

38 Estate Drive – Zoning Application – Final Report

Date:	April 16, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 38 – Scarborough Centre
Reference Number:	07 236958 ESC 38 OZ

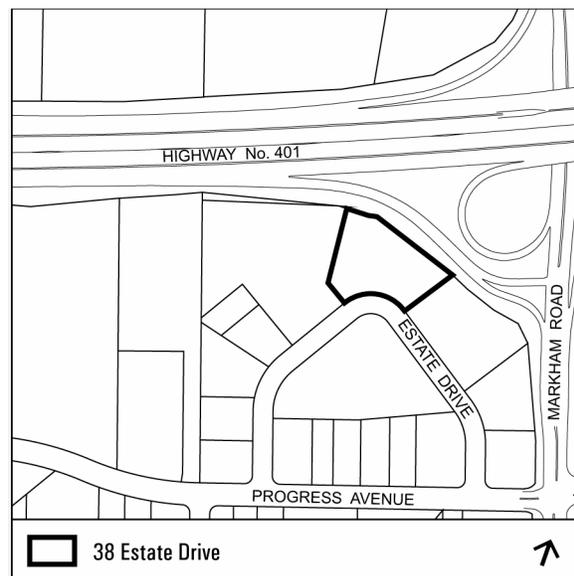
SUMMARY

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.

The application proposes the construction of a four-storey, 3,513 square metre, 64-suite hotel on the site of an existing four-storey, 95-suite hotel on the north side of Estate Drive, north of Progress Avenue and west of Markham Road. This application proposes to amend the zoning by-law to permit an increase in density, an increase in the number of hotel bedrooms and maximum total gross floor area for hotel use.

The proposed land use is consistent with the Employment Areas designation of the Official Plan, the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. The proposed addition of a second hotel on the site is compatible with surrounding development and appropriate at this location.

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 the Progress Employment District By-law No. 24982, substantially in accordance with the draft zoning by-law amendment in Attachment No. 5.
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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The site was previously subject to amendments to the official plan and zoning by-law, and site plan approval (Application Nos. TF ZBL 19990042, TF OPA 19990023 and TF SPC 20000039) to permit a four-storey, 95-suite hotel (existing) and a single storey, 585 square metre restaurant (not constructed).

This application proposes the construction of a new, four-storey, 64-suite hotel on a vacant portion of the subject site. In July 2006, the applicant applied to the Scarborough Committee of Adjustment for a minor variance (Application No. A171/06SC). The applicant requested variances from the current zoning by-law provisions that apply to the lands respecting maximum gross floor area for all buildings on site; maximum number of hotel suites; and maximum gross floor area of hotel use on site. On September 13, 2006, the Committee of Adjustment refused the application on the basis that the requested variances were a significant departure from the provisions of the zoning by-law and would be more appropriately reviewed and dealt with by way of a zoning by-law amendment.

ISSUE BACKGROUND

Proposal

In June 2007, the Owners filed an application to amend the zoning by-law. The application is to re-zone the lands to permit the construction of a second, four-storey hotel with 64-suites and a gross floor area of 3,513 square metres, on a vacant portion of the site that was previously approved for a single storey, 585 square metre restaurant. The applicant's current proposal does not include restaurant use.

Attachment No. 4, the application data sheet, contains relevant project information.

Site and Surrounding Area

The subject site currently contains a four-storey (95-suite) Best Western hotel on the west portion of the site. The east portion of the site is vacant and had been the proposed location of a restaurant. The property has a total site area of 9 598 square metres and is located on the north side of Estate Drive, north of Progress Avenue, west of Markham Road and south of Highway 401.

Surrounding land uses are:

North: Highway 401 (exit ramp and eastbound lanes);
South: Industrial uses (across Estate Drive);
East: Industrial Uses (Public Self-Storage); and
West: Hotel (Holiday Inn).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 2005 (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. Staff have reviewed the proposal and have concluded that it is consistent with the PPS and conforms with the Growth Plan for the Greater Golden Horseshoe. Among other matters, it will provide for an efficient development pattern and use of land, adequately address environmental issues associated with the redevelopment of this site, provide for employment opportunities, and utilize public infrastructure and services efficiently.

Official Plan

The Toronto Official Plan designates the property as "Employment Areas" on Map 20, Land Use Plan, which provides under Section 4.6.1 for uses such as office, 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.

Under Section 4.6.6 of the Official Plan, development is to contribute to the creation of competitive, attractive, highly functional Employment Areas by supporting the economic function of the Employment Areas and the amenity of adjacent areas; avoiding excessive car and truck traffic on the road system within the "Employment Areas" and adjacent

areas; providing adequate parking and loading on-site; and providing landscaping on the front and any flanking yard to create an attractive streetscape and screening parking, loading and service areas.

The site is identified as an Employment District on Map 2, Urban Structure of the Official Plan. The long term employment objectives of the Employment District apply to the site. Policy 1 of Section 2.2.4, of the Official Plan identifies the need to protect and promote these areas for economic activity in order to ensure, amongst other matters, a stable environment for investment and a healthy tax base; attract new and expand existing employment clusters that are key to Toronto’s competitive advantage; develop quality Employment Districts that are global and nurture Toronto’s diverse economic base; and provide a range of employment opportunities for Toronto residents that can be reached by means other than the private automobile.

The proposed development is consistent with the policies of the Official Plan.

Zoning

The site is zoned Industrial (“M”) in the former City of Scarborough Progress Employment District By-law No. 24982 (Attachment No. 3, Zoning Map). Permitted uses in the Industrial Zone include: day nurseries, educational and training facility uses, industrial uses, offices, excluding medical and dental offices, places of worship and recreational uses.

The property is subject to site specific zoning regulations that permit hotel uses subject to a number of provisions that limit the extent of the use.

Site Plan Control

The property is subject to site plan control. A related site plan control application has been submitted (File No. 06 143657 ESC 38 SA), and is currently being reviewed.

Reasons for Application

The current zoning by-law provisions that apply to the lands limit the maximum permitted gross floor area for all buildings on site; the total number of hotel suites permitted; and the maximum gross floor area of hotel use permitted on site. The applicant’s proposal exceeds these limits as noted below:

Zoning By-law Provisions	Current	Proposed
GFA for all buildings shall not exceed	0.6 times the lot area	0.87 times the lot area
Maximum number of hotel bedroom units	95	159
Maximum total GFA for Hotel use	4 879 m ²	8 392 m ²

The purpose of the rezoning application is to amend the development standards to permit the development of a second hotel on the site.

Community Consultation

A community consultation meeting was held on April 17, 2008. No members of the adjacent employment uses and no residents from nearby areas attended. No written submissions were received.

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 use of the subject lands for a hotel facility is appropriate and consistent with the City's Official Plan policies for this site. The site is zoned to permit the proposed hotel use. The zoning amendment being sought is to increase the maximum permitted gross floor area for all buildings on the site; the total number of hotel suites permitted; and the maximum gross floor area of hotel use permitted on the site. As with any development proposal, how well the proposal fits within the character and function of the surrounding area must be considered. Upon careful review of the proposal, staff conclude that it represents an appropriate intensification of the site. The proposal will add to the City's assessment and employment base. The zoning amendment will also provide for the full development of the site, which is a prominent parcel of land with excellent visibility from Hwy 401. It will enhance the Progress Employment District, providing additional needed animation to the Estate Drive frontage, and ensuring the efficient use of land, resources, infrastructure and service facilities.

The proposed development is compatible with surrounding development and is appropriate for this area. The draft zoning by-law will put a cap on the density and hotel bedroom count.

Site Design

As noted above, the subject parcel is in a prominent location, with excellent visibility from Hwy 401. The site design achieves additional attractive building presence on the street.

As part of the site plan control application process, Planning staff will continue to work with the applicant to satisfactorily address site planning details pertaining to landscaping, building design and site lighting.

Traffic Impact, Access, Parking

A Traffic and Parking Study prepared by Paradigm Transportation Solutions was submitted in support of this application. According to their findings, the traffic impacts of the proposed development will have a negligible impact on the surrounding road network. The study did identify that existing streets in the local area already

accommodate significant volumes of peak hour traffic and are heavily utilized. As such, as part of any future site plan approval, the applicant will be required to provide securities for the provision of traffic control signal plant at the intersection of Progress Avenue and Estate Drive (west leg) should it be warranted in the future resulting from increased traffic volumes generated by this development. In this regard, the City will be monitoring this intersection for five years from start of operation of the proposed hotel. The securities will be released at the end of the five year monitoring period if it is determined that the traffic control signal plant is not warranted.

Currently, the existing hotel provides 97 parking spaces. The proposed development will provide an additional 63 parking spaces, for a total of 160 parking spaces, which meets the parking guidelines for hotels.

No changes to the existing two-way driveway connection on Estate Drive are proposed.

Servicing

The applicant has submitted a municipal servicing report in support of the proposal. The report and associated servicing drawings have been reviewed by relevant City Divisions, including the Technical Services Division.

The appropriate municipal servicing for the proposed development is available and in accordance with City of Toronto standards.

Tree Preservation and Plantings

An arborist report and related plans have been submitted in support of this application. There are no trees that qualify for protection under the Private Tree By-law involved in this application. Urban Forestry has no objections to the zoning by-law amendment.

The applicant is proposing to plant a total of 32 trees, 27 of which are on private property and five of which are on City property. Urban Forestry finds the species and sizes of the trees acceptable, however, some of the proposed planting locations may need to be modified depending on the location of existing trees, other surface features such as the new sidewalk and existing or proposed underground or above ground utilities, all of which have not been adequately shown on the plan. These issues and any others, will be resolved as part of the site plan review process.

Toronto Green Standard

The City's Green Development Standard encourages the use of "green" development techniques with an aim to promote sustainable development. As part of site plan control review, staff will pursue opportunities to include the use of local materials, urban heat island reduction with the use of light coloured roofing materials and additional tree plantings.

Development Charges

Under the current Development Charges By-law hotels are exempt. However, under the new Development Charges By-law, which will come into force on May 1, 2009, it is estimated that the development charges for this project will be \$79,989.13. 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: kdynes@toronto.ca

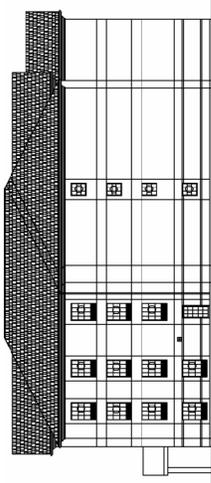
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

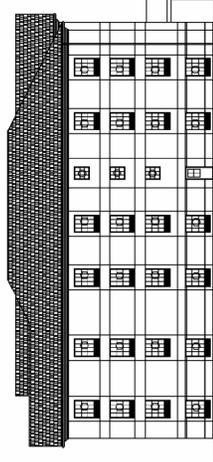
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

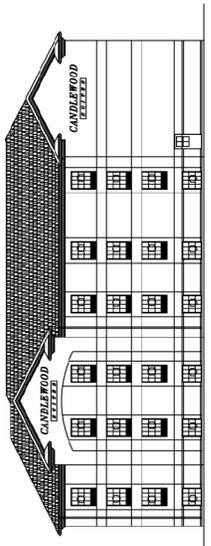
Attachment 2: Elevations



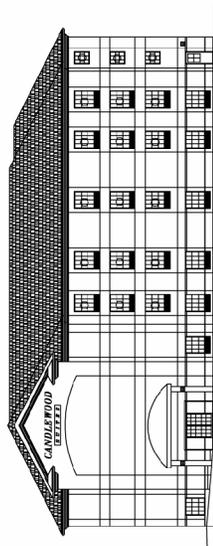
East Elevation



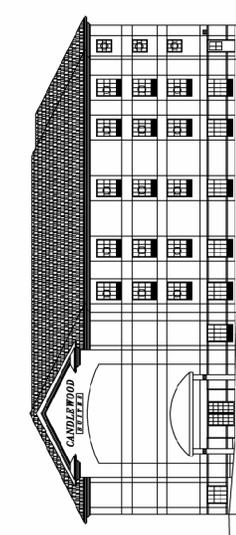
West Elevation



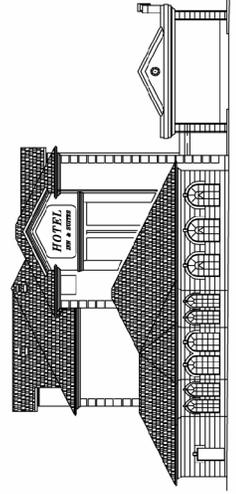
North Elevation



South Elevation
(Estate Drive)



Proposed Hotel



Existing Hotel

South Elevation (Estate Drive)

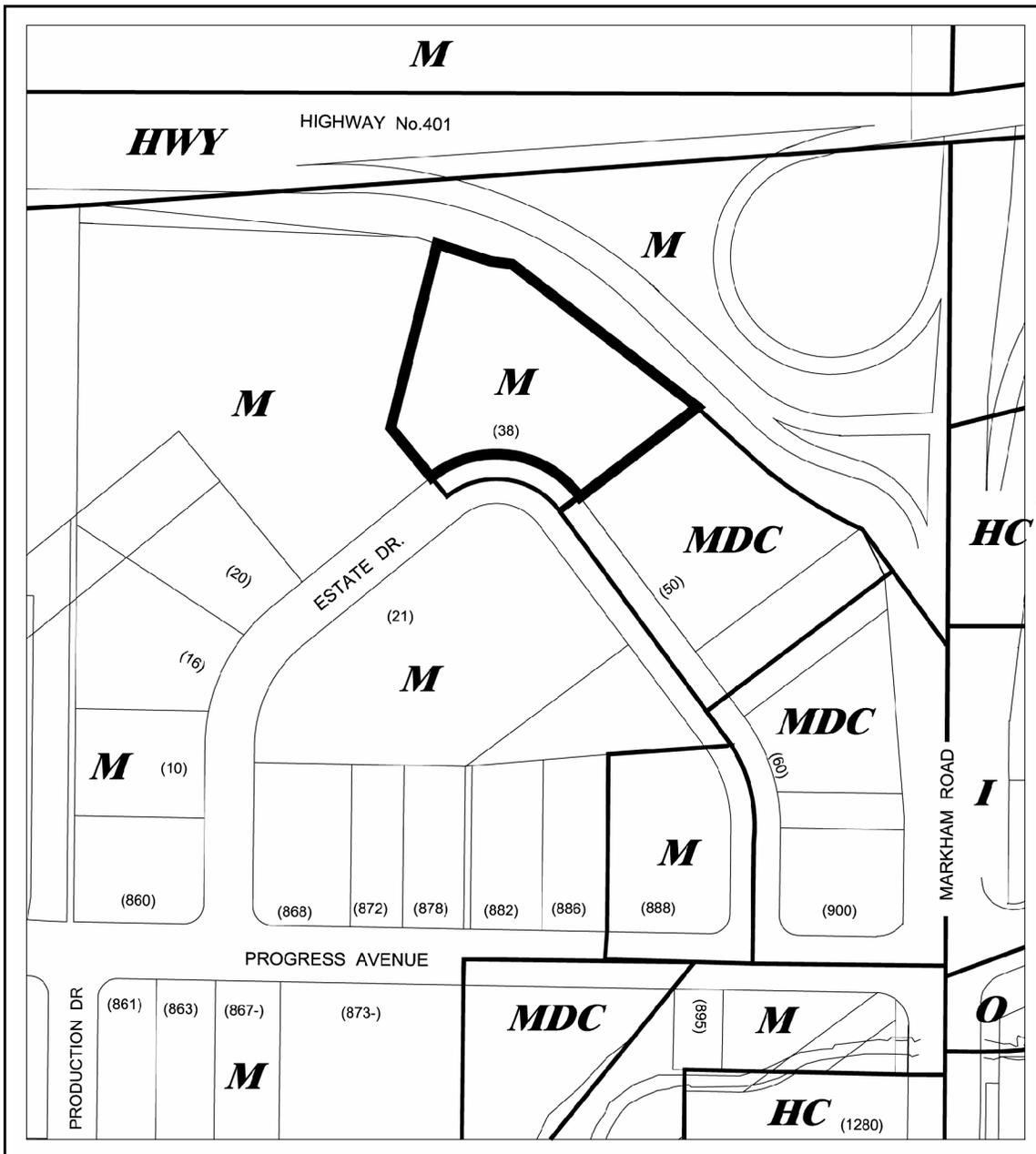
38 Estate Drive

Elevation Plan
Applicant's Submitted Drawing

Not to Scale
7/18/07

File # 07-236958 0Z

Attachment 3: Zoning



Toronto City Planning
Division
Zoning

38 Estate Drive
File # 07-236958 0Z

M Industrial Zone
MDC Industrial District Commercial Zone
HC Highway Commercial Zone
O Open Spaces Zone

I Institutional Zone
HWY Highway Zone

Progress Employment District By-law
Not to Scale
7/18/07



Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	07 236958 ESC 38 OZ
Details	Rezoning, Standard	Application Date:	June 26, 2007

Municipal Address: 38 ESTATE DR

Location Description: PLAN 10620 RCP PT LOT 7 NOW RP64R16286 PART 3 PLAN M839 PT BLK G,H
NOW RP66R18357 PART 5 **GRID E3802

Project Description: Seeking approval for the construction of a 4 storey suites hotel development with frontage on Estate Drive

Applicant:	Agent:	Architect:	Owner:
WESTON CONSULTING GROUP INC			ENA HOSPITALITY CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	Industrial	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	9598	Height:	Storeys:	4
Frontage (m):	77.76		Metres:	14.3
Depth (m):	73			
Total Ground Floor Area (sq. m):	2442			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	160
Total Non-Residential GFA (sq. m):	8392		Loading Docks	0
Total GFA (sq. m):	8392			
Lot Coverage Ratio (%):	25.4			
Floor Space Index:	0.87			

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):	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):	8392	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Kelly Dynes, Planner
	TELEPHONE:	416-396-4250

Attachment 5: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the Employment Districts Zoning By-law No. 24982, as amended with respect to the Progress Employment District, with respect to lands municipally known as 38 Estate Drive

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 (Progress Employment District) is amended by deleting the current zoning provisions for the lands municipally known as 38 Estate Drive and replacing them with the following zoning provisions as shown on Schedule ‘1’ attached hereto and forming part of this by-law:

M – 16 – 340 – 341 – 342 – 913 – 1054 – 1182 – 1409 – 1444 – 1640 – 2029

437

2. **SCHEDULE “B”, PERFORMANCE STANDARDS CHART**, is amended by deleting the text contained in Performance Standards Nos. 340 and 341 and replacing them with the following new text so that Performance Standards Nos. 340 and 341 now read as follows:

INTENSITY OF USE

340. Maximum number of hotel bedroom units is 159.

341. Maximum total gross floor area of all Hotels shall not exceed 8392 square metres.

3. **SCHEDULE “B”, PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standard:

1444. Parking spaces shall have minimum dimensions of 2.6 m by 5.4 m.

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

DAVID R. MILLER,
Mayor

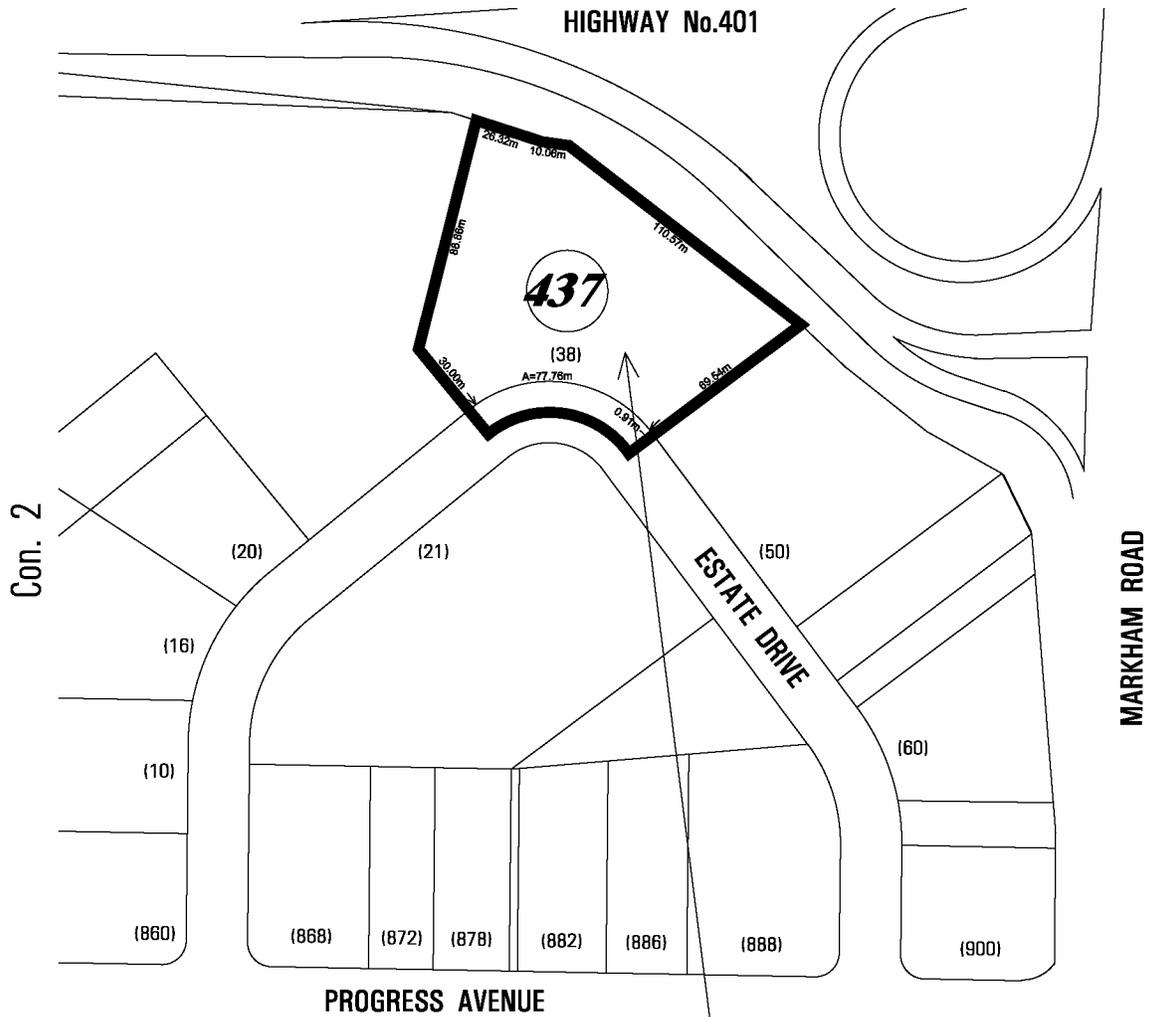
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 19

HIGHWAY No.401



M-16-340-341-342-913-1054-
1182-1409-1444-1640-2029



Zoning By-Law Amendment

38 Estate Drive

File # 07-236958 OZ

 Area Affected By This By-Law

Progress Employment District Bylaw
Not to Scale
4/20/09

