

Finnerty, Chrisanne

From: Daniel Berholz <dan@rosecorp.com>
Sent: June-23-14 5:04 PM
To: Brouwer, Andrew; Finnerty, Chrisanne
Cc: 'Brad Rogers (brad@groundswellplan.com)'; Shelton, Bob; Unger, Jason; Nethery, Rick; Basso, Dino; Matthew Fishman; Plaunt, Marion
Subject: 212 Davis - Secondary Plan - Notice To Remain on the Record Prior to Tonight's Council Meeting

Andrew/Chrisanne,

I will not be attending tonight's meeting so I will not be giving a deputation regarding the Secondary Plan issues outlined on the agenda (OPA #10 and #11).

That being said, I wanted to ensure that we remain on the record about the concerns I voiced at the Committee of the Whole meeting last week, along with the emails sent to the planning department (below).

These issues specifically relate to the two private road/lanes on Schedule #5 – Street Network. (Pages 64 and 79 on tonight's agenda) which we have asked be removed as they conflict with the feasibility of our Site Plan.

Please specifically note that the on page 79, the agenda only refers to an objection with the "east-west private street connection and the lands to the west, and to the width of the private streets and lanes".

I want to be sure it is added to the record that we are also objecting to the north-south street connection (from Davis to future Calgain Extension). This north-south "connection" IS shown in our Site Plan submission as part of our driveway and parking drive aisle area (so our future residents will have access to both streets), but we don't want this connection to be perceived as a road/lane or "public" thoroughfare since the properties overall width can only support the dimension of a typical parking lot drive aisle (6.7 m).

Proposed Solution Options

Of note, I see that the Park and Open Space designation for our neighbour 230 Davis Drive (Pages 77 and 89) has been "deferred" (under Section 16) to allow sufficient time to continue the dialogue with the Town toward a mutually agreed upon resolution.

I request that council consider treating our issue in the same fashion and including this type of language (or something similar) within the Secondary Plan to deal with our issue outlined above.

This mechanism could provide Town staff the time they need (as noted below in Marion's emails) to analyse the Site Plan submission further while providing us the comfort, within the confines of the approved Secondary Plan, to know that we will work with the Town towards a mutually acceptable solution.

We believe this to be a more fulsome interim solution than council simply passing the Secondary Plan, as is, and later going back to make changes before or during the Regional review process.

If council has other suggestions to achieve the same end, we would appreciate something being documented prior to the approval of the Secondary Plan by the Town (tonight).

I appreciate your consideration.

Regards,
Dan

From: Plaunt, Marion [mailto:mplaunt@newmarket.ca]

Sent: June 19, 2014 5:52 PM

To: Daniel Berholz

Cc: 'Brad Rogers (brad@groundswellplan.com)'; Shelton, Bob; Unger, Jason; Nethery, Rick; Basso, Dino; Matthew Fishman

Subject: RE: 212 Davis - Secondary Plan - Follow Up to Monday Night Public Session

Hi Dan:

Further to our telephone conversation, I am copying the policy below with highlights to reiterate that the final location of the connecting private roads will be considered with your application.

As discussed, we have not finalized our technical review of your application. Should the review of your application warrant any modifications to the Transportation Schedule there is ample time before the Region will be making a decision to request any refinements to the Secondary Plan that may be warranted.

I assure you that the Town is committed to working with you to resolve this issue in a timely manner.

I look forward to seeing you tomorrow at the Make Rental Happen Symposium.

Regards,

Marion

- i. The **final location**, configuration, **design**, width or **alignment** of public and private streets **shall be determined by the Town at the time of application for development** subject to a Traffic Impact Report, prepared by the applicant to the satisfaction of the Town and, where applicable, York Region. Changes to the location, configuration, width, **design** or alignment of new **public and private** streets identified in Schedule 5 will not require an amendment to this Plan provided that the general intent and purpose of this Plan are maintained.
- i. Private roads/lanes identified **on Schedule 5** will **generally** be designed with **minimum mid-block** rights-of-way of approximately 16 metres. **Any reductions in the planned width would require demonstration, to the satisfaction of the Town, that the planned function of the private street for vehicular and pedestrian access will be achieved.**



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From: Daniel Berholz [<mailto:dan@rosecorp.com>]

Sent: Thursday, June 19, 2014 1:02 PM

To: Plaunt, Marion

Cc: 'Brad Rogers (brad@groundswellplan.com)'; Shelton, Bob; Unger, Jason; Nethery, Rick; Basso, Dino; Matthew Fishman

Subject: RE: 212 Davis - Secondary Plan - Follow Up to Monday Night Public Session

Marion,

Your solution, if I understand it correctly is NOT to change the document but simply insert a note in your report and retain the roads in the "Newmarket Approved" version of the Secondary Plan.

Irrespective of the definitions you set out below and we are NOT satisfied with the comfort this solution provides.

We respectfully request that you to modify the secondary plan, within your report, to remove both private roads/lanes on the property from Schedule 5 of the secondary plan and present this modification to council before Monday's vote. I believe that this action would line up with Rick's comments on Monday after my deputation.

Town staff have had our plan since April and I believe you are clear on our intensions. By now staff must have completed at least a preliminary analysis since you indicated on Monday that the delayed (originally due June 6th) engineering comments should will provided by tomorrow at the latest.

I do not see the relevance of the 2002 Bridon Baker application in this discussion.

We find this very disappointing in light of what we are trying to achieve here. We completely understand the importance of what the Town is trying to achieve with the street network, however, pushing this concern off to the Regional level of approval, in our opinion, is completely unnecessary, and will likely require the involvement of a municipal lawyer on our side which will waste further funds and time for all involved.

I ask that you complete your analysis today (in the context of the engineering comments) and confirm that our 6.7 m parking lot driveways are satisfactory and that you are not planning to have the public traverse through our parking lot as part of the Town's street network.

To be clear, refusing to remove these private roads/lanes will undermine the feasibility of our plan. We do not want to have to come back to council or regional council to request a reduction in width from 16 m to the 6.7 m – we simply want them removed now with an acknowledgment that the areas indicated will be part of our parking lot and not publicly used road. As noted Monday, we have every intension of supporting the proposed public road at the back under the conditions in the council approval in November 2013 (in exchange for DC credits).

The Town needs to decide if they want to "Make Rental Happen" or if they want to place unnecessary roadblocks in our way. We are trying to be as transparent as possible in this process and appreciate the support but we really don't understand why this cannot be finalized before the approval next week.

Please help me understand what needs to happen between now and council approval to have these private roads/lanes removed from the Secondary Plan.

Thank you,
Dan

From: Plaunt, Marion [<mailto:mplaunt@newmarket.ca>]

Sent: June 18, 2014 5:55 PM

To: Daniel Berholz; Nethery, Rick
Cc: 'Brad Rogers (brad@groundswellplan.com)'; Shelton, Bob; Unger, Jason
Subject: RE: 212 Davis - Secondary Plan - Follow Up to Monday Night Public Session

Hi Dan:

I am also reminded that when Council considered the original application (Bridon Baker) an access to Deerfield was one of the requirements, but we can have a conversation tomorrow.

Regards,

Marion



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From: Plaunt, Marion
Sent: Wednesday, June 18, 2014 5:22 PM
To: 'Daniel Berholz'; Nethery, Rick
Cc: 'Brad Rogers (brad@groundswellplan.com)'; Shelton, Bob; Unger, Jason
Subject: RE: 212 Davis - Secondary Plan - Follow Up to Monday Night Public Session

Hi Dan:

Rick has asked that I respond to your request. I have drafted the following analysis for inclusion in my staff report. I think that it would be premature to modify the street pattern without a proper analysis of your application. We **will** be able to complete that analysis between now and when the Region is prepared to make a decision so we have lots of time to sort this out as we review your application

The application, recently filed with the Town has not been finally considered by the reviewers and staff. Nor has it been the subject of a public meeting or consideration by Council the application, recently filed with the Town has not been finally considered by the reviewers and staff. Nor has it been the subject of a public meeting or consideration by Council.

This mid-block east -west connectivity is important to the operation of the transportation network. Until a comprehensive review has been undertaken with respect to the proposed application, and public input has been received, it is premature to modify the Secondary Plan Schedule. There is sufficient time between the adoption of this Plan and the final decision by the Region of York, which is anticipated in the new year (2015) for a comprehensive review of the network relative to the current application and resolution of this issue.

For the above reasons staff recommends no changes to Schedule 5 Transportation Network, at this time.

Regarding your concern about width, the following policies should provide some comfort.

- i. The final location, configuration, **design**, width or alignment of public and private streets shall be determined by the Town at the time of application for development subject to a Traffic Impact Report, prepared by the applicant to the satisfaction of the Town and, where applicable, York Region. Changes to the location, configuration, width, **design** or alignment of new **public and private** streets identified in Schedule 5 will not require an amendment to this Plan provided that the general intent and purpose of this Plan are maintained.
- i. Private roads/lanes identified **on Schedule 5** will **generally** be designed with **minimum** *mid-block* rights-of-way of approximately 16 metres. **Any reductions in the planned width would require demonstration, to the satisfaction of the Town, that the planned function of the private street for vehicular and pedestrian access will be achieved.**

I do hope this is helpful and happy to discuss tomorrow afternoon.

Regards,

Marion



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From: Daniel Berholz [<mailto:dan@rosecorp.com>]

Sent: Wednesday, June 18, 2014 2:59 PM

To: Nethery, Rick

Cc: 'Brad Rogers (brad@groundswellplan.com)'; Shelton, Bob; Plaunt, Marion; Unger, Jason

Subject: 212 Davis - Secondary Plan - Follow Up to Monday Night Public Session

Rick,

As a follow up to your supportive comments after my deputation on Monday evening I would like to hear more about your plan to deal with the private road/lane issues I raised.

Are you available for a call this afternoon or first thing tomorrow to discuss?

Alternatively, you or Marion could you send me your proposed resolution by email first and then we can review by phone tomorrow.

I'm out all day Friday and would prefer not to leave it to the 11th hour.

Thanks

Dan