

743 Warden Ave – Zoning Application – Final Report

Date:	May 22, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 35 – Scarborough Southwest
Reference Number:	08 194742 ESC 35 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes retail/commercial development with a total gross floor area of 7,322 square metres on the portion of the site fronting on Warden Avenue, and two employment buildings with a total gross floor area of 17,224 square metres on the interior of the site.

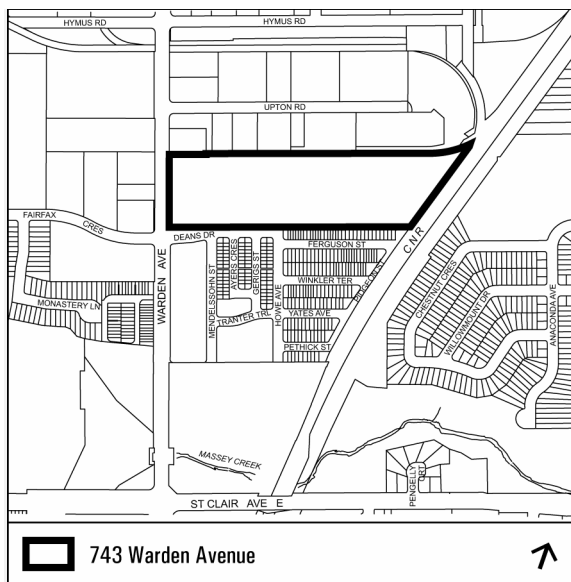
The proposed development will provide retail/commercial uses to serve the surrounding residential neighbourhoods, including the new Warden Woods Community, and employment uses at the rear of the site.

This report reviews and recommends approval of the application to amend the zoning by-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 24982 substantially in accordance with the draft zoning by-law amendment attached as Attachment



- No. 10.
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. City Council require that prior to the introduction of the necessary zoning bill for enactment, the applicant:
 - a) secure appropriate access to Upton Road, to the satisfaction of City Planning and Legal Services;
 - b) enter into the standard Golden Mile Employment District Transportation System Improvement (TSI) agreement, for registration on title; and
 - c) provide the Toronto Transit Commission (TTC) with funds in the amount of \$50,000, in a form satisfactory to the TTC, for installation of signal priority at two area intersections.
 4. City Council authorize the Chief Planner or designate to execute the TSI agreement on behalf of the City.
 5. City Council direct the Executive Director of Transportation Services to withhold the lifting of the 0.3 metre reserve across the proposed commercial driveway to Deans Drive until:
 - a) the owner has entered into a site plan agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act, for the proposed commercial uses (supermarket, drug store, and bank buildings), which addresses, among other matters, access, site circulation, landscaping, fencing, and screening, and appropriate measures to restrict truck access between the proposed commercial development and Deans Drive; and
 - b) the owner agrees to conduct, one year after substantial occupancy of the new commercial development, a study of traffic and queuing on Deans Drive and infiltration into the community to the south, and provide a financial security to the City to guarantee the study and implementation of measures to mitigate identified traffic issues, to the satisfaction of the Executive Director of Transportation Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been no previous planning applications for this property.

ISSUE BACKGROUND

Proposal

The applicant has filed a zoning by-law amendment application proposing to divide the site into two distinct areas. Retail/commercial development of 7,322 square metres comprised of four buildings is proposed on approximately 2.5 hectares of land on the westerly portion of the site near Warden Avenue. The retail/commercial component includes Building 'B', a supermarket (4,645 square metres), and Building 'A', a drug store (1,540 square metres) adjacent to Warden Avenue, beyond which two bank buildings with drive-through facilities are proposed including Building 'C', (555 square metres) and Building 'D' (582 square metres). In addition, two employment Buildings 'A' and 'B' with a total gross floor area of 17,224 square metres are proposed on the remaining approximately 4 hectares of interior lands to the east. Refer to Attachment No. 1, Site Plan, and Attachment No. 9, Application Data Sheet, for project data. A landscaped strip including a living wall fence are proposed to separate the commercial and employment portions of the development. Additional landscaping is proposed throughout the site, including south of the two employment buildings.

Two accesses are proposed at Warden Avenue. These include a driveway along the north limit of the site to serve as the main truck access for the overall site. A central driveway with right-in/right-out access to Warden Avenue is intended to act as the primary access for the customers of the commercial uses.

There is an existing 0.3 metre reserve along the north side of Deans Drive, conveyed to the City as part of the subdivision approval for 725 Warden Avenue, to restrict vehicular access between the public road and the area to the north. The applicant is proposing that the City permit driveway access to Deans Drive opposite Gerigs Street, to provide a vehicular connection for residents of the area to the south to access neighbourhood shopping without exiting to Warden Avenue, and to also allow customers to use the signalized intersection at Warden Avenue and Deans Drive for southbound left turns. To achieve this, the 0.3 metre reserve will need to be lifted across the limits of the driveway access.

It is proposed that trucks be physically precluded from using either the Deans Drive access or the more southerly of the two Warden Avenue driveways. The applicant is attempting to make arrangements for a driveway connecting from the two employment buildings north to Upton Road, across the property at 43 Upton Road. The site plan illustrates a potential vehicular access to Upton Road intended to serve the employment buildings.

Site and Surrounding Area

The subject lands are located on the east side of Warden Avenue, north of St. Clair Avenue East. The site is roughly rectangular in shape and is approximately 6.5 hectares (16 acres) in size. It has a frontage of approximately 132 metres on Warden Avenue and a varying depth of approximately 439 metres on the southern boundary and 537 metres on the northern boundary. The property was formerly occupied by Samuel Strapping

Systems, an industrial operation that processed and painted metal, which has consolidated its operations elsewhere in the Toronto area. The Samuel Strapping building has been demolished and the site is currently vacant.

The surrounding uses include:

North: industrial lots fronting on Upton Road, Youth Link and other service agencies at 747 Warden Avenue, Institute of Technical Trades at 749 Warden Avenue.

South: Warden Woods Community including the Mattamy “Summerside” residential subdivision under construction at 725 Warden Avenue, the future Ward 35 Community Centre, TTC commuter parking and subway line.

East: former CNR rail corridor, Hydro Corridor, and Birchmount Park Community.

West: Tim Horton’s restaurant at the northwest corner of Warden Avenue and Fairfax Crescent, automotive supply and repair shops at 730 and 740 Warden Avenue, and Clairlea Community.

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 subject lands are designated Employment Areas in the Toronto Official Plan, and are identified as part of an Employment District on Map 2, Urban Structure. Employment Areas are places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers. Within Employment Areas, places of worship, recreation and entertainment facilities, business and trade schools, and branches of community colleges or universities may locate only on major streets shown on Map 3 in the Official Plan.

The portion of the subject site adjacent to Warden Avenue is located at the south limit of the lands covered by Site and Area Specific Policy 129 contained in Chapter 7 of the Official Plan. Policy 129 applies to certain lands north and south of Eglinton Avenue in the area bounded by Pharmacy Avenue/Birchmount Road/the Hydro Corridor/Fairfax Crescent, which are designated either Employment Areas or Mixed Use Areas on the Land Use Plan. The policy permits retail and service uses, including stand-alone retail stores and/or power centres. Amendments to the zoning by-law to permit new or additional commercial permissions may be subject to the Holding (H) provisions of the Plan. Specifically, the (H) provision may be used with respect to the introduction of new or additional commercial permissions to existing by-law permissions. Further, the implementation of the site specific policy may require the provision of additional roads or other transportation improvements. The applicants for individual amendments to the zoning by-law, including the removal of any (H) provision, may be required to provide financial compensation to equitably allocate the capital costs of the improvements.

The Official Plan provides development criteria to ensure that Employment Areas are competitive, attractive and highly functional. The criteria include amongst other matters, providing adequate parking and loading on-site; sharing driveways and parking areas wherever possible; providing landscaping to create an attractive streetscape and screening parking, loading and service areas; and treating the boundary between Employment Areas and residential lands with landscaping, fencing, or other measures to minimize nuisance impacts.

The Warden Woods Community Secondary Plan states that land uses, streets and blocks at the northern boundary of the Community will be arranged to preclude future expansion of the residential area in order to protect the stable employment area to the north, and that publicly owned reserves will be established to preclude vehicular access between the new community and the employment area to the north.

Zoning

The subject property is located at the southern end of the Golden Mile Employment District. The Warden Avenue frontage and the southerly and easterly 60 metres of the site are zoned M (Industrial Zone) by the Employment Districts Zoning By-law No. 24982. This zone permits industrial uses, offices (excluding medical and dental), day nurseries, educational and training facility uses, places of worship, and recreational uses. Ancillary retailing is permitted in association with certain industrial uses. The applicable performance standards include a maximum gross floor area of 0.75 times the area of the lot (office uses are restricted to 0.5 times the area of the lot to a maximum of 10,000 square metres).

The remainder of the site is zoned MS (Special Industrial Zone) and VS (Vehicle Service Zone). In addition to the uses permitted in the M zone, the MS zone also permits open storage and outdoor industrial activities; chemical manufacturing, processing and warehousing; and metal, mineral or ore smelting. The VS zoning on this property would typically permit vehicle repair and service garages, but as this property is located less than 100 metres from a residential zone, no vehicle service or repair uses are permitted.

The applicant has submitted a draft zoning by-law which proposes that the western portion of the site abutting Warden Avenue be rezoned to CC (Community Commercial), and that the interior of the site all be zoned as M (Industrial), replacing the existing M (Industrial), MS (Special Industrial), and VS (Vehicle Service), zoning permissions and performance standards, and reducing the scope of industrial uses permitted on the site.

Site Plan Control

The site is subject to site plan control. The applicant has advised that a site plan approval application will be submitted in the near future, when the owner has commitments from their prospective tenants.

Tree Preservation

The property is subject to the provisions of City of Toronto Municipal Code Chapter 813. All trees on City property are protected. The private tree by-law regulates injury or removal of privately owned trees which measure 30 centimetres in diameter or more as measured 1.4 metres above the ground level. The by-law does not protect trees that are less than 30 centimetres in diameter.

Reasons for Application

A zoning by-law amendment is required to permit the proposed retail/commercial uses.

Community Consultation

A community consultation meeting was held on February 3, 2009. The Ward Councillor and members of his staff, Planning staff, members of the applicant's team, and approximately 30 members of the public attended the meeting. Residents expressed a number of concerns at the meeting, and in written submissions received by City Planning.

While residents generally welcome the introduction of retail uses to the site, there is also support for other uses including a school, childcare, fitness club, or a pub. Residents are opposed to the zoning by-law permitting funeral homes, auto body repair or wrecking, heavy manufacturing, and places of worship. Concerns were expressed about shadowing and noise impacts from the proposed industrial uses, as well as residents being able to see the industrial buildings from their homes, and ambient light shining onto residential properties.

A number of the residents who attended the community consultation meeting questioned the proposed driveway access to/from Deans Drive. Their view was that as they live close by, they would walk or cycle to the site and would not need to drive to it. There was a strong preference that there be no driveway access to Deans, and a feeling that the disadvantages to the community outweigh the advantages, including the traffic the proposed uses would generate. In a submission to City Planning, a resident expressed support for the project, with the sole concern being that the access to Deans Drive should be restricted for trucks and deliveries.

A Summerside resident submitted a petition with the names of approximately 150 homeowners, calling for: (1) keeping the existing fence along Deans Drive in place or replacing it with a similar or improved fence, and (2) no drive-through from the community. The residents feel that the fence: creates a physical barrier between the residential area and the plaza; creates a sense of privacy and peace; lowers the opportunity for strangers to see and/or walk into the community from the parking lot; reduces the amount of garbage and grocery store bags blowing into the community; blocks the unpleasant site of shopping carts and a parking lot full of cars; and will deter shoppers from parking in the community. The residents' reasons for opposing a vehicular connection between the community and 743 Warden Avenue are that: the small streets in Summerside are already parked (at times tightly) with cars and cannot accommodate any additional blockages or congestion; if there is no connection, there will be no reason for strangers to take short-cuts through the community (for example, from the new recreation centre), limiting pollution, noise, and congestion, and decreasing the probability of accidents. The petition suggests that visual exposure for the new retail uses be maintained with a sign on Warden Avenue, that an even higher fence should be built along Deans Drive and if access to the plaza is desired by the community, a walk-through access should be created instead.

A submission to City Planning from Mattamy Homes suggested that the access to Deans Drive should be relocated closer to Warden Avenue opposite Mendelssohn Street with only right-in/right-out turning movements permitted, to allow customers exiting the plaza to make use of the traffic signal, but prevent infiltration into the Summerside community if vehicles are queued at a red light. It was also suggested that with the removal of the acoustic fence, there should be additional landscape screening on the north boulevard of Deans Drive.

The concerns expressed by the community are addressed in the comments section of this report.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). It supports the principles in the PPS for building strong, liveable communities. It provides for employment opportunities in an urban area in a location with suitable public infrastructure and services, and promotes the efficient use of land, infrastructure and services.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposed development provides for a mix of commercial and

industrial employment uses, and enhanced working and shopping options for the local area.

Land Use

Retail Stores

Site and Area Specific Policy 129 of the Official Plan provides for retail and service uses on the portion of the site abutting Warden Avenue. The precise depth of the permission for these uses is not specified. The policy area encompasses employment lands adjacent to Warden Avenue, and it is a matter of interpretation to determine whether the policy provides for commercial uses extending to the depth proposed. The interpretation policies of the Official Plan allow this interpretation to be made having regard for streets and other fixed physical features, patterns of property ownership, or zoning lines. Staff are of the opinion that Policy 129 can be interpreted to provide for the proposed supermarket and drug store.

Commercial Zoning

The draft zoning by-law amendment zones the lands within 140 metres of the current easterly street line of Warden Avenue, prior to the dedication of a 1.89 metre road widening, as Community Commercial (CC), and permits retail stores, as well as day nurseries, business and trade schools, financial institutions, offices, personal service shops, pet grooming establishments, places of entertainment, recreational uses, restaurants, and service shops. This zoning complies with the Official Plan policies for uses in Employment Areas, and Site and Area Specific Policy 129 which provides for retail and service uses, including retail stores, along the Warden Avenue frontage.

Industrial Zoning

Staff are of the opinion that the remainder of the site, beyond the limit of Policy 129 and the proposed CC zone, should be zoned as Industrial (M).

On the portion of the M lands proposed to be used for the two bank buildings, offices (excluding medical and dental), financial institutions, restaurants, and drive-through facilities in combination with financial institutions, will be permitted. These commercial uses, which will be restricted in size, will provide an appropriate transition between the retail frontage and the employment interior of the site.

The application does not include details of specific uses for the proposed employment buildings. East of the proposed banks (beyond 190 metres from Warden Avenue), the draft zoning by-law amendment proposes to allow uses normally permitted in the M zone including industrial uses, offices (excluding medical and dental), and recreational uses, as well as business and trade schools. However, day nurseries and places of worship will not be permitted in the M zone.

Removing the MS zone, and eliminating the existing permissions for special industrial uses (e.g. chemical manufacturing and smelting), open storage and outdoor industrial activities will reduce the potential impacts of industrial uses next to a residential community.

Economic Development advises that they would like to see the employment portion of the development constructed in a timely manner. The applicant should be encouraged to construct the employment portion in conjunction with the retail/service commercial portion, and City staff will work with the applicant to facilitate the earliest possible development of the employment portion of the site.

Siting of Retail and Bank Buildings

On the original site plan, the proposed supermarket was oriented to the corner of Warden Avenue and Deans Drive. The supermarket has been relocated further north on the Warden Avenue frontage, and the drug store is now attached at the rear. This has shifted the loading areas for the supermarket further away from the residential area to the south. The new location of the retail stores also improves opportunities for visual surveillance of the parking lot from the stores, Warden Avenue, and the residential community to the south.

The proposed banks are located at the eastern limit of the commercial area, providing a visual buffer between the employment buildings and the retail parking lot and Warden Avenue.

Traffic Impact, Access

The applicant's traffic assessment concludes that as the peak times of employee and truck industrial traffic will not occur at the same time, the north Warden Avenue access will be adequate to accommodate both employee and truck traffic with minimal conflict. The applicant's traffic assessment indicates that all truck traffic, including that servicing the new commercial uses, can be adequately accommodated at the north Warden Avenue access. While the applicant has indicated an intention to acquire a connection to Upton Road, the traffic assessment concludes that this access is not necessary to accommodate traffic generated by the proposed employment buildings.

The applicant's traffic assessment concludes that vehicular access to Deans Drive is required, in addition to the Warden Avenue access points, in order to be able to adequately accommodate expected commercial traffic volumes. The applicant's traffic assessment concludes that with a Deans Drive access allowing commercial traffic to make use of the Warden / Deans / Fairfax signalized intersection, there is sufficient capacity to comfortably accommodate the traffic generated by the proposed development.

Planning staff and Transportation Services staff have reviewed the submitted plans and revised Traffic Impact Study and concur with most of the consultant's findings. There are, however, some traffic issues which need to be addressed, as follows:

Separation of Employment and Commercial Traffic

There is a clear intent that there be a separation of the commercial retail/bank traffic and the employment traffic. This is of particular importance if an access to Deans Drive is allowed, as proposed. Staff are of the opinion that it is imperative that an access to Upton Road be provided to serve the employment lands, if the commercial development, with

access to Deans Drive, is allowed to proceed. A direct connection to Upton Road, providing access for the employment uses, will allow the employment traffic to be directed to Upton Road and curtailed from using Deans Drive.

Deans Drive Access for Commercial Traffic

The proposed retail/service commercial uses, particularly the supermarket and drugstore, support the adjacent residential development. A direct connection (both vehicular and pedestrian) between the commercial and residential areas will be convenient for area residents patronizing the proposed commercial development, and will avoid forcing those residents to unnecessarily turn to and from Warden Avenue.

Staff agree with the applicant's traffic consultant that driveway access to Deans Drive, allowing use of the Deans / Warden / Fairfax signalized intersection, is essential to allow the commercial development to proceed. Residents of the community to the south have indicated that the commercial development will be a welcome retail amenity, but that they do not support the driveway access to Deans Drive. Planning staff, however, do not support the amount of commercial uses proposed by the applicant unless access to Deans Drive is allowed.

Allowing the retail/bank customers to make use of existing signalized intersections to access the major arterial road is highly desirable from a traffic safety perspective. In particular, it is desirable to avoid substantial volumes of left turns at unsignalized driveways on busy arterial roads. Staff are of the opinion that the access to the signalized intersection should be permitted. Issues respecting traffic infiltration are discussed below.

Traffic Infiltration

The residents' petition suggested that the existing separation between the Summerside community and the subject site should be maintained, including leaving the full length of the existing acoustical fence in place, and not permitting any vehicular connection between the two areas. There is particular concern that the proposed access to Deans Drive will lead to traffic infiltration into the residential community.

It is not anticipated that there will be significant traffic volumes between the new commercial development and the residential community to the south, aside from area residents who choose to shop there. The applicant's traffic consultant advises that the Deans / Warden / Fairfax intersection is expected to operate at a good level of service. Development traffic using Deans Drive will have no difficulty accessing Warden Avenue at the Deans / Warden / Fairfax intersection. This, however, was one of the key concerns of area residents with respect to this development. Accordingly, the applicant has agreed to conduct an assessment of traffic operations on Deans Drive including infiltration from the commercial development into the residential area to the south one year after occupancy of the commercial uses.

Protecting the Employment Area

The Warden Woods Community Secondary Plan calls for planning decisions to preclude vehicular access between the new community and the employment area to the north. The purpose and intent of this policy is to ensure that the residential area does not encroach into the employment area, and to establish and preserve a separation between the two areas. The application is not proposing new public roads linking the residential and employment areas, but under the applicant's proposal, some vehicles could navigate through the commercial development to access the employment area to the north. Staff have determined that if vehicular access between the proposed commercial development and employment lands to the east and north can be curtailed, the proposed vehicular access to Deans Drive is consistent with the objectives of the Warden Woods Community Secondary Plan, and an Official Plan Amendment is not required. Lifting the 0.3 metre public reserve in a limited area for the purpose of a single driveway access to Deans Drive will not threaten the stability of the Employment Area. The reserve will remain in place for the remainder of Deans Drive, enabling the City to protect against any further vehicular linkages.

Ensuring Required Measures are Implemented

Given the conclusion that substantial commercial development on the site requires access to Deans Drive, it is proposed that the commercial zoning require a driveway access to Deans Drive to allow full development of the commercial portion of the site.

Transportation Services has delegated authority to approve the lifting of reserves. Transportation Services staff should be directed by Council to withhold the lifting of the 0.3 metre reserve until the applicant has entered into a site plan control agreement with the City addressing, among other things, access, site circulation, landscaping, fencing, and screening, and appropriate measures to restrict truck access between the proposed commercial development and Deans Drive. Site circulation should be organized so as to curtail through traffic movements between Deans Drive and Upton Road.

In addition, enactment of the proposed zoning should be withheld until the applicant has secured appropriate access to Upton Road, to the satisfaction of City Planning and Legal Services. The proposed driveway access to Upton Road as shown on the site plan has a 9 metre pavement width and a full width of approximately 18.2 metres.

The applicant has agreed to conduct an assessment of traffic operations on Deans Drive including infiltration from the commercial development into the residential area to the south, one year after occupancy of the commercial uses. As a condition of the site plan control approval for the proposed commercial development, the owner will be required to undertake to conduct this study and to provide an appropriate financial security to guarantee the study and implementation of any required measures such as traffic signage or curb adjustments to mitigate any identified traffic issues, to the satisfaction of the Executive Director of Transportation Services.

Parking

A total of 614 parking spaces are proposed. Normal zoning requirements for parking, which apply to the site, would require only 405 parking spaces. Staff are satisfied that the parking supply is appropriate for the uses proposed, and note that with this generous supply of parking, parking overflow into the nearby residential area is unlikely.

Bicycle Parking

The proposal includes 30 bicycle parking spaces for the retail and bank uses, and 43 bicycle parking spaces for the employment uses. The proposed zoning by-law amendment requires a minimum of 0.25 bicycle parking spaces per 100 square metres of gross floor area, or parking for at least 6 bicycles per building (whichever is greater), or a supply of 62 spaces for the proposed total gross floor area. The location and details of bicycle parking will be secured as part of site plan approval.

Toronto Transit Commission

The Toronto Transit Commission has also reviewed the applicant's Traffic Impact Studies, which indicate site-generated traffic will result in delays to TTC bus operations. In order to mitigate delays to transit, the TTC requires the owner to provide \$50,000 for the installation of signal priority at two area intersections. This requirement is secured by the recommendations of this report.

Drive-Through Facilities

The Draft Urban Design Guidelines for Drive-through Facilities recommend a minimum of 4 stacking spaces for banks (versus 10 stacking spaces for restaurants), which are provided for each of the proposed drive-through facilities. In response to concerns that drive-through facilities will encourage the banks' clients to drive and create pollution while cars idle in queue, the applicant has advised that they support the posting of signs requesting drivers to turn off their vehicles while waiting in line. The applicant has also advised that the banks which they are negotiating leases with are requiring the inclusion of drive-through facilities as a condition of locating branches at 743 Warden Avenue.

The zoning by-law permits drive-through facilities in commercial and industrial zones abutting residential zones, provided they are located at least 30 metres from a residential lot. The closest drive-through facility north of the bank Building "D" is located 31 metres from the adjacent residential community.

The proposed drive-through lanes would not have enough capacity to serve a restaurant use. Accordingly, the proposed zoning by-law does not permit drive-through facilities in connection with restaurants. If either of the proposed bank buildings should be converted to restaurant use in the future, the associated drive-through facility would have to be removed.

Industrial Noise

Residents have expressed concern about noise from the proposed employment buildings. Industrial uses are already permitted at 743 Warden Avenue by both the existing M (Industrial) and MS (Special Industrial) zones; the MS zone also permits open storage and outdoor industrial activities; chemical manufacturing, processing and warehousing; and metal, mineral or ore smelting.

The pre-existence of the Golden Mile Employment District was acknowledged in the subdivision agreement for 725 Warden Avenue, which required that the agreements of purchase and sale for residential units within 125 metres of the north boundary of 725 Warden Avenue include a warning clause that there are ongoing industrial operations to the north, including chemical processing operations that may continue to operate indefinitely and create noise, dust and emissions, and that the existing industrial uses in the north and northwest may have rights under the current zoning to expand or change in the future.

The removal of the existing MS zoning from the subject site will reduce the potential for noise impacts on the adjacent residential uses. The proposed retail/employment development (and the revised zoning) will provide a buffer between the Warden Woods Community and the MS and VS zoned further lands to the north.

Future industrial uses in the proposed employment buildings on the eastern portion of the site will need to comply with Ontario Ministry of Environment regulations with respect to environmental emissions (noise, etc.) impacting nearby properties.

Environment

The applicant has submitted Phase I and II Environmental Site Assessments. Prior to issuance of building permits, the City must be satisfied that Ministry of the Environment (MOE) environmental requirements for the proposed land uses have been met. The current use of 743 Warden Avenue is industrial, and the proposed property use is commercial/industrial. The applicant advises that as commercial and industrial land uses are classified under the same category by the MOE, a Record of Site Condition (RSC) will not be required, and further, no soil remediation is required. This will be confirmed at the building permit stage.

Open Space/Parkland

Based on the parkland dedication by-law of the former City of Scarborough, which still remains in full force and effect, Parks, Forestry and Recreation has no requirements under Section 42 of the Planning Act.

Site Plan Issues to be Addressed

Location of Access to Deans Drive

The applicant has suggested that the driveway to Deans Drive should be located opposite Gerigs Street. Mattamy Homes has suggested that it could be located closer to Warden Avenue, opposite Mendelssohn Street. The specific location of the driveway access to

Deans Drive will be determined during the review of the future site plan application for the commercial portion of the development (retail and banks), based upon detailed assessment of traffic operations and safety.

Site Organization

The details of how the development is organized will be addressed through the review of the future site plan control application. Matters such as building locations, access, site circulation, parking and loading facilities, pedestrian routes, and connections between the commercial and employment areas will be considered.

Landscaping and Fencing

Further improvements to the proposed site plan to provide for additional trees will be required. In particular, improved opportunities for tree planting will be required within the commercial parking lot, and between Buildings A and B in the employment area.

The proposed zoning by-law amendment requires landscaping along the south boundary of the site in the M zone, with a minimum of 3 metres along the south edge of the banks increasing to 6 metres south of the employment buildings. The west and south boundaries of the lands zoned commercial are also required to have a minimum of 3 metres of landscaping.

The applicant is proposing that the existing acoustical fence be retained along the length of the employment buildings and has advised that this fencing could also be left in place to the edge of Commercial Building “D” (the southern most of the two banks), to screen lights from vehicles using the bank drive-through facilities from shining onto the residential area to the south. A decorative fence should be provided along the western and southern edge of the commercial parking lot to give the area a defined edge.

Landscaping and fencing will be reviewed in detail at the site plan approval stage.

Streetscape

The relocation of the supermarket has allowed the addition of an enhanced landscape feature near the northeast corner of Warden Avenue and Deans Drive, which will complement the entry feature to be installed by Mattamy. This landscape area should be designed to have pedestrian access from both public streets, and be enhanced with additional benches or other pedestrian amenities.

Lighting

The applicant has advised that lighting has been designed to shine onto the parking areas and away from the neighbouring buildings, and that if required, an illumination study will be undertaken for the site plan approval application.

Noise

In the revised proposal, the loading areas for both the supermarket and employment uses have been relocated further away from the neighbourhood to the south. If any noise attenuation measures are required, they will be identified in noise and vibration reports

submitted in support of the future site plan approval application and secured in that approval.

Toronto Green Standard

The applicant is proposing to incorporate a number of features into the development consistent with the City's green development standard. Two bio-retention areas are proposed along the eastern boundary of the site adjacent to the former CN rail corridor. A living wall privacy screen fence and a bio-retention area are proposed between Employment Building "A" and the bank buildings. An updated green development checklist will be required with the future site plan approval application, and the applicant will be encouraged to introduce as many "green development" measures as possible.

Tree Preservation and Planting

Urban Forestry advises that there are no existing City-owned trees adjacent to the site, and that the applicant is proposing to remove 9 existing private trees located on the site that qualify for protection under the private tree by-law, due to construction conflicts or poor health. The Landscape Plan proposes the planting of 8 new street trees on Warden Avenue, and 123 new trees on private property (including 79 large growing shade trees, 9 ornamental trees and 35 coniferous trees).

Details with respect to tree removal, proposed trees, a street tree planting security deposit, and eventual planting, will need to be addressed in the review of a site plan approval application. At least one street tree on the north side of Deans Drive shown on Mattamy's planting plans may require removal in order to facilitate the proposed access. The applicant will be responsible for providing a cash-in-lieu payment for any street trees requiring removal, towards the cost of replacement planting elsewhere in the community.

Recommended Zoning By-law Amendment

Staff support the proposed zoning by-law amendment application. The development is appropriate for the site and is in conformity with the policies of the Official Plan. The removal of the existing MS zoning and the existing permissions for special industrial uses, as well as open storage, and outdoor industrial activities, will substantially reduce the potential for negative impact by future employment uses on the adjacent Summerside residential community. While employment zoning in Scarborough typically does not include building height restrictions, in response to concerns raised by Summerside residents, the proposed zoning includes a height limit of 15 metres.

Drive-through facilities are prohibited on the site except for those associated with the proposed banks. The zoning by-law requires a physical barrier which will restrict access to Deans Drive by large trucks.

Approval of this zoning is subject to the owner fulfilling a number of conditions including securing access to Upton Road, entering into the standard Golden Mile Employment District Transportation System Improvement (TSI) agreement, and providing funds to the Toronto Transit Commission for the installation of signal priority.

A draft of the recommended zoning by-law amendment is included as Attachment No. 10.

Development Charges

Development charges are applicable only to the retail/commercial component of the development. It is estimated that the development charges for this project will be \$727,075. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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Fax No. (416) 396-4265
E-mail: rlambe@toronto.ca

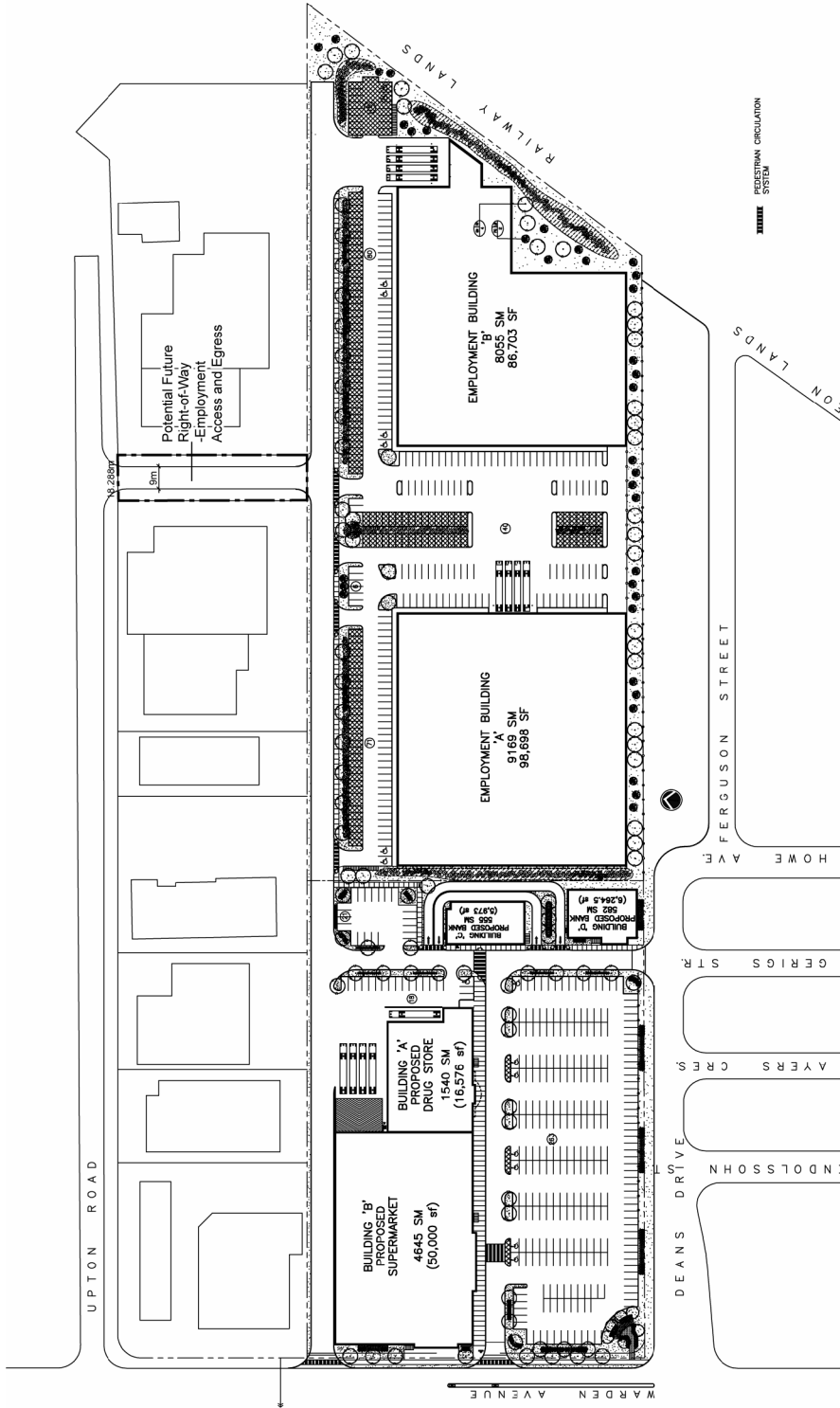
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations (Commercial Buildings 'A' and 'B')
Attachment 3: Elevations (Commercial Buildings 'C' and 'D')
Attachment 4: Elevations (Employment Building 'A')
Attachment 5: Elevations (Employment Building 'B')
Attachment 6: Official Plan
Attachment 7: Site and Area Specific Policy 129
Attachment 8: Zoning
Attachment 9: Application Data Sheet
Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Site Plan



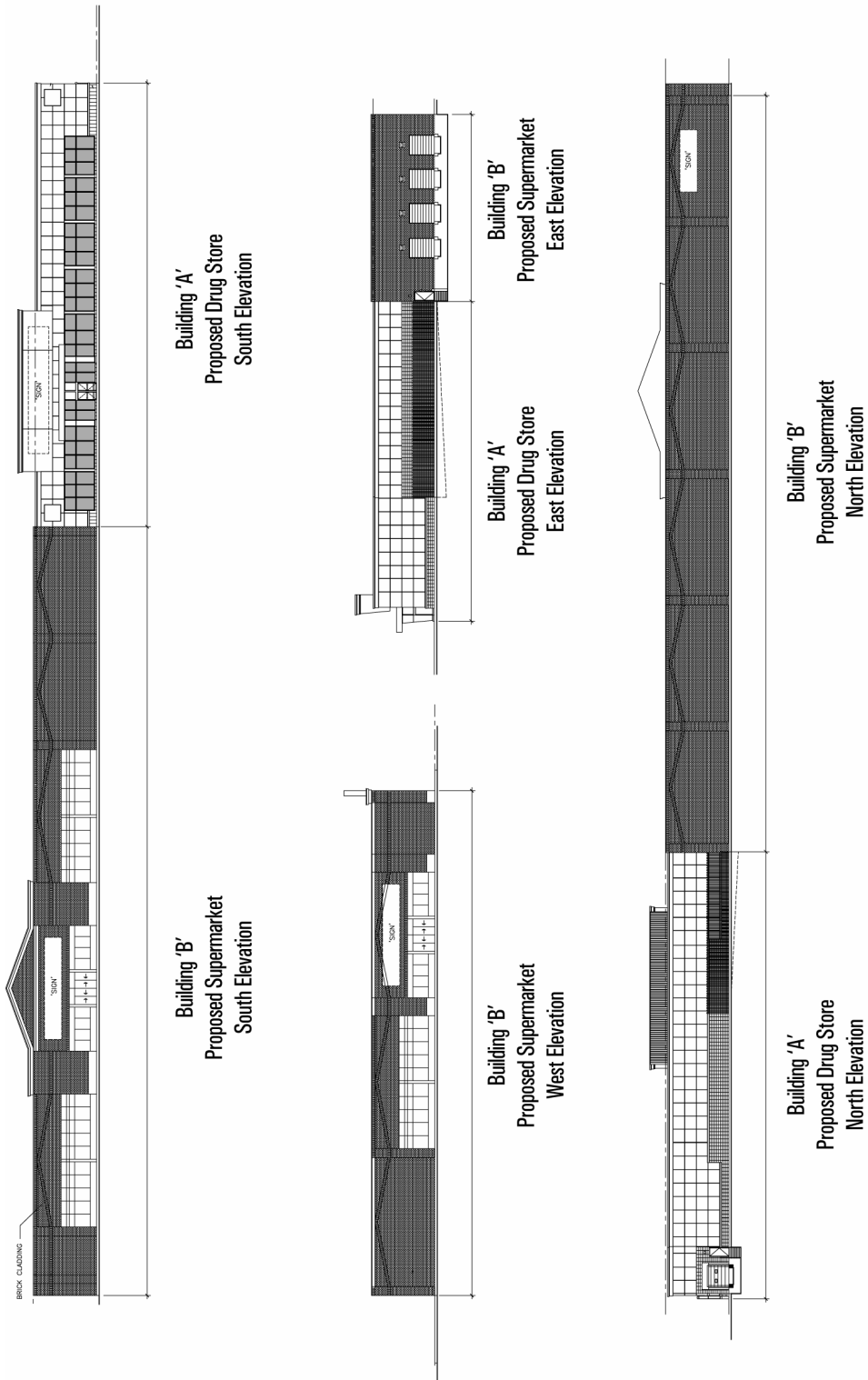
743 Warden Avenue

Site Plan
Applicant's Submitted Drawing

File # 08-194742.0Z

Not to Scale
04/27/09

Attachment 2: Elevations (Commercial Buildings 'A' and 'B')



Elevation Plan - Commercial Buildings 'A' and 'B'

743 Warden Avenue

Applicant's Submitted Drawing

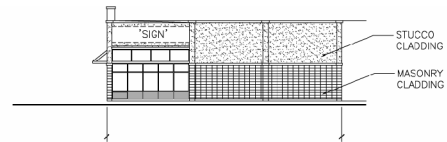
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File # 08-194742 OZ

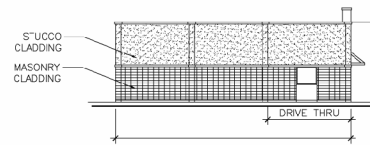
Attachment 3: Elevations (Commercial Buildings 'C' and 'D')



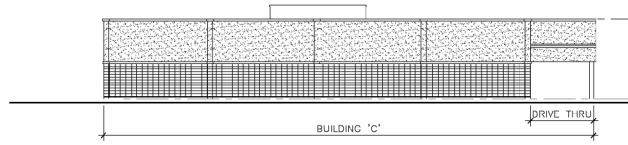
Building 'C'
Proposed Bank
West Elevation



Building 'C'
Proposed Bank
South Elevation



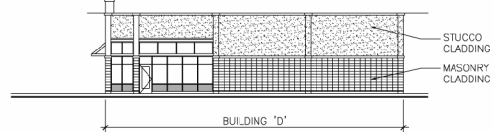
Building 'C'
Proposed Bank
North Elevation



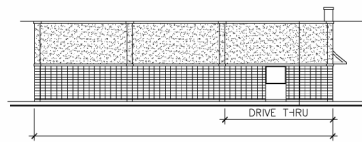
Building 'C'
Proposed Bank
East Elevation



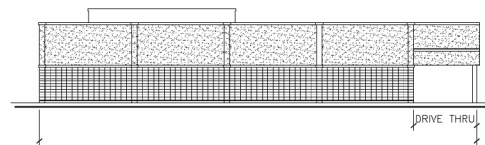
Building 'D'
Proposed Bank
West Elevation



Building 'D'
Proposed Bank
South Elevation



Building 'D'
Proposed Bank
East Elevation



Building 'D'
Proposed Bank
North Elevation

Elevation Plan - Commercial Buildings 'C' and 'D'

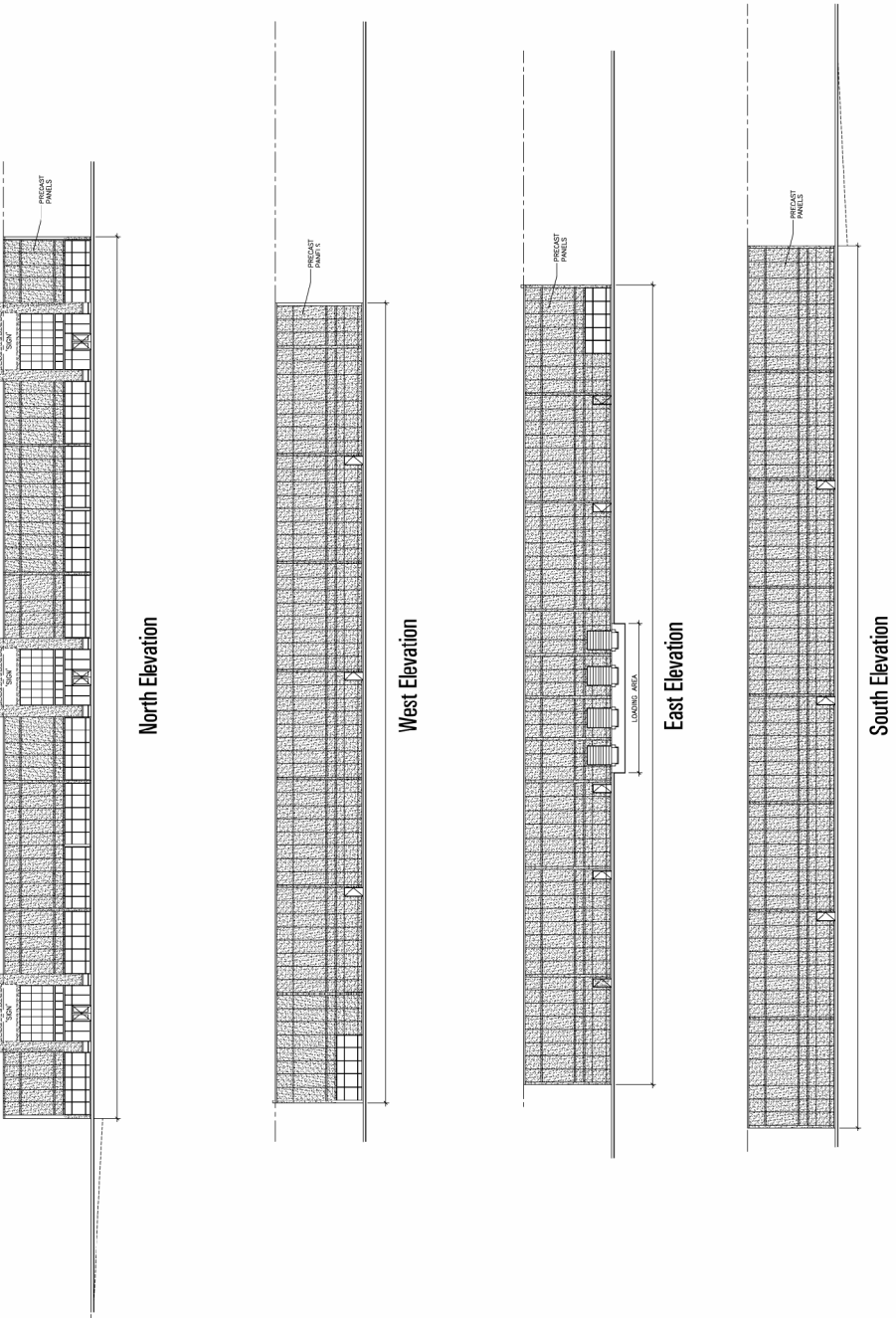
743 Warden Avenue

Applicant's Submitted Drawing

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4/27/09

File # 08-194742 0Z

Attachment 4: Elevations (Employment Building 'A')



Elevation Plan - Employment Building 'A'

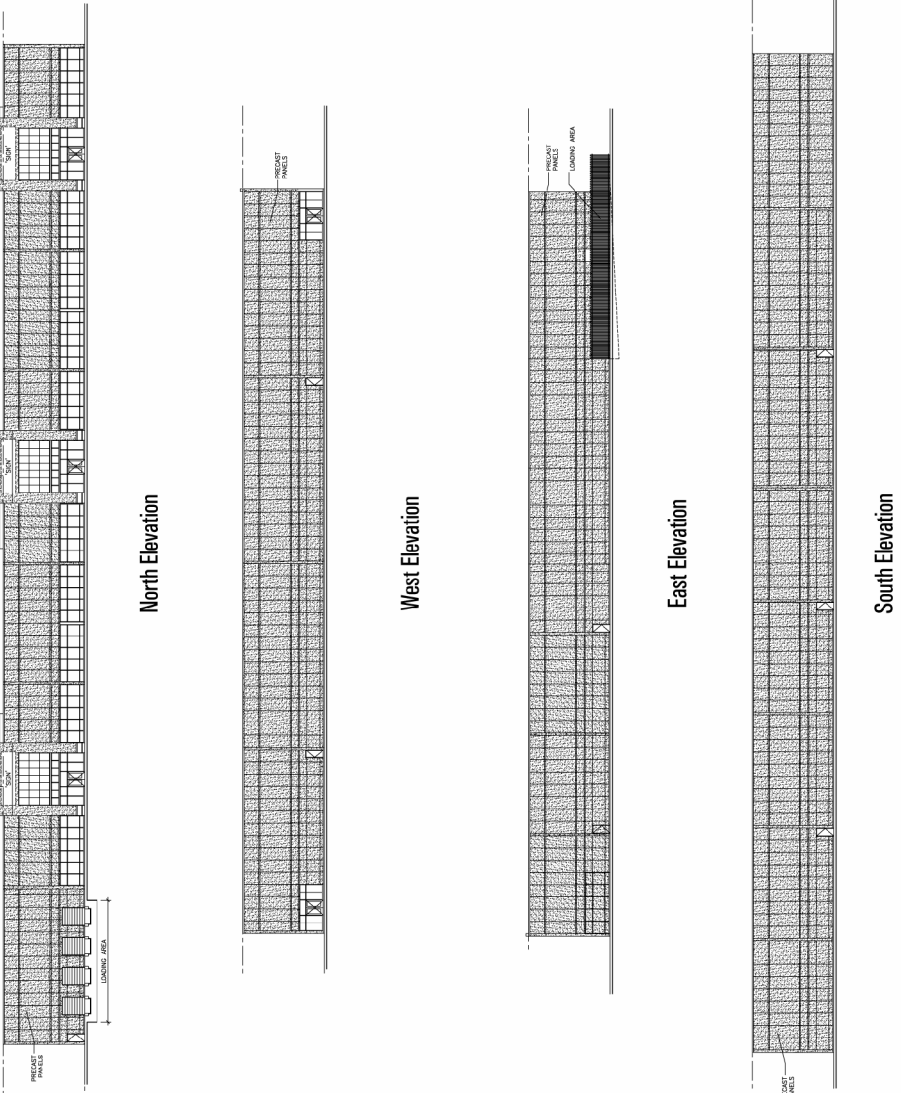
743 Warden Avenue

Applicant's Submitted Drawing

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4/27/09

File # 08-194742.0Z

Attachment 5: Elevations (Employment Building 'B')



Elevation Plan - Employment Building 'B'

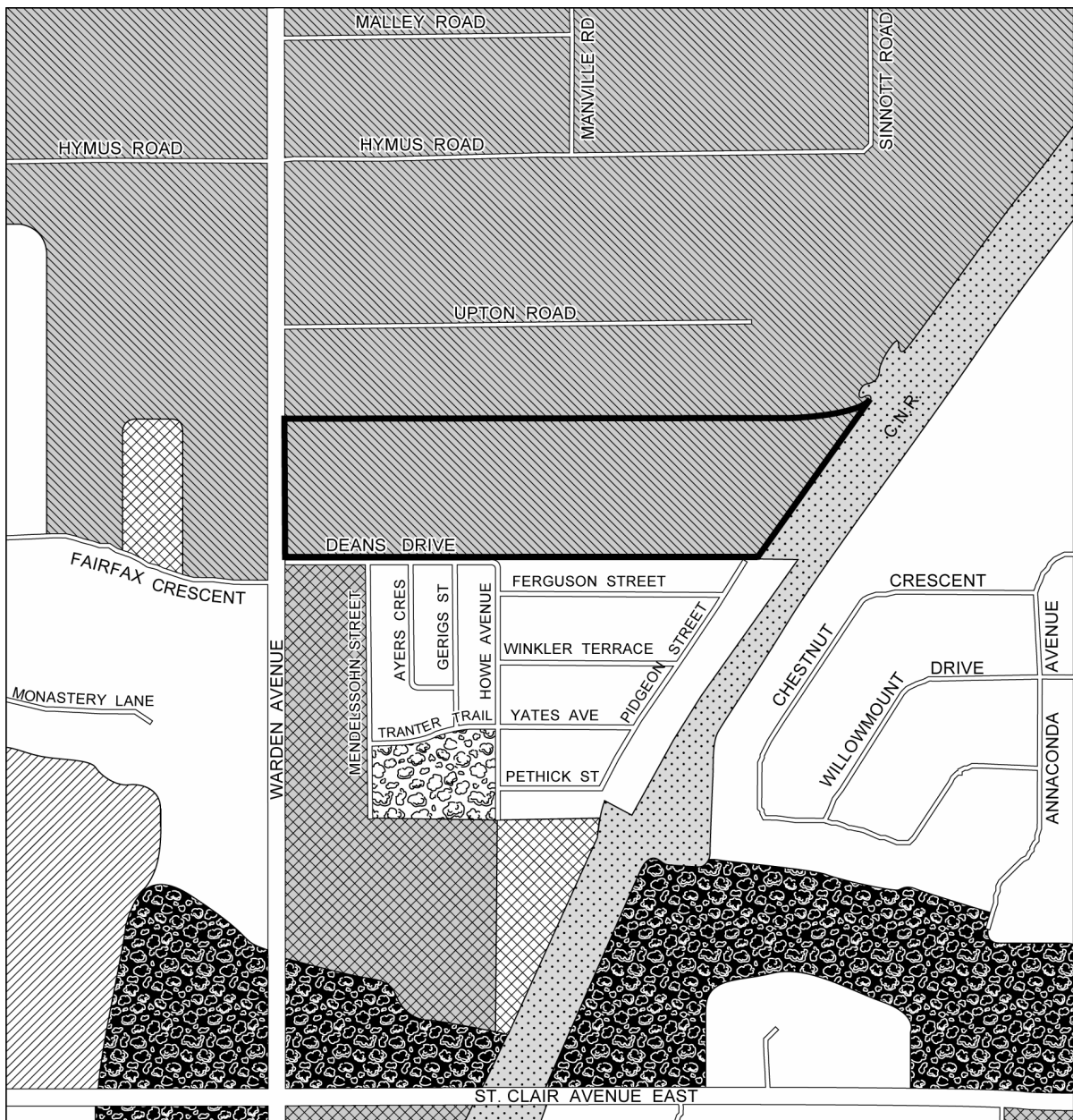
Applicant's Submitted Drawing

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4/27/09

743 Warden Avenue

File # 08-194742 0Z

Attachment 6: Official Plan



Toronto City Planning
Official Plan

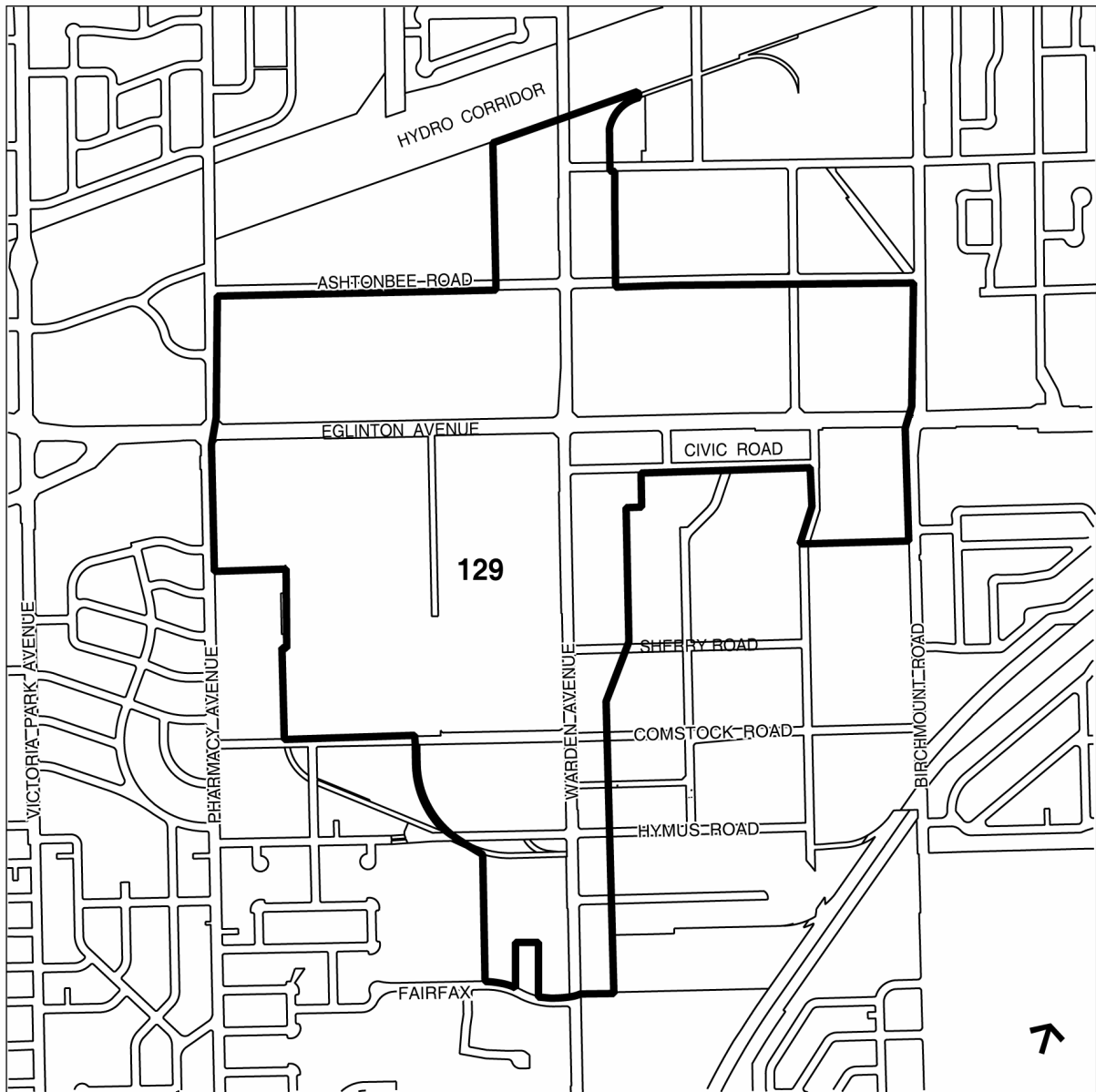
743 Warden Avenue

File # 08-194742 02

	Site Location		Natural Areas		Institutional Areas		Utility Corridors
	Neighbourhoods		Parks		Employment Areas		
	Apartment Neighbourhoods						
	Mixed Use Areas						

↑
Not to Scale
10/23/08

Attachment 7: Site and Area Specific Policy 129



Site and Area Specific Policy 129

743 Warden Avenue

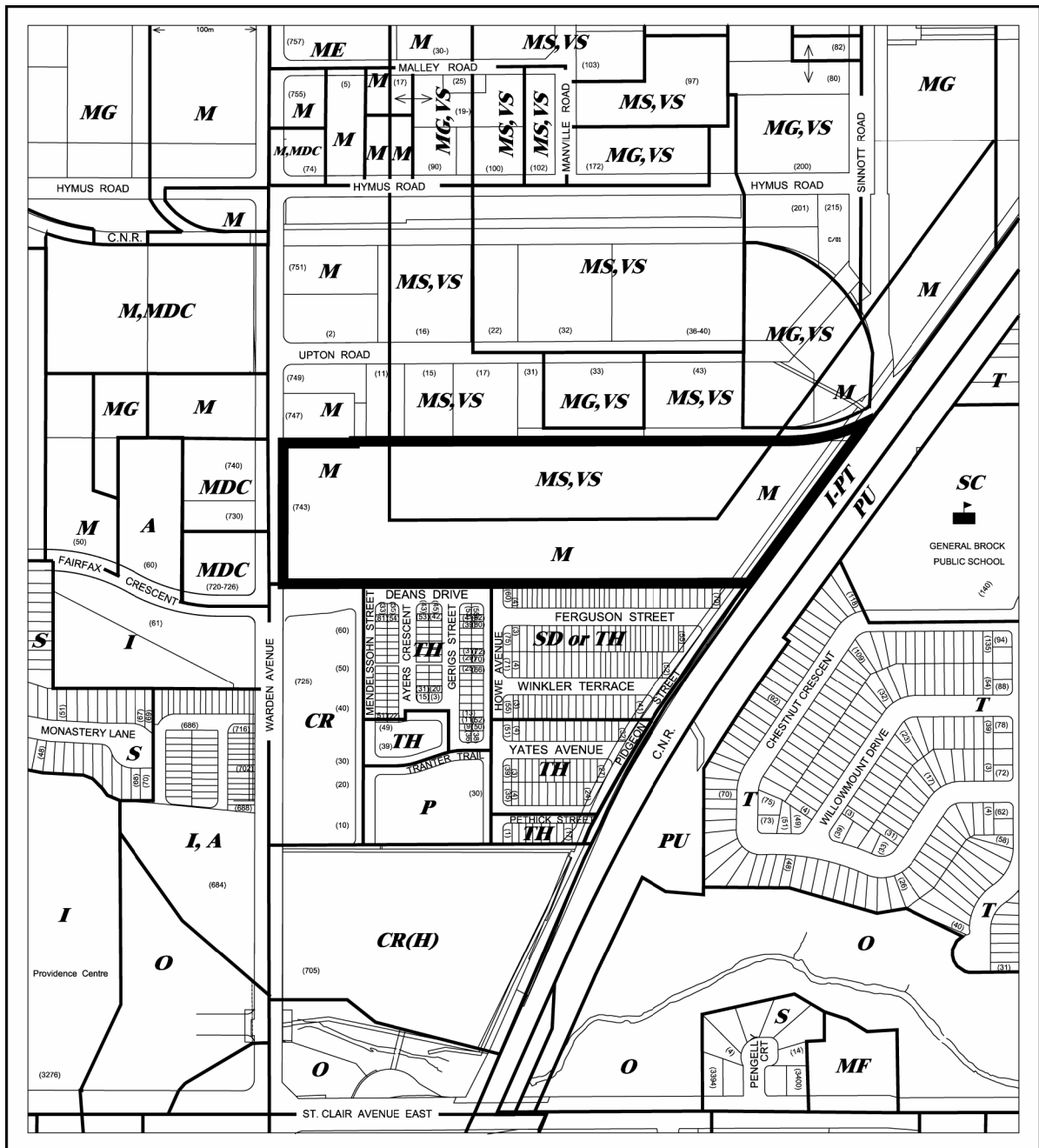
File # 08-194742 02

 Site and Area Specific Policy 129



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10/21/08

Attachment 8: Zoning



Toronto City Planning
Division
Zoning

743 Warden Avenue
File # 08-194742 0Z

M Industrial Zone
MDC Industrial District Commercial Zone
ME Mixed Employment Zone
MG General Industrial Zone
MS Special Industrial Zone

VS Vehicle Service Zone
I-PT Institutional - Public Transit Zone
S Single - Family Residential
SD Semi - Detached Residential Zone
TH Townhouse Residential Zone

T Two-family Residential
MF Multiple - Family Residential
A Apartment Residential
CR Commercial / Residential Zone
(H) Holding Provision

I Institutional Uses
O Major Open Spaces
PU Public Utilities
SC School

Not to Scale
09/08/08

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	08 194742 ESC 35 OZ
Details	Rezoning, Standard	Application Date:	August 18, 2008

Municipal Address:	743 WARDEN AVE
Location Description:	CON C PT LOT 31 PT LOT 32 RP 64R3068 PART 1 **GRID E3502
Project Description:	To permit retail/commercial development with a total gross floor area of 7,322 square metres on the portion of the site fronting on Warden Avenue, and to determine the scope and scale of the industrial uses permitted on the interior of the site.

Applicant:	Agent:	Architect:	Owner:
GUY D'ONOFRIO			ZAHAVISH DOWNTOWN DEVELOPMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Site and Area Specific Policy 129
Zoning:	M, MS, VS	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	66423.1	Height:	Storeys:	1
Frontage (m):	0		Metres:	10
Depth (m):	0			
Total Ground Floor Area (sq. m):	24546			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	614
Total Non-Residential GFA (sq. m):	24546		Loading Docks	13
Total GFA (sq. m):	24546			
Lot Coverage Ratio (%):	36.95			
Floor Space Index:	0.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	7322	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	17224	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Ruth Lambe, Senior Planner
	TELEPHONE:	(416) 396-7037

Attachment 10: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend former City of Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District - East), as amended, with respect to the lands municipally known as 743 Warden Avenue.

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*;

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

1. **SCHEDULE “A”** of the Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District - East), is amended by deleting the current zoning, and substituting new zoning on the subject lands as shown on Schedule ‘1’, attached hereto and forming part of this By-law, together with the following letters and numerals:

CC-851-913-1060(n)-1640-1710-1852-2029-2053-2054

141

226

840

M-852-992-1060(n)-1078(s)-1640-1710-2029-2051-2052-2053

142

840

2. **SCHEDULE “B”**, of the Employment Districts Zoning By-law No. 24982, **PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

MISCELLANEOUS

851. Maximum **gross floor area** of 620.0 square metres if a **driveway** to Deans Drive is not provided. If a **driveway** to Deans Drive is provided, maximum **gross floor area** of 6,200.0 square metres.
852. Maximum **gross floor area** of 18,500.0 square metres.

SIDE YARD

1060(n). Minimum **side yard** setback 9.0 metres.

1078(s). Minimum **side yard** setback: 3.0 metres within 190.0 metres of the **street line** of Warden Avenue abutting Deans Drive which shall be used only for **landscaping** and vehicular access, and 6.0 metres beyond 190.0 metres of the **street line** of Warden Avenue, which shall be used only for **landscaping**.

MISCELLANEOUS

2051. **Financial Institutions, Restaurants, and Drive-through Facilities** in combination with **Financial Institutions** shall only be located within 190.0 metres of the Warden Avenue **street line**. All other permitted uses except Offices (excluding Medical and Dental Offices) are required to be more than 190.0 metres from the Warden Avenue **street line**.

2052. The **gross floor area** of all buildings located within 190.0 metres of the **street line** of Warden Avenue shall not exceed 1,200.0 square metres.

2053. Minimum number of **bicycle parking spaces**: the greater of 0.25 spaces per 100.0 square metres of **gross floor area** or 6 spaces per building.

2054. The **main wall** of all buildings along the **street yard** abutting Warden Avenue shall have a minimum length of 50.0 metres, and shall be setback a maximum of 7.0 metres.

3. **SCHEDULE “C”, of the Employment Districts Zoning By-law No. 24982, EXCEPTIONS LIST**, is amended by adding the following Exceptions:

ONLY THE FOLLOWING USES ARE PERMITTED

141. (a) On those lands identified as Exception 141, only the following uses are permitted:
- **Day Nurseries**
 - Business and Trade Schools
 - **Financial Institutions**
 - Offices
 - **Personal Service Shops**
 - Pet Grooming Establishments (excluding overnight boarding of animals)
 - Places of Entertainment
 - **Recreational Uses**

- **Restaurants**
 - Retail stores
 - **Service Shops**
142. (a) On those lands identified as Exception 142, only the following uses are permitted:
- **Drive-through Facilities** in combination with **Financial Institutions** only
 - Business and Trade Schools
 - **Financial Institutions**
 - **Industrial Uses**
 - Offices, excluding Medical and Dental Offices
 - **Recreational Uses**
 - **Restaurants**

OTHER

840. On those lands identified as Exception Number 840, the following provisions shall apply:
- (a) Any **driveway** accessing Deans Drive or Warden Avenue within 70.0 metres of Deans Drive shall have a **height restriction barrier** of 2.8 metres precluding any access or egress to or from Deans Drive, and to or from Warden Avenue within 70.0 metres of Deans Drive, by vehicles with heights in excess of 2.8 metres.

4. **CLAUSE IV**, of the Employment Districts Zoning By-law No. 24982, **DEFINITIONS**, is amended by adding the following definitions:

Bicycle parking space

means an area designed and equipped for the purpose of parking and securing a bicycle.

Height Restriction Barrier

shall mean a physical barrier used at a vehicle entrance to restrict the size (height) of vehicles that are able to use the entrance.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

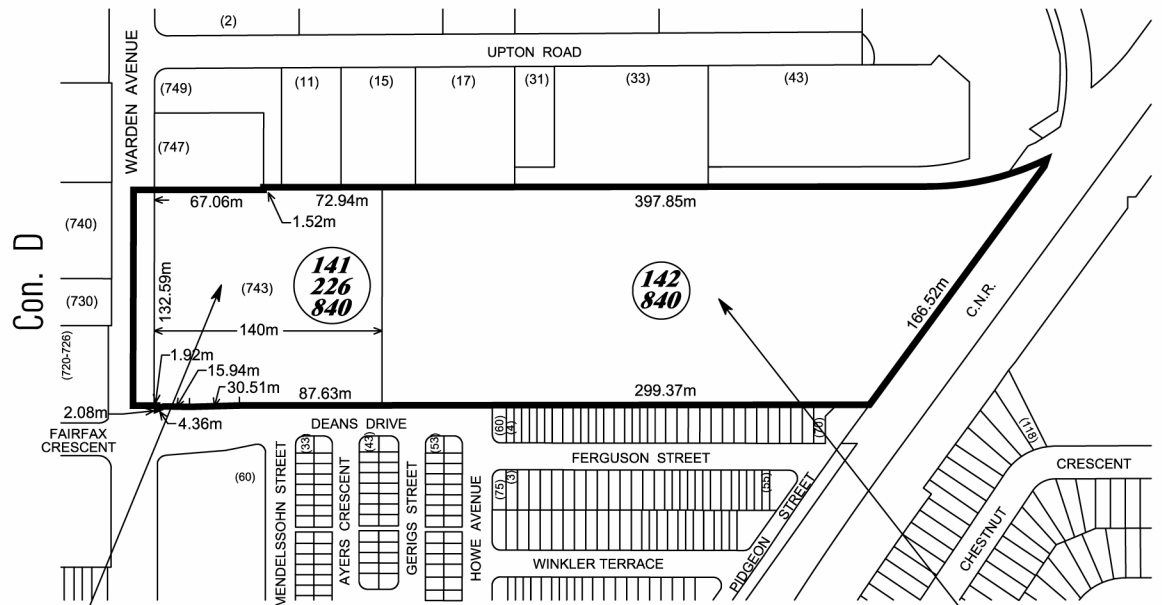
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 31



CC-851-913-1060(n)-1640-1710-1852-2029-2053-2054

M-852-992-1060(n)-1078(s)-1640-1710-2029-2051-2052-2053

Toronto City Planning Division
Zoning By-Law Amendment

743 Warden Avenue
File # 08-194742 0Z

 Area Affected By This By-Law

Golden Mile Employment District By-law
Not to Scale
05/22/09