



DEVELOPMENT AND INFRASTRUCTURE SERVICES – PLANNING DIVISION
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

July 21, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES –
PLANNING REPORT 2014-32**

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Amendment
212 Davis Drive
Green and Rose Developments Inc.
File No: D 14-NP-14-04

ORIGIN: Application Submitted to the Planning Department

RECOMMENDATIONS

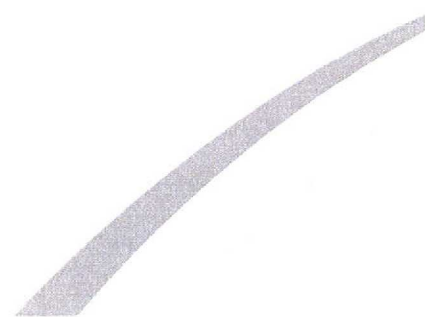
THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2014-32 dated July 21, 2014 regarding Proposed Zoning By-law Amendment Application D 14-NP-14-04 be received and that the following recommendations be adopted:

1. THAT the application for a Zoning By-law Amendment submitted by Green and Rose Developments Inc. for lands municipally know as 212 Davis Drive, be referred to a public meeting;
2. AND THAT following the public, the issues identified, together with comments from the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
3. AND THAT Brad Rogers of Groundswell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, Ontario L4B 3K1 be notified of this action.

COMMENTS

1. Purpose of the Report

The purpose of this report is to recommend that the above noted application for a Zoning By-law Amendment to permit a 15 storey, 225 unit rental apartment building at 212 Davis Drive be referred to a public meeting.



2. Location and Site Description

The subject property is located on the south side of Davis Drive, approximately mid-distance between Parkside Drive and Lorne Avenue and is municipally known as 212 Davis Drive. The property has an area of 0.9731 ha (2.4 acres), a frontage of 49.85 m (163.55 ft.) on Davis Drive and a depth of 193.5 m (634.84 ft.). The property is currently vacant.

A tributary of the Western Creek traverses the frontage of the property in an open channel. A small drainage swale located on the south-west corner of the property drains the subject property and the adjoining properties to the west. The property has been previously filled and as a result is generally higher in elevation than the surrounding landscape.

The surrounding land uses are:

- East: the property adjacent and to the east is owned by Newmarket Church of Christ (230 Davis Dr.), and the existing development is a church and associated parking lot. This property is identified in the Newmarket Urban Centre Secondary Plan as Parkland. East of 230 Davis Drive are 5 apartment buildings varying in height in the range of 9 -10 storeys.
- South: a small drainage swale and the rear yards of the adjacent residential subdivision that fronts on Queen Street
- West: a mix of commercial and industrial uses that have access onto Deerfield Road and Davis Drive
- North: Davis Drive and on the north side of Davis Drive a number of vacant parcels.

See attached **Location Map**.

3. Proposal

Green and Rose Developments Inc. has submitted an application for a Zoning By-law Amendment to permit a 45.11 m (15) fifteen storey rental apartment building containing approximately 225 units and having a gross floor area of 17,923 m² and a density of 1.836 FSI.

The Zoning By-law Application proposes to increase the density, height, and front yard setback beyond what is provided for in the current zoning by-law.

The primary access is proposed onto Davis Drive as a joint access and is located at the current driveway to the adjacent property to the east, 230 Davis Drive, owned by Newmarket Church of Christ.

A secondary access is proposed to be provided to the proposed public Minor Collector identified in the Newmarket Urban Centres Secondary Plan (adopted June 23, 2014) and located across the rear of the subject property. This secondary access is currently proposed through the proposed parking structure. No vehicular or pedestrian connectivity is proposed to the east or the west.

See attached **Streetscape & Landscape Plan**.

The complete set of plans and supporting documents filed in support of this application can be viewed through the following link to the Town's web site:

<http://www.newmarket.ca/en/townhall/plannotic.asp#212davisdrive>

4. Related Applications

a) Consent Application

A consent application has been filed to sever the subject lands (212 Davis Drive) from the adjoining lands to the west (175 Deerfield Road). A conditional approval was granted February 19, 2014. The conditional approval is valid until February 26, 2015.

b) Site Plan Application D11 NP 14 04

Concurrent with the filing of the Zoning By-law Application, a Site Plan Application has been filed. Once the Zoning By-law application is advanced to the appropriate stage, the Site Plan Application will be processed.

c) Deferral of Development Charges

In the fall of 2014, the Town of Newmarket and the Region of York both supported a 36 month deferral of the development charges in support of purpose built market rental with approximately 56 affordable housing units, as a pilot project at 212 Davis Drive. This application has been submitted in response to the Town and Regional support and is regarded as providing a much needed contribution to the rental stock in Newmarket and the Region as a whole.

The Town also agreed to defer the Planning Application fees and the Building Permit fees for the same time period, with no Letter of Credit required.

Cash in lieu of parkland would also be deferred for the 36 months from the issuance of the Building Permit.

The agreement (under preparation) requires that the apartment remain as rental for a minimum of 20 years.

5. Preliminary Review

a) Newmarket Official Plan Considerations

The subject property is designated Urban Centre and is identified within the Yonge Street Regional Centre area. The Urban Centre designation permits a broad range of residential, commercial, office and institutional uses. Densities for residential uses are established in Section 4.4 as follows:

- a residential density of 30-125 units per net hectare;
- a maximum Floor Space Index (FSI) of 1.0 in Phase 1 (prior to the preparation of the Urban Centres Secondary Plan); and greater than 1.0 through appropriate studies;
- a target of approximately 60-250 persons and jobs per hectare in Phase 1 (Section 4.4 - Table 1).

Section 4.4.3 provides that increased densities from those identified above may be permitted through a zoning by-law amendment, provided supporting studies are submitted that demonstrate that the proposed

development will not create an unacceptable level of traffic, will be compatible with the existing surrounding development and in conformity with the intent of the applicable provisions of the Official Plan.

This application has provided the requisite studies (subject to the comments below) to support an increase in density in accordance with the above provisions.

The general policies of the Urban Centres also directs that:

- provide for a transition with Stable Residential Areas(Policy 4.2.2 b)
 - a safe pedestrian environment be provided(Policy 4.2.2 c)
 - provide good access and circulation(Policy 4.2.2 d)
 - a high quality of urban design(Policy 4.2.3)
 - provide maximum pedestrian, bicycle, vehicular connectivity and route choices(Policy 4.2.4)
- In addition, there are a number of other Official Plan policies that apply to the consideration of the form and function of the proposed zoning-by-law amendment application, including:
- Section 3.10.2 - Affordable Housing;
 - Section 12.0 - Urban Design and Compatibility Policies (including but not limited to urban design principles, vehicular and pedestrian connectivity, common areas, safety, sustainability in design, transit amenities, and urban centre character);
 - Section 16.1.6 Recreational needs and park dedication; and
 - Section 15.0, Transportation Network which includes accessibility and streetscaping.

The above is not meant to be an exhaustive list of the provisions of the Official Plan, but aims to illustrate several of the main considerations.

b) Region of York Official Plan

The subject property is designated “Urban Area” in the Region of York Official Plan. Several Regional policies apply and will be identified in part through Regional comments.

c) Growth Plan for the Greater Golden Horseshoe(Growth Plan)

The Growth Plan for the Greater Golden Horseshoe does not specifically designate the subject lands as they are outside the Provincial Urban Growth Centre, however, the general intensification policies apply. The Town's Official Plan is in conformity with the Growth Plan and provides for intensification as addressed above. The recently adopted Secondary Plan addresses the intensification policies of the Growth Plan and the Regional Plan in detail.

d) The Big Move - Regional Transportation Plan

The subject property is located on the Rapid Transit way along Davis Drive and is between two mobility hubs identified at the Go-train station and the at the Yonge Davis Provincial Urban Growth Centre. The proposed development proposes additional density to sustain the investment in rapid transit and is within walking distance of the Yonge Davis Anchor Hub.

e) Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with the PPS. The proposed Zoning By-law Amendment is impacted by a number of provisions including Section 1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns, Section 1.4 Housing, Section 2.2 Water with respect to protecting the quality and quantity of municipal drinking water and Section 1.8 Energy and Air Quality with respect to promotion of alternative and renewable energy. Subject to the issues below, consistency with the PPS is expected to be achievable.

f) Official Plan Amendment 10 - Newmarket Urban Centres Secondary Plan (Secondary Plan) - Adopted June 23, 2014

Through the consideration of this application, regard should be had to the policies of the Secondary Plan, including but not limited to, the density and height policies, rental and Affordable and Rental Housing (Policy 6.4.3 & 4), Urban Design and Sustainability (Policy 7.0), Block Structure and Street Network (Policy 8.0), Transportation and Mobility(Policy 9.0), Parks, Open Space and Natural Heritage (Policy 10.0), and Servicing, including underground hydro facilities (Policy 13.0).

The Secondary Plan has deferred the two Private Roads/Lanes identified on Schedule 5 – Street Network, to allow for the details of their location to addressed through this application.

The portion of the property proposed to contain the 15 storey (45.11 m high) apartment is within the Medium-high Density designation on Schedule 4: Height and Density. The southern portion of the property proposed for an above ground parking structure is within the Medium Density designation. The height of the proposed apartment is 45.11(15 storeys) while the proposed density is 1.836 FSI. The proposed height is within the height range that is Discretionary and subject to bonusing in the Secondary Plan, while the density is within the permitted density of 2.0 FSI for the Medium-high designation.

An agreement with the Region and the Town will be required to address the appropriate provisions that warrant an increase in density and height beyond the current Zoning provisions and the intent of the Secondary Plan, e.g., purpose built rental, affordable housing, public road dedication, parkland, road and pedestrian connectivity, etc.

The list of additional policies of the Secondary Plan identified above will also be considered in the assessment of this application.

g) Official Plan Amendment 11 - Newmarket's Active Transportation Network -Adopted June 23, 2014

Through the consideration of this application, regard should be had to the policies and Schedules of OPA # 11, the Active Transportation Network.

The Active Transportation Network identifies a Primary Off-Road linkage in the vicinity of the subject property(212 and 230 Davis Drive). This part of the Active Transportation Network provides an integral link between Haskett Park and the existing neighbourhood to the south, through to Davis Drive. The final

location of this connection should be addressed to the greatest extent possible in conjunction with this application.

Davis Drive is also identified as a Primary Active Transportation Network within the Right-of-Way in conformity with the Regional Cycling Network in the Regional Official Plan (Map 10) and the Town's Official Plan (Schedule D On-Street Bike Lane Plan). However, the provision for a cycling facility and widened sidewalks on Davis Drive cannot be achieved within the current regional right-of-way. The additional land required to provide the necessary space to accommodate the cycling facility and wider sidewalks at the ground level is proposed to be secured through the provision for additional land along the Davis Drive right-of-way for the future burying of the Hydro services provided for through the Town's Secondary Plan. Therefore, the zoning application will need to consider and address the required setbacks from Davis Drive to ensure there is sufficient space for the future burying of the hydro and associated utilities and the associated surface considerations e.g., wider sidewalks and cycling facility. The dedication of the land and/or an easement for the additional land should form part of the agreement with the applicant.

6. Comments Received (July 9, 2014)

Region of York – Supports the principle of the zoning by-law application and indicates that the following issues be addressed at the site plan stage final site servicing, hoarding and crane swing, grading and landscaping, erosion control, etc.

The following technical issues have also been identified.

- A Draft 65R-Plan is required to show the access easement and interconnection between the subject property and the adjacent property to the east (230 Davis Dr.).
- That the shared access be confirmed as a right-in/right-out access and is consistent with the YRRTC detailed design.
- Provision for sidewalks along the proposed shared right of way with 230 Davis Dr.
- Provision for a connection to the west property limit to allow for access to a future extension of Deerfield Drive should be provided.
- Specific measures be included to support active transportation and public transit e.g., internal and external shared pedestrian and cycling connections, bicycle parking and reduced parking rates.
- Internal vehicular circulation and pickup areas is required to provide continuous flow-through circulation for YRT/Viva Mobility Plus specialized vehicles as these vehicles do not manoeuvre in a reverse direction.
- There is no objection in principle to the development at this time from a water resource impact perspective, however, potential water quality and quantity threats to the municipal water supply is required to be identified and a Source Water Impact and Assessment Mitigation Plan submitted and approved by the Region prior to Site Plan approval.
- In accordance with policy 2.3.37 of the York Region Official Plan Low Impact Development (LID) measures including but not limited to rainwater harvesting, phosphorous reduction, constructed wetlands, bioretention swales, green roofs, permeable surfaces, clean water collection systems, and the preservation and enhancement of native vegetation.

Newmarket Engineering Services – Review under consideration.

Newmarket Building Services - no concerns with the Zoning Bylaw Amendment Application.

Lake Simcoe Region Conservation Authority – Review is under consideration of the Functional Stormwater Management Report, the Streetscape & Landscape Plan and Landscape Elevations.

The Authority advised that:

- the Zoning By-law be subject to the Floodplain and Other Natural Hazards Zone and their appropriate buffers being applied as it relates to the watercourse across the frontage of the property (watercourse and erosion hazards);
- the owner obtain an agreement from the adjacent owner (175 Deerfield Road) to permit the relocation of the drainage feature to the adjacent property;
- it is the responsibility of the applicant to obtain the necessary approvals from the Federal Department of Fisheries with respect to any alteration of the watercourse that traverses the frontage of the property.

North-South Environmental (Environmental Peer Reviewer on behalf of the Town) -

- there are no significant outstanding natural heritage issues;
- the re-alignment or the small watercourse onto the adjacent property will require the agreement of the adjacent landowner;
- technical updates to the Environmental Impact Assessment is required to more thoroughly address: other related reports (arborist report), features and functions including the trees and shrubs, surface and groundwater functions, etc., including clear representation of the features in the required reports.

Arborvalley Urban Forest Co. Inc. (Arborist Peer Reviewer on Behalf of the Town) –

- written permission is required from the adjacent landowner (175 Deerfield) before the Town can consider permission to remove trees from the adjacent property;
- calculations are required to identify the cm of all trees proposed to be removed and also the total cm of those trees proposed to be replaced in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy;
- trees impacted by the proposed bioswale need to be identified;
- clarification is required to address the impact of grading on trees identified as #60, 61, 63 and 64;
- The Grading Plan and the conclusions of the Arborists report appear in conflict and the apparent conflict is required to be addressed; and
- The tree inventory should be reviewed for accuracy and update.

Aiolos Engineering Corporation (Noise Peer Reviewer on behalf of the Town) –

- A detailed noise assessment is required (current assessment is considered a feasibility study only).
- The determination of noise levels from adjacent sources including Davis Drive are and the conclusion that no physical barriers are required, is acceptable.
- The recommendation that the day-time noise level exceedances from Davis Drive traffic be addressed through central air conditioning and appropriate warning clauses in the appropriate agreement with tenants is acceptable.
- The following two issues are required to be addressed:
 - Appropriate mitigation measure if the industrial uses to the west employ tanker trucks with blowers to supply resin to the plant silos.
 - The impact of truck traffic to and from the two main industries need to be addressed in the updated noise assessment.

York Region District School Board - no school site is required.

Central York Fire Services - CYFS has no objection to the application to amend the zoning by-law subject to the following:

- Site servicing plans shall detail all water supply mains and fire lines with sizes that ensure an adequate water supply for firefighting.
- The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed. (Drawings indicate ~38m from existing hydrant to sprinkler connection, but also indicates retaining wall c/w guard and landscape activities).
- Authorized signs shall be placed at the points of commencement and termination of the fire route, respectively, and at 23.0 metre intervals in between the said points of the commencement and termination.
- Where the fire route abuts the face of a building, fire route signs may be affixed to the face of the building at a minimum height of 2.0 metres, and a maximum height of 2.75 metres.
- Where the fire route abuts a sidewalk or landscaped area, fire route signs shall be erected on permanent posts at a minimum height of 2.0 metres, and a maximum height of 2.75 metres.

Enbridge - all costs of relocation services and/or easements will be responsibility of the applicant.

Bell - applicant is required to confirm that the communication/telecommunication infrastructure is proposed both to and within the proposed apartment to serve the residents and to deliver emergency management services; and indicates that the cost of connection to such services will be at the developer's expense.

7. Preliminary Issues

The following preliminary issues address matters that are of a design and/or are of a technical basis that may impact the location of the proposed building and therefore the provisions of the proposed Zoning By-law Amendment.

1. Connectivity - Has the proposed plan adequately addressed the pedestrian connectivity to the site from Davis Drive (sidewalks as required by the Region) or connectivity in conjunction with 230 Davis Drive for the Active Transportation Network linkage between Haskett Park and Davis Drive?
2. Parks and Open Space - Has the application adequately addressed Parks and Open Space, including Urban Squares?
3. Internal Vehicular Flow - Is the internal vehicular flow and access at Davis Drive appropriate to meet the Town and the Regional requirements, connectivity and fine grain grid, Mobility Plus vehicles, Emergency Services, moving and garbage pick-up, etc.?

4. Underground Hydro Facilities - Has the application made appropriate provision for the future burying of hydro and associated utilities and companion benefitting surface facilities e.g., wider sidewalks and cycling facilities on Davis Drive?
5. Grading - Is the proposed grading appropriate to ensure that there is appropriate grading transitions to the adjacent properties and connectivity to the proposed public Primary Collector identified in the Newmarket Urban Centre Secondary Plan located across the southern periphery of the subject property; and has suitable connectivity been provided to the development block adjacent and to the west?
6. Stormwater Management - Has the Stormwater Management Plan adequately addressed the provisions of the Regional Plan and the Secondary Plan including but not limited to Low Impact Development and other measures aimed at increasing infiltration, improving water quality and quantity, reducing flooding and connection to the appropriate stormwater receptor?
7. Floodplain, Natural Hazards and Fisheries - Has the application adequately addressed the requirements of the Conservation Authority and the Department of Fisheries and Oceans with respect to floodplain and other natural hazards and fisheries?
8. Urban Design and Sustainability - Have the applicable Urban Design and Sustainability considerations as set out in the Secondary Plan been given appropriate consideration, e.g., podium height, shadow impacts, outdoor amenity space, bird friendly practices, streetscapes and boulevards, energy and water conservation, etc.
9. Affordable and Rental Housing - Has the requirements of the Regional Plan and the provisions of the Secondary Plan been appropriately address through the necessary provisions for agreement(s) to address rental and affordable housing, mix of housing units, etc.?
10. Noise and Air Quality - Has noise and air quality impacts from the adjacent industrial uses been adequately addressed?
11. Servicing - Has the servicing of the site been adequately addressed?

The above issues will be address in conjunction with the outstanding comments and the public input following the statutory public meeting.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The proposed application addresses the following Strategic Directions:

Well-planned and Connected

- furthering the provisions of the Official Plan
- improved inter-connectivity and interaction amongst neighbours and neighbourhoods

Well-equipped & Managed

- provides for varied housing types, affordability and densities

Living well by:

- implementing traffic and growth management strategies.

CONSULTATION

Consultation has been carried out with Internal and external agencies as addressed above, and Legal Services. The recommendation of this report refers the application to a statutory public meeting as required by the *Planning Act*.

HUMAN RESOURCE CONSIDERATIONS

None applicable to this report.

BUDGET IMPACT

The Town will receive the planning application and development charges fees following the 36 month deferral and will receive increased tax revenue.

Capital Budget

Parkland fees will be applied to the acquisition of parkland and the development charges will contribute to the public Minor Collector road located at the rear of the property as identified in the Newmarket Urban Centres Secondary Plan.

CONTACT

For more information on this report, contact Marion Plaunt, Senior Planner, Policy at 905 953-5300 x. 2459 or at mplaunt@newmarket.ca.



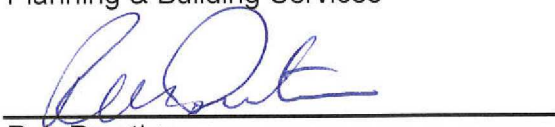
Marion Plaunt, MES, MCIP, RPP
Senior Planner – Policy
Planning & Building Services



Jason Unger, B.E.S., M.PI, MCIP, RPP
Assistant Director of Planning
Planning & Building Services

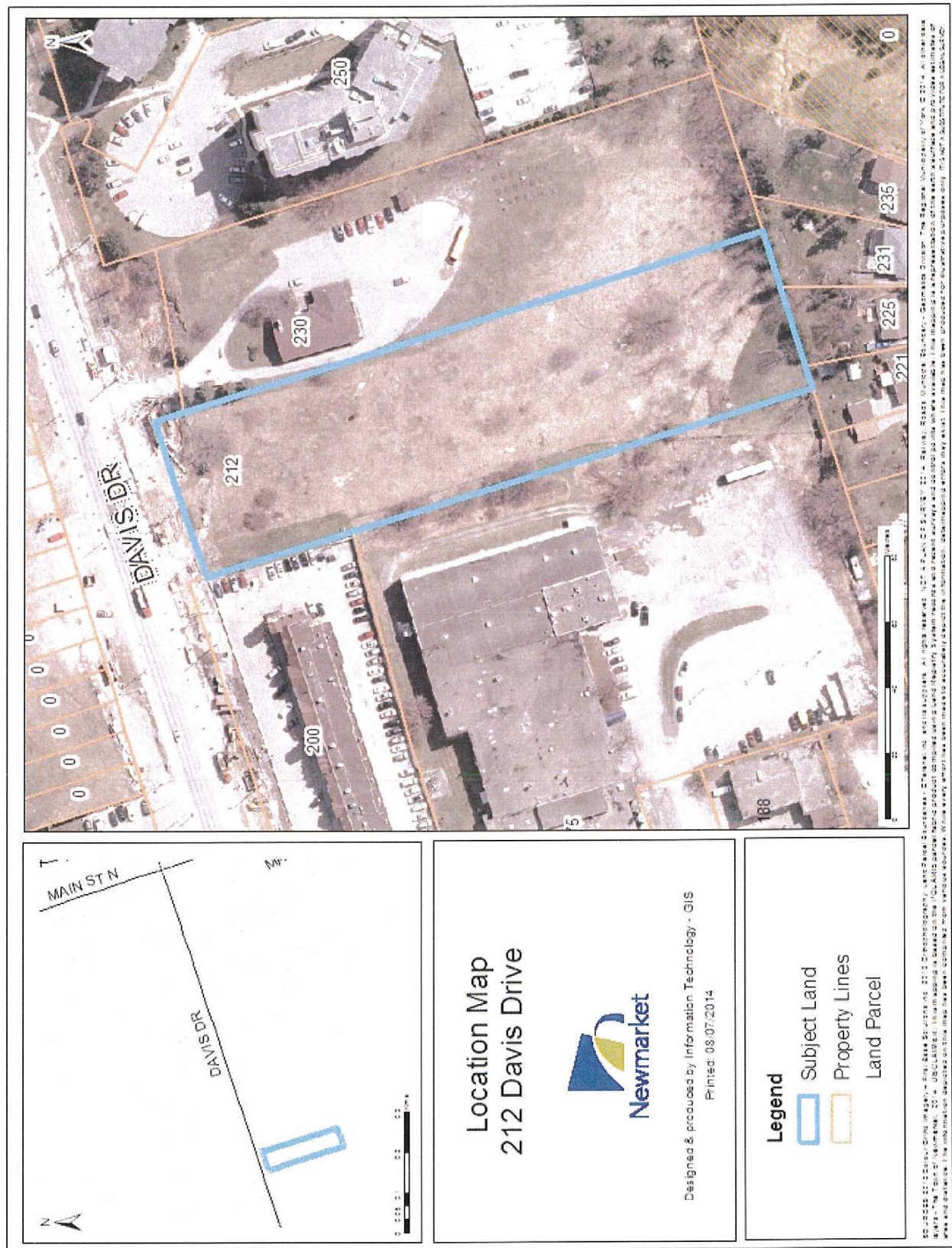


Richard Nethery, B.E.S., MCIP, RPP
Director of Planning & Building Services

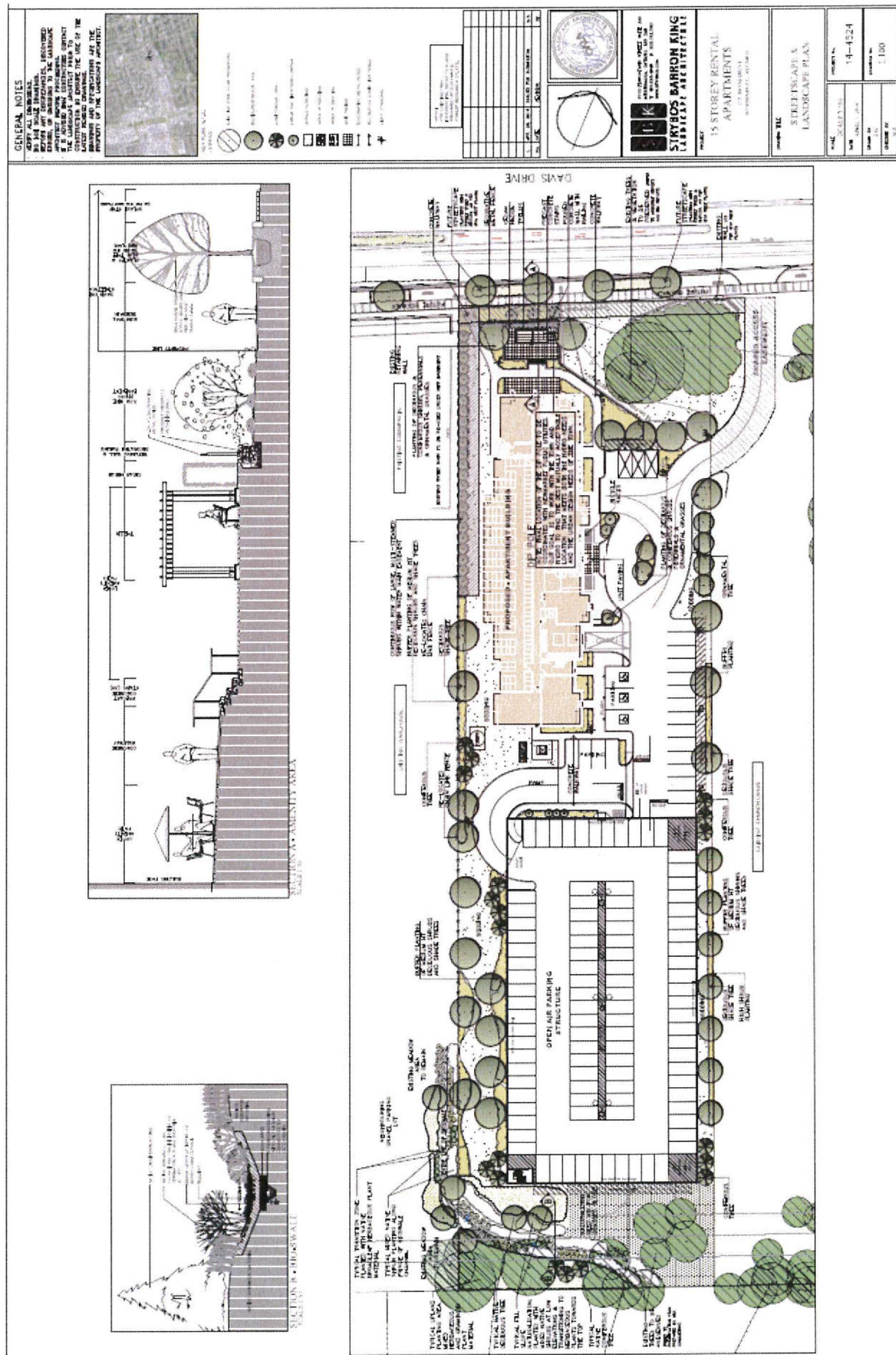


Rob Prentice
Commissioner
Development and Infrastructure Services

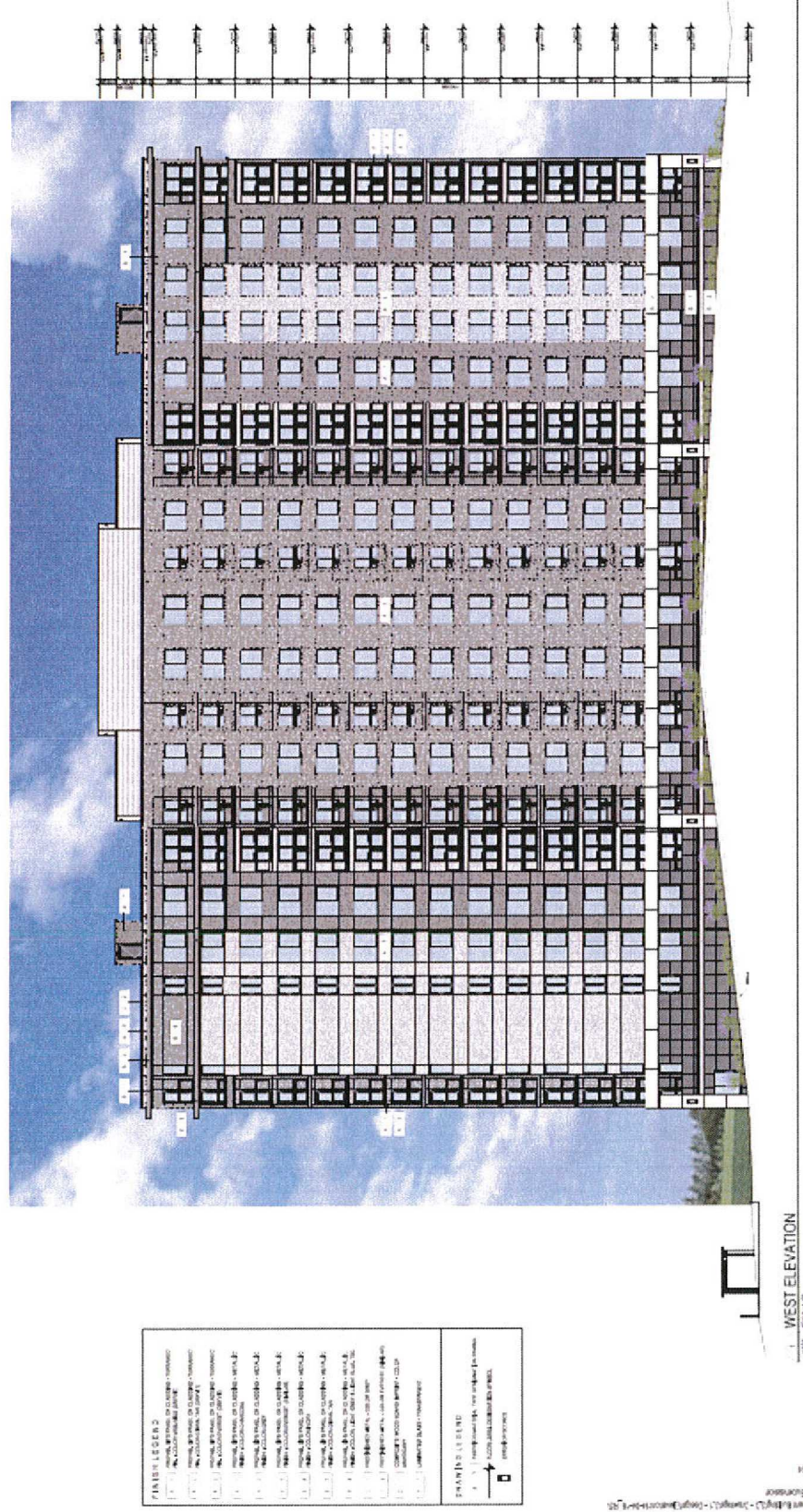
Location Map



Streetscape and Landscape Plan



Elevation Plans

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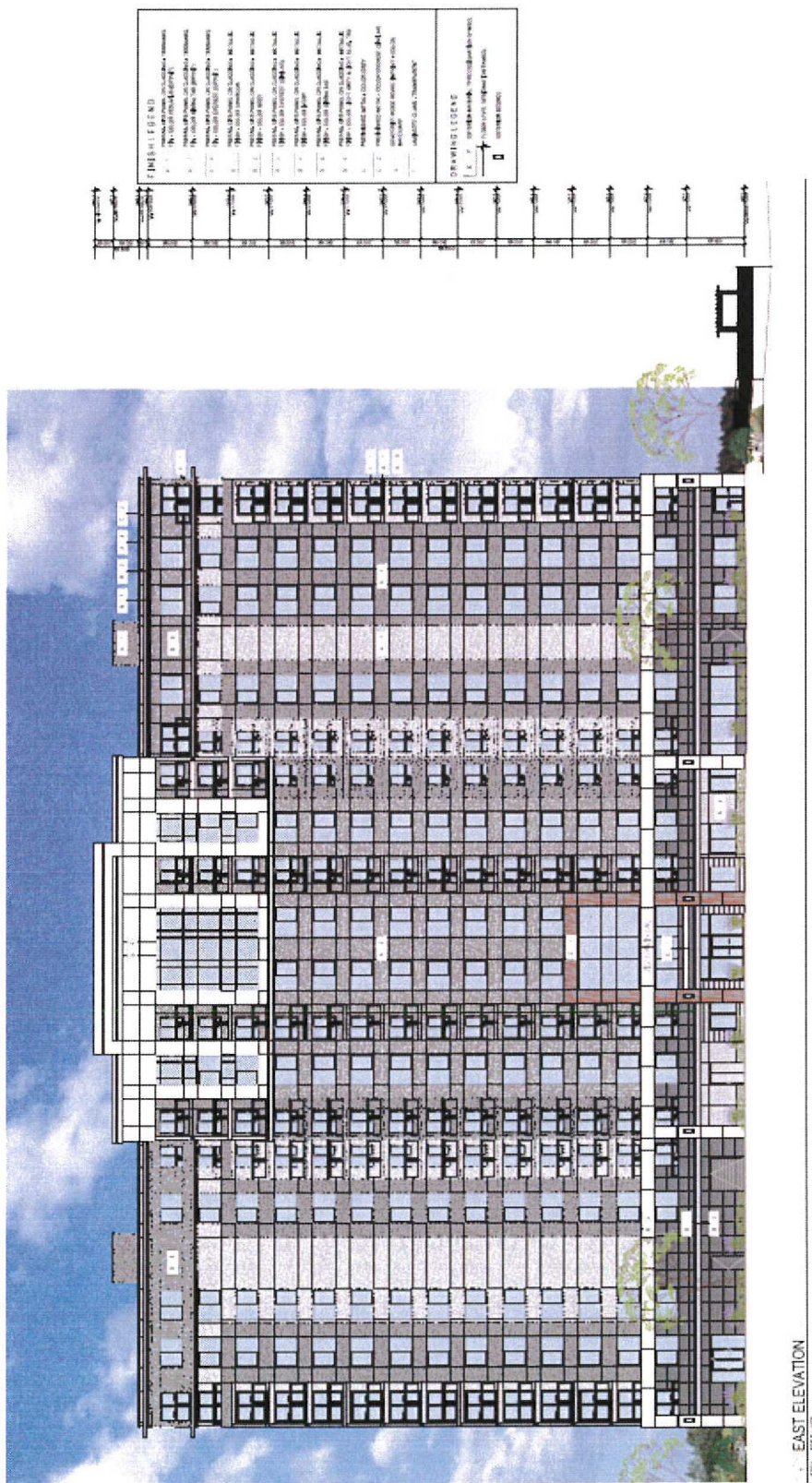
client:
GREEN & ROSE
DEVELOPMENTS INC
79 Laramie Rd, Suite 100
Toronto, ON M6A 3T3

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**15-STOREY RENTAL APARTMENT
DEVELOPMENT CONCEPT PLAN**
212 DAVIS DRIVE
NEWMARKET, ONTARIO

WEST ELEVATION
A-303

Elevation Plans



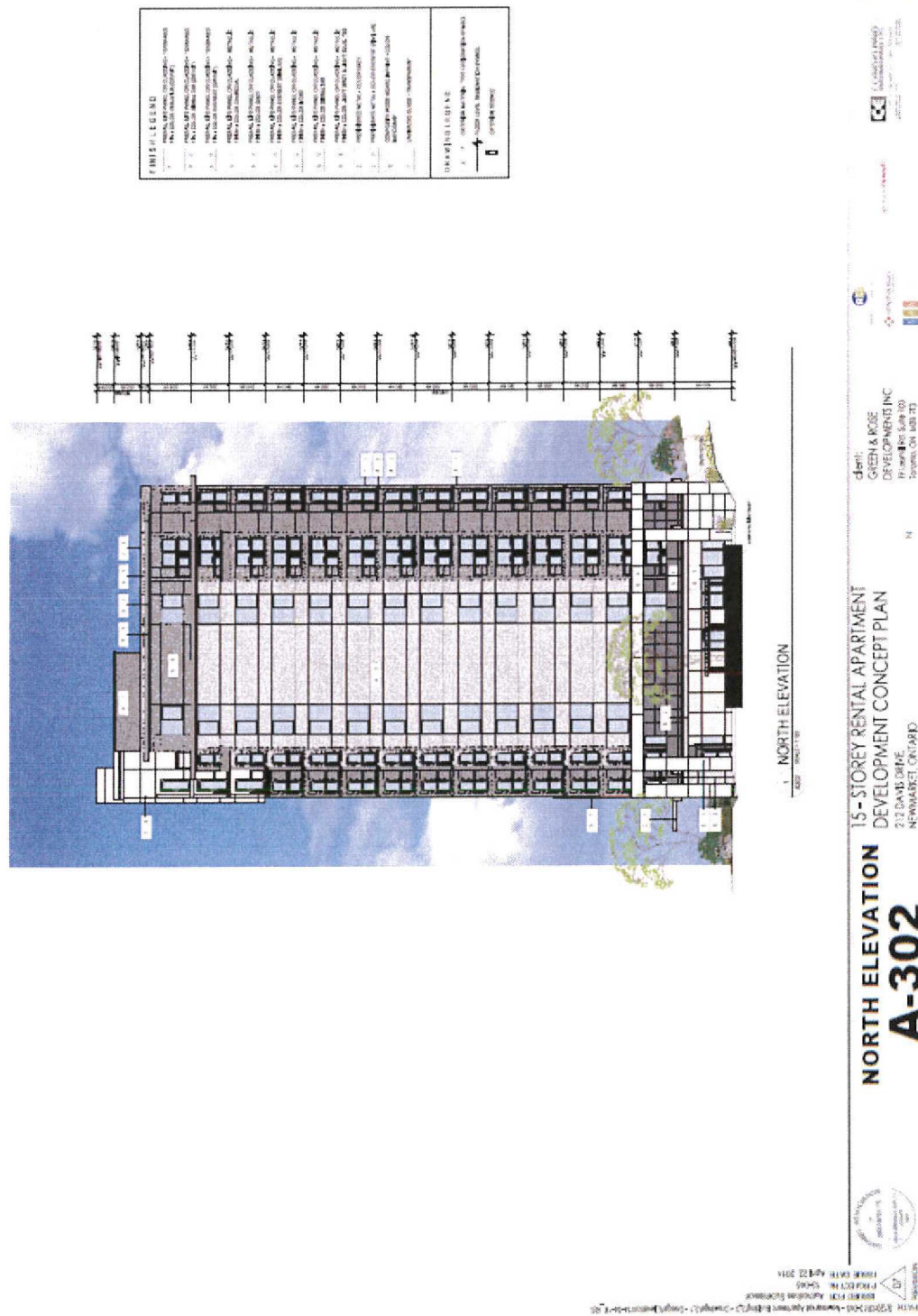
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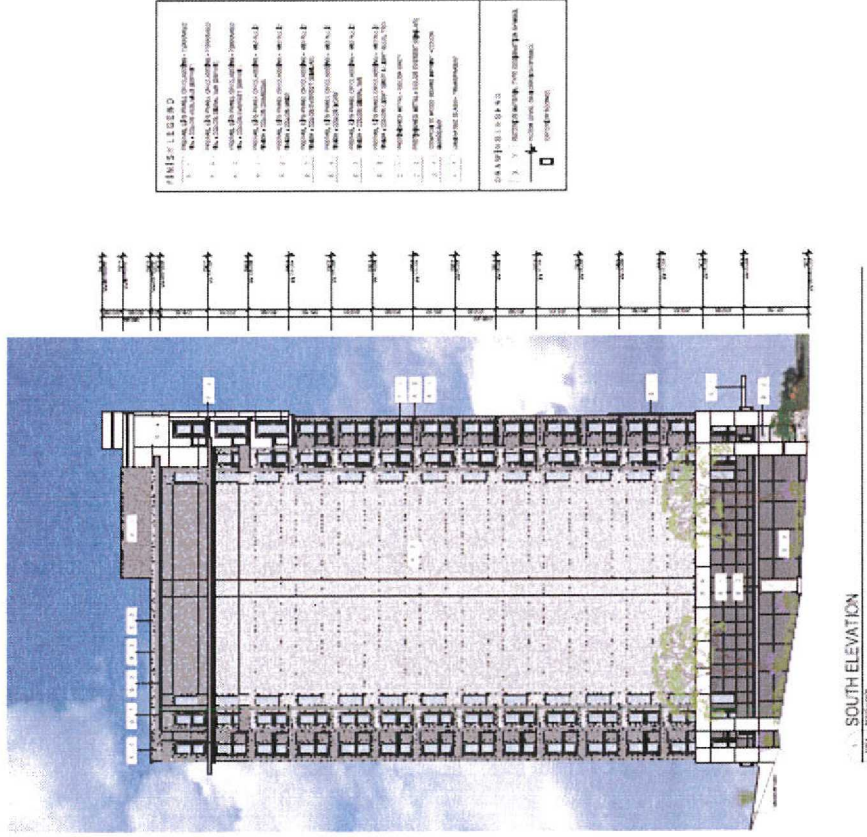
Client:
GREEN & ROSE
DEVELOPMENTS INC.
14 Grand Ave. Suite 100
Beverly Hills, CA 90210-2573



Elevation Plans



Elevation Plans



DATE: 15/07/2014
 PROJECT: 15-STOREY RENTAL APARTMENT DEVELOPMENT
 DRAWING: SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

SAI
SAPLUS

API

GREEN & ROSE DEVELOPMENT INC.
212 DAVIS DRIVE, NEWMARKET, ONTARIO