available on Kipling Avenue and Dixon Road. A range of retail facilities are available at the Westway Plaza on the southeast corner of Kipling Avenue and Dixon Road. Outdoor recreational opportunities are available nearby at Dixon Park and Wincott Park which connects to the Humber Creek park system.

The surrounding uses are as follows:

North: 23 storey apartment building, Dixon park

South: Single family dwellings

East: 6 storey apartment building and semi-detached dwellings

West: 10 storey apartment building, plaza

In 1994, By-law 1994-123 was passed to permit 8 semi-detached dwellings on the north side of Acme Crescent on the adjacent property to the west of the subject property.

In 2009, By-law 601-2009 was passed to permit 6 semi-detached dwellings on the north side of Acme Crescent on the adjacent property to the east of the subject property.

Both of these developments have been constructed.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The property is designated *Apartment Neighbourhoods* by the Toronto Official Plan, which provides for semi-detached dwellings. The Development Criteria policies under this designation state in part, "that new development will provide a transition between areas of different development intensity and scale, including lower-scale *Neighbourhoods*." New buildings are to be massed and located to limit shadowing impacts, and to provide appropriate street edge framing. Additionally where infill development is proposed on an existing apartment building site, these policies also require that an appropriate level of residential amenity, including vehicular parking, is maintained.

The existing building contains more than 6 rental units with affordable rents and therefore the proposal must be considered under Section 3.2.1 of the Official Plan. Policy 5a of Section 3.2.1 of the Plan provides that where there is significant new development on sites containing six or more rental units, existing rental units with affordable and mid-range rents will be secured. Policy 5b of Section 3.2.1 allows the City to secure any needed improvements and renovations to the existing rental housing without pass-through of such costs in the rents to tenants.

Zoning

The underlying zoning in the former City of Etobicoke Zoning Code is Fourth Density Residential Zone (R4), which permits semi-detached dwellings, subject to certain development standards. The subject lands, however, are regulated by Site Specific By-law 12,413 which restricts development of the site to apartment houses only.

Site Plan Control

The subject property contains an existing apartment building and associated parking garage. The current application seeks to redevelop a portion of the site by adding 6 semi-detached dwellings. As such, the proposal is subject to site plan approval. A site plan application has been submitted concurrent with the Zoning By-law Amendment application.

Reasons for Application

A Zoning By-law Amendment application is required to modify the current site specific by-law that only permits apartment houses. The proposed modifications would permit and establish appropriate development criteria for the semi-detached dwellings.

Community Consultation

A community consultation meeting was held on March 29, 2012 to present the proposal and obtain community input. The meeting was attended by the Ward Councillor, the agents for the owner, the owner, City Planning staff, and approximately 15 members of the public.

The following concerns were raised by the public:

- 1) Loss of indoor/garage parking as an amenity
- 2) Approval and notice of construction times
- 3) Adequacy of the overall proposed parking supply, including visitors
- 4) Loss of storage and locker space
- 5) Loss of shortcut/access to parkland from Acme Crescent
- 6) Increase in rental rates due to new amenity space
- 7) Safety, security and lighting for the outdoor area surrounding the apartment building

The planning related matters regarding parking, vehicle access and amenity space are addressed below. Additionally, the other items will be addressed through site plan approval and the recommended Section 37 Agreement.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Land Use

The proposed semi-detached dwellings are a use that is provided for by under the Official Plan's *Apartment Neighbourhoods* designation. Planning staff are of the opinion that the proposed land use is appropriate and provides a suitable transition from higher scale development to the north to the lower scale residential neighbourhood to the south. The proposed development is consistent with the semi-detached dwellings permitted under previous rezoning applications to the west and east on the north side of Acme Crescent. It will also provide for the orderly development of this underdeveloped portion of the site that is located on a local residential street.

Density, Height and Massing

No new construction is proposed for the existing 6-storey, 55-unit apartment building, therefore this building would remain within its context of other higher scale residential developments oriented towards Dixon Road. At the rear of the property, an ample building separation distance of 38.5 m, aided by a solid board fencing and tree planting is proposed. Hence, negative impacts related to shadowing, view and privacy are not anticipated.

Planning staff are satisfied that the standards contained in the draft site specific zoning by-law for the proposed semi-detached dwellings would ensure that appropriate density, height, massing, setbacks and open/landscaped space is maintained. As a result, impacts on privacy, sun, shadow and wind would be minimized. The development standards proposed in the zoning by-law are similar to those established for the semi-detached dwellings on the adjacent properties to the east and west, and are compatible with the standards established for the southerly adjacent lower scale residential area.

Parking and Open Space

A total of 60 parking spaces are proposed to be provided on the site. The provision of 60 parking spaces meets the requirements of Transportation Services staff wherein a minimum tenant parking ratio of 0.95 spaces per dwelling unit, or 52 spaces, and additional 8 visitor parking spaces must be provided. The proposed parking spaces would be located on the south and west side of the existing apartment building, which allows for the provision of open space on the east side of the building.

Each semi-detached dwelling would provide two parking spaces.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with

financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 performance standards for the 6 semi-detached dwelling units. Tier 1 standards include the provision of native tree species, planting of large growing shade trees and using water efficient plant material in landscaping. The proposed development provides large shade trees, water efficient plant species and meets the tree protection standards required during construction.

Rental Housing

Section 3.2.1, Policy 5a of the Official Plan provides that existing rental units with affordable and mid-range rents will be secured on "sites containing 6 or more rental units when significant new development is being introduced on the subject site."

The existing 55 residential rental units located on the subject site will be retained as rental housing for a period of at least 20 continuous years commencing from the date the By-law comes into force and effect. None of the existing rental units or associated parking spaces will be permitted to be registered as condominium or any other form of ownership, converted for non-rental housing purposes, or demolished during this 20 year period. This will be secured through a Section 37 Agreement.

Section 3.2.1, Policy 5b allows the City to secure any "needed improvements and renovations to the existing rental housing" without the cost being passed through for existing tenants of the building. The applicant has agreed to upgrade the landscaping around the existing rental building to satisfy Policy 3.2.1.5b with:

- Planting of 11 new shade trees, comprised of 5 Red Oaks, 4 Ironwoods and 2 Eastern Redbuds;
- Repaving pathways with unit paving and new concrete sidewalks for pedestrians and permeable paving for the parking areas;
- Providing an outdoor amenity area with two cast aluminum benches and a waste receptacle; and
- Upgrading planters with a variety of perennial shrubs, grasses and plants.

These upgrades will also be secured through the Section 37 Agreement and the site plan agreement.

Conclusion

The proposal for six semi-detached dwellings at this location provides for a suitable transition between the higher built forms on Dixon Road and the adjacent lower scale neighbourhoods to the south, and provides for the continued orderly development of this portion of Acme Crescent. The proposal is consistent with the *Apartment Neighbourhoods* policies under the Official Plan and is compatible with the zoning standards of adjacent lands.

CONTACT

Ellen Standret, Planner

Tel. No. 416-394-8223

Fax No. 416-394-6063

E-mail: estandre@toronto.ca

SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

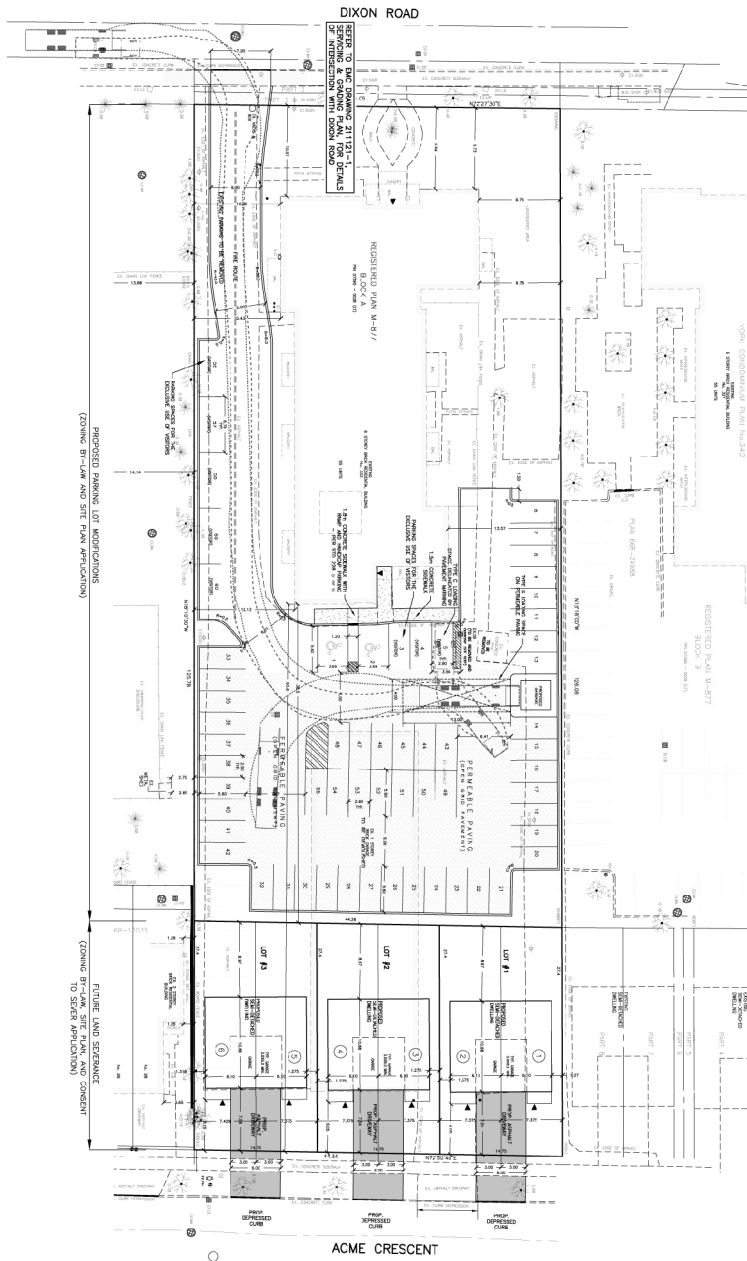
Attachment 2: Zoning

Attachment 3: Elevations

Attachment 4: Draft Zoning By-law Amendment

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

333 Dixon Road

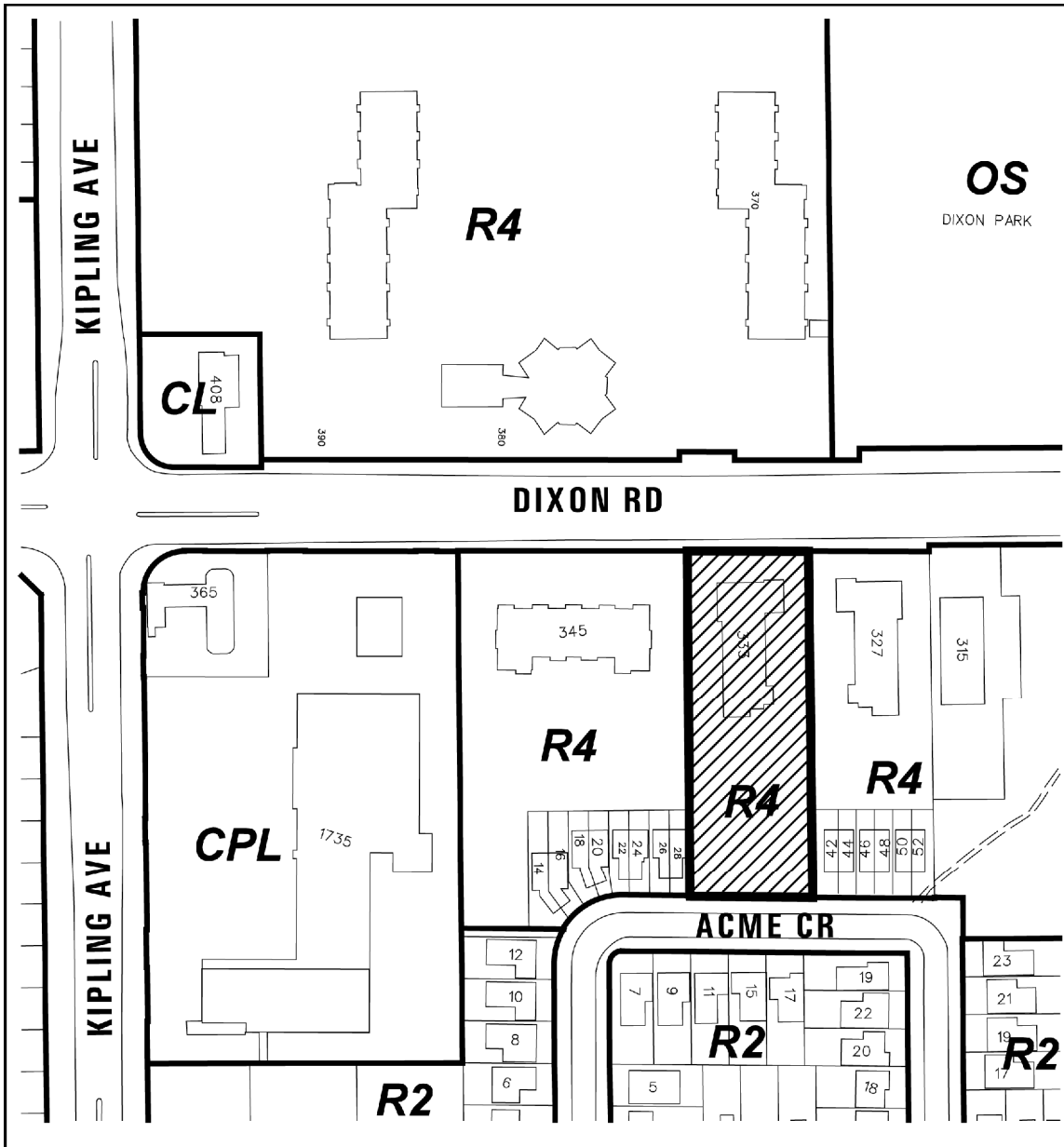
Applicant's Submitted Drawing

Not to Scale
01/21/13



File # 11_330228 WET 04 0Z

Attachment 2: Zoning



Toronto City Planning
Zoning

333 Dixon Road
File # 11 330228 WET 04 02

- R2 Residential Second Density
- R4 Residential Fourth Density
- OS Public Open Space
- CL Commercial Limited
- CPL Commercial Planned Local

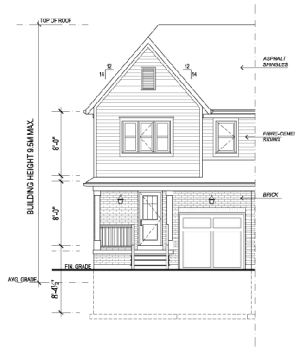


Not to Scale
Zoning By-law 11,737 as amended
Extracted 01/17/2012

Attachment 3: Elevations



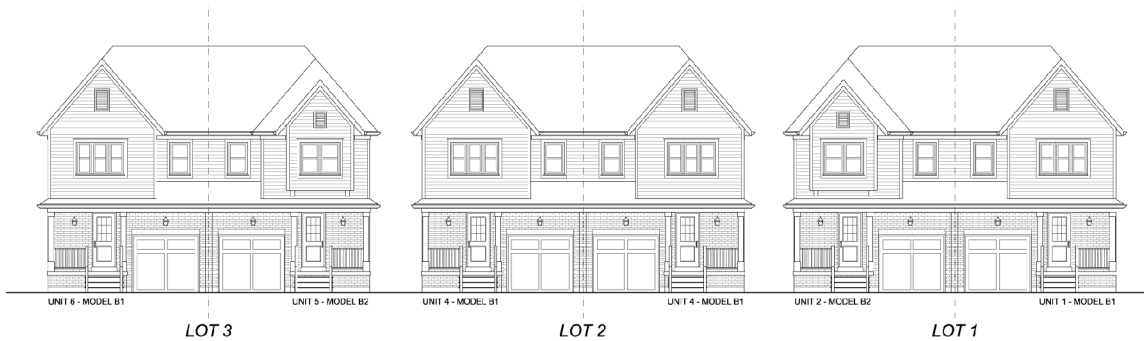
MODEL B-1
SIDE ELEVATION
1:100



MODEL B-1
FRONT ELEVATION
1:100



MODEL B-2
SIDE ELEVATION
1:100



ACME CRESCENT STREETSCAPE
1:100

Elevations

Applicant's Submitted Drawing

Not to Scale
01/21/13

333 Dixon Road

File # 11_330228 WET 04 0Z

Attachment 4: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 2013

Enacted by Council: ~, 2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. _____-2013

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands on the south side of Dixon Road, municipally known as 333 Dixon Road

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS the matters herein set out are in conformity with the Official Plan that is approved and in effect at this time;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the Fourth Density Residential (R4) zoning of the lands identified as Parcel A and Parcel B on Schedule 'A' attached hereto, is hereby confirmed.
2. The development of the area identified as Parcel A on Schedule 'A' attached hereto shall be restricted to one apartment building subject to the following provisions:
 - (a) Notwithstanding the provisions of Section 320-67E. (1)(b) of the Zoning Code, development shall be limited to a maximum of 55 dwelling units.
 - (b) Notwithstanding the provisions of Section 320-18(B)(2a)(1, 2, 3 & 4) of the Zoning Code and Section 1 of By-Law No. 12,413 relating to parking, a minimum of 60 parking spaces shall be provided, of this number not less than 8 parking spaces shall be reserved for visitor parking use only. The parking spaces shall have a minimum width of 2.6m and a minimum length of 5.6m.

- (c) Notwithstanding the provisions of Sections 320-18(B) (2) (c) of the Zoning Code, a minimum landscaped area of 1,068 m² shall be provided on Parcel A.
 - (d) Notwithstanding the provisions of Section 320-19(A) of the Zoning Code, the front of a barrier free parking space may abut a retaining wall.
 - (e) A garbage enclosure is permitted.
 - (f) Notwithstanding the provisions of Section 320-68.B. of the Zoning Code, development shall be limited to a maximum height of 6 stories.
 - (g) Notwithstanding the provisions of Section 320-67. E. (1) (d), (e) and (f) of the Zoning Code, the development shall comply with the minimum setbacks shown on Schedule 'B' attached hereto.
3. Notwithstanding the provisions of Section 320-67B of the Zoning Code, development of the area identified as Parcel B on Schedule 'A' attached hereto shall be restricted to six semi-detached dwelling units subject to the following:
- (a) Lot frontage: minimum 7.3 metres.
 - (b) Lot area: minimum 203 m².
 - (c) Lot coverage: maximum 45%.
 - (d) Floor Space Index: maximum 0.8 of the lot area.
 - (e) Building height: maximum 9.5 metres measured from the average grade of the public sidewalk adjacent to the front property line.
 - (f) Driveway dimensions: maximum 3 metres width and minimum 6 metres length with positive slope towards the public road allowance, with the remaining front yard consisting of landscaping, 75 percent of which shall consist of soft landscaping such as sod or flower gardens.
 - (g) Garage dimensions: internal garage dimensions shall have a minimum width of 3 metres and a minimum depth of 5.6 metres, and provide a minimum vertical clearance of 2.0 meters.
 - (h) Setbacks: No building or structure within the Lands shall be located other than within the Building Envelope for that building or structure as shown on Schedule "B" attached to this By-law.
4. Pursuant to Section 37 of the *Planning Act* and subject to compliance with provisions of this By-law, the Owner at its sole expense shall provide the following facilities, services and matters to the City on the terms set out in an agreement pursuant to Section 37 of the *Planning Act* described in clause (b) below:

- (a) Prior to the issuance of the first building permit for the development, the owner shall provide to the City a Construction Management Plan and Tenant Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning.

- (b) The Owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the Lands by the City to secure:
 - (i) matters provided in section (a) above;
 - (ii) the implementation by the Owner of the Construction Management Plan and Tenant Communication Strategy;
 - (iii) improvement to the Lands, and the existing 6-storey apartment building, for the benefit of the residents of that building, including but not limited to:
 - 1. the construction of an outdoor amenity space with durable fixtures such as benches, seats and garbage/recycling containers.
 - 2. upgrade the property with landscaping including large shade trees, benches and other landscaping treatments within the surrounding common areas of the rental property.
 - (iv) the Owner's responsibility to ensure that none of the costs of the improvements to be made by the Owner that are provided for in (iii) above are passed on in any form to the tenants of the existing 6-storey apartment building, including increasing rents of tenants;
 - (v) the retention of the existing 55 rental dwelling units within the existing 6-storey apartment building as follows:
 - (a) retaining the 55 units as rental housing units for a minimum period of 20 years from the date this By-law comes into force and effect;
 - (b) ensuring that none of the rental dwelling units shall be registered as condominium or any other form of ownership such a life lease or co-ownerships which provide a right to exclusive possession of a unit; and

- (c) ensuring that no application for conversion for non-rental housing purposes, or application to demolish the rental dwelling units without replacement can be made during the 20 year period.

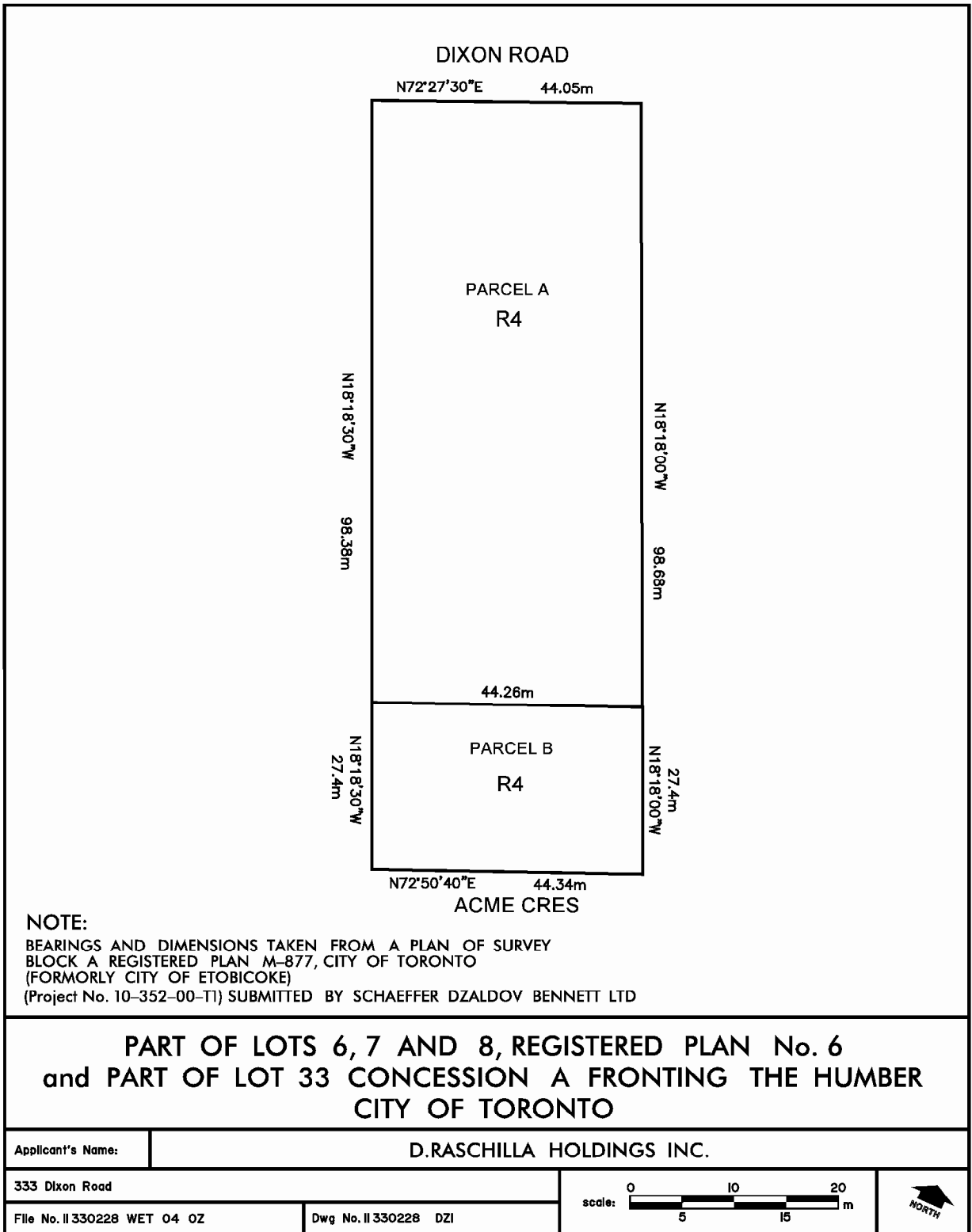
5. By-law No. 12,413 is hereby repealed as it applies to the area identified as Parcel B on Schedule 'A' attached hereto.
6. Where the provisions of this By-law conflict with the Etobicoke Zoning Code, the provisions of this By-law shall take precedence, otherwise the Etobicoke Zoning Code shall continue to apply.
7. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-Laws:

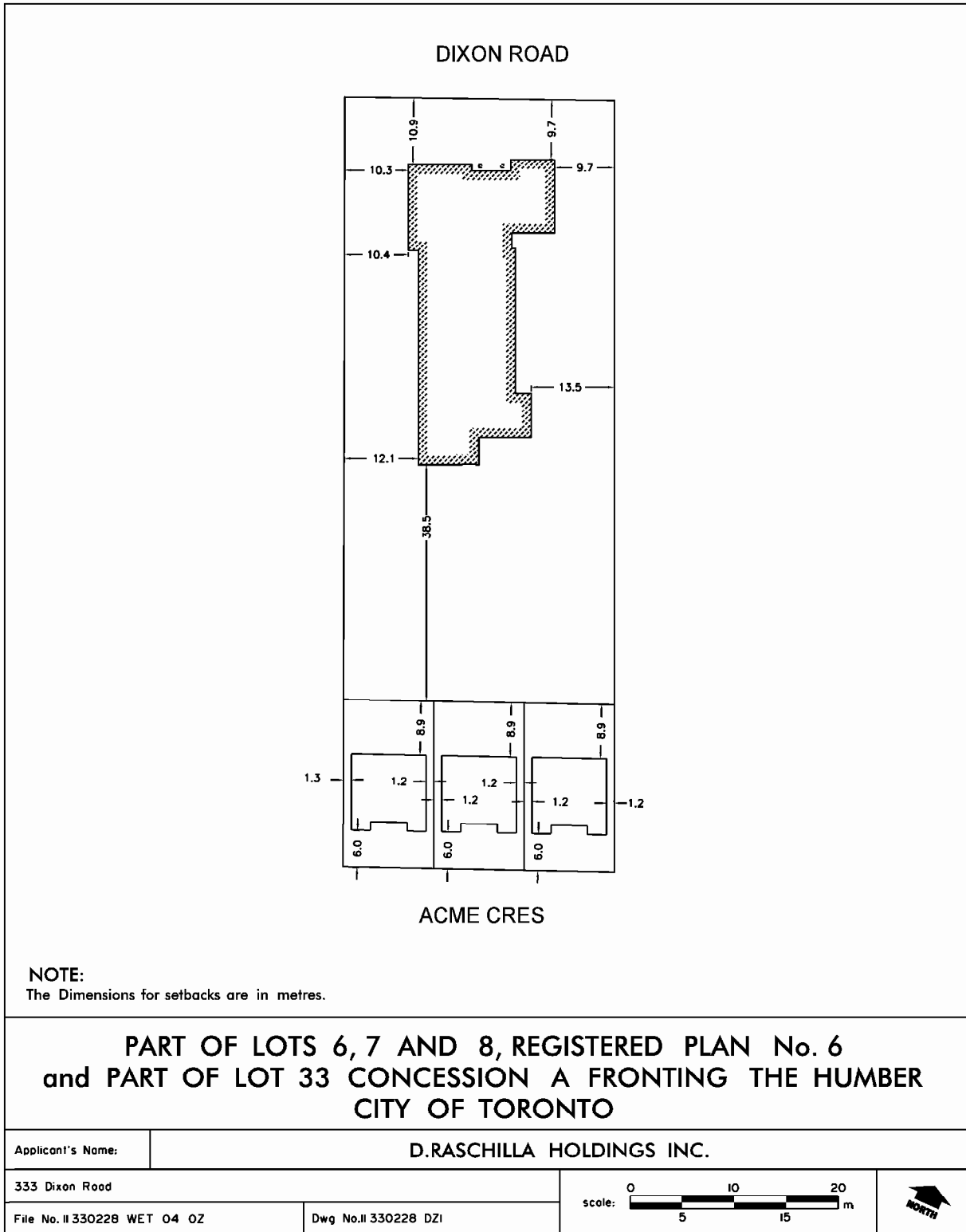
BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
By- Law No. _____-2013 Date: _____	Lands located on the south side of 333 Dixon Road, municipally known as 333 Dixon Road.	To amend the R4 provisions of the Zoning Code to permit 6 semi-detached dwelling units, subject to site specific development standards.

ENACTED AND PASSED this ____ day of ____, A.D. 2013

 ROB FORD,
 Mayor
 (Corporate Seal)

 ULLI S. WATKISS
 City Clerk





Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	11 330228 WET 04 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2011

Municipal Address: 333 DIXON RD
 Location Description: PLAN M877 PT BLK A **GRID W0402
 Project Description: Proposal to construct 6 two storey semi detached dwelling units with attached garages and retain the existing 6 storey rental apartment building.

Applicant:	Agent:	Architect:	Owner:
EMC GROUP			D RASCHILLA DIXON HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R4	Historical Status: n/a
Height Limit (m):		Site Plan Control Area: no

PROJECT INFORMATION

Site Area (sq. m):	5568	Height:	Storeys:	2	
Frontage (m):	44.1		Metres:	9.5	
Depth (m):	126.1				
Total Ground Floor Area (sq. m):	1314.18				Total
Total Residential GFA (sq. m):	5898		Parking Spaces:	60	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	5898				
Lot Coverage Ratio (%):	23.6				
Floor Space Index:	1				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold/Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	5898	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	55 rental 6 freehold			

CONTACT:	PLANNER NAME:	Ellen Standret, Planner
	TELEPHONE:	(416) 394-8223