



## **PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

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July 21, 2014

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES – PLANNING REPORT 2014-33**

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Amendment  
345-351 Davis Drive  
1738357 Ontario Limited  
File No: D 14-NP-13-29

ORIGIN: Application Submitted to the Planning Department

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#### **RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2014-33 dated July 21, 2014 regarding Proposed Zoning By-law Amendment Application D 14-NP-13-29 be received and that the following recommendations be adopted:**

- 1. THAT the application for a Zoning By-law Amendment submitted by 1738357 Ontario Limited for lands municipally know as 345-351 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 Andrew Fernacik, Walker, Nott, Dragicevic Assoc. Limited, 90 Eglinton Avenue East, Suite 970, Toronto, Ontario, M4P 2Y3, 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 40 unit stacked townhouse development at 345-351 Davis Drive be referred to a public meeting.



## 2. Location and Surrounding Land Use

The subject property is located on the north side of Davis Drive, approximately mid-distance between Vincent Street (east) and Hillview Drive (west) and is municipally known as 345 and 351 Davis Drive. The property has an area of 0.32 ha (0.79 acres), a frontage on Davis Drive of 44.09 m (144.65 ft.) and a depth of 69.78 m (228.93 ft.). The property is municipally known as 345 Davis Drive is currently vacant. There is an existing vacant house on 351 Davis Drive.

The surrounding land uses are:

- East: A commercial use (Toast Tai Chi Centre) and a combination of Commercial and residential uses fronting on Vincent Street.
- North: The rear yards of the residential neighbourhood fronting on Amelia Street
- West: A place of worship and a mix of residential and commercial uses
- South: A commercial strip mall use.

See attached **Location Map**.

## 3. Proposal

1738357 Ontario Limited has submitted an application for a Zoning By-law Amendment to permit two stacked Townhouse developments for a total of 40 units and having a gross floor area of 3,982.6 m<sup>2</sup> and a density of 1.35 FSI. The maximum height proposed is 13.7 m (3 storeys). Underground parking is proposed. A unit mix of four 1-bedroom plus den, thirty-two 2-bedroom units and four 3-bedroom units is proposed.

The Zoning By-law Application proposes to increase the density, reduce the frontage requirements and reduce the side yard setback requirements from what is currently required by the zoning by-law.

Access is proposed onto Davis Drive at the easterly side of the property. This access would be a right-in and right-out access.

See Detailed 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#345-351DavisDrive>



#### **4. Related Applications**

##### **a) Site Plan Application D11 NP 13 29**

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.

#### **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 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 GO-Train station Gateway 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, Affordable Housing (Policy 6.4.3), 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 subject property is within the Low Density designation on Schedule 4: Height and Density. The height of the proposed Townhomes is 13.7 m (3 storeys), while the proposed density is 1.35 FSI. The proposed height and density are within the range that is identified for the Low Density designation in the Secondary Plan.

A private Road/Lane is identified between Vincent Street and Hillview Drive. This connectivity has not been considered by the current proposed application.

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.

Davis Drive is 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 – Review under Consideration.

Newmarket Engineering Services – Engineering Services has provided the following comments.

The surface and underground driveways, ramps and parking areas appear to be designed appropriately subject to a number of safety and drainage considerations.

There are no elevators proposed and the underground ramp slopes do not allow for accessibility.

The intercom is outdoors and situated on a 6.2% slope. It is suggested that the intercom be in the covered portion of the ramp to provide weather protection and that the slope around the intercom be reduced if possible.



Traffic Impact Study (prepared by LEA Consulting Ltd., dated December 16, 2013).

- 1) Comments relating to the driveway access are deferred to York Region Transportation as Davis Drive is a Regional road.
- 2) Future Background Traffic Conditions - The report undertook this part of the exercise in a conventional sense. York Region / vivaNext undertook an Environmental Assessment (EA) which contained a traffic impact/transportation review component. Any discrepancies between the future background volumes in this report should be similar to the results of the EA, and be confirmed.

#### Site Servicing

- 1) Water Supply - The functional servicing report indicates that the development will be serviced from a 200mm watermain connected to the existing watermain on Davis Drive. A hydrant flow test should be conducted to confirm that the existing pressure is sufficient to meet domestic and fire flow demands. As noted in the Town of Newmarket Engineering Design Manual section D1.03 the fire flow requirement for townhouses is 10,000 L/min.
- 2) Sanitary Sewer – The proposed development will be serviced by a 150mm connection to a manhole located on property line. It is requested that the FSR be expanded to include comment on the capacity of the receiving sewer on Davis Drive.
- 3) Stormwater Management – The stormwater quantity control for the development will be provided by means of roof top and underground storage in the form of box culverts. Stormwater quality control will be provided by an oil grit separator designed to remove a minimum of 80% TSS. The above stormwater management concept is acceptable however as the site is located within a regulated area, LSRCA should be circulated for comment.
- 4) It appears from the survey that a portion of 333 Davis Drive (Bethel Church) drains toward the subject site. Comment is requested regarding the exclusion of this area from the pre-development stormwater drainage area.
- 5) As noted in the Geotechnical Investigation Report the adjacent property located at 355 Davis Drive has previously experienced an artesian condition which is also likely to affect the subject property. If the water table will be permanently lowered below the proposed underground structure a Hydrogeological study may be recommended and include discussion of impacts to adjacent properties.
- 6) The Town of Newmarket standards or OPS specifications should be cited. A separate detail sheet is required.

#### Functional Servicing Report

- 1) Clarify the calculation of catchment area 0.18ha as the summary table indicates the total area is 2508m<sup>2</sup> excluding 215m<sup>2</sup> of roof area.
- 2) Section 4.2.4 indicates side swales are to be provided. The detail on drawing L2 should be revised accordingly.



- 3) Figures 2 and 3 indicate an "R" value of 0.25 for grassed area and Table 2 and 3 indicates a value of 0.20, this discrepancy is required to be addressed.
- 4) Comment is requested regarding the basis of a runoff coefficient of 0.55 for pervious paved areas.
- 5) It is recommended that runoff coefficients be revised as per Table 1.07 of the MTO Drainage Management Manual.

#### Site Grading

- 1) The proposed grading for the subject site generally matches existing grades at the property limits to the east, west, and north and matches proposed grades for the vivaNext project on Davis Drive. It is suggested that a defined swale or similar be provided along the west limit of the site and a detail provided.
- 2) Retaining wall details will need to be provided as part of next site plan submission.
- 3) The applicant is requested to demonstrate that the overland flow route will not have an impact on the adjacent residential properties to the north particularly in the event the area drains become plugged.
- 4) As the proposed construction is close to the east and west property lines comment is requested on impacts to adjacent properties.

#### Environmental Review

- 1) A Phase One Environmental Site Assessment (ESA) was completed by Pinchin Environmental Limited in December 2013 in accordance with the procedures set out in CSA Standard Z768-01 Pinchin has concluded "nothing was identified that is likely to result in potential subsurface impacts at the site. As such, no subsurface investigation is recommended at this time". It should be noted that Pinchin has advised a response from the MOE has not yet been received. Pinchin is requested to provide an update on their request for response from MOE with the next submission.

We require that the Phase 1 ESA be signed and sealed and included.

#### Landscape Review

- 1) Landscaping comments to be provided by our Capital Projects Parks Development Coordinator under separate cover.

#### Sediment and Erosion Control

- 1) The proposed sediment and erosion control measures are generally acceptable. A separate sediment and erosion control drawing will be required with applicable details and notes. The specified silt fence detail should be replaced with the Town of Newmarket standard detail.

#### Estimated Cost of External Work

The proponent is required to provide separate detailed cost estimates for all work exterior to the building and landscaping to the Engineering Services Department. The cost estimates will enable us to conclude our comments with respect to the proposed Site Plan Agreement.



### Construction Management Plan

The property owner is required to provide a Construction Management Plan (CMP) highlighting various aspects of concern that may arise throughout construction and proposed mitigating measures, which shall be incorporated during construction to ensure a safe and successful project. The plan, once deemed acceptable by the Director of Engineer Services shall be kept and maintained onsite by the contractor. The information contained in the report shall include:

- 1) Construction schedule
- 2) Working hours during construction
- 3) Noise during construction
- 4) Construction access and deliveries
- 5) Material storage
- 6) Construction staff parking
- 7) Dust control.

### Composite Utility Plan

The applicant shall submit an overall composite utility plan signed by each utility representative. The composite utility plan should be provided as early as possible.

### General Comments

- 1) The applicant is requested to provide specifics regarding construction along the west property line as it relates to the proposed setback of 0.45m.
- 2) Similar to the above, the applicant is requested to provide specifics relating to future maintenance activities along the west property line.

Newmarket Building Services – have no concerns with the Zoning Bylaw Amendment Application. However, the following issues will need to be addressed prior to consideration of the Building Permit:

- due to concerns identified in the Geotechnical Investigation with a high water table and artesian conditions on a neighbouring site, a more in-depth hydrogeological study to be carried out with specific recommendations on the design and measures to deal with hydrostatic pressure during construction and post occupancy.
- The new Building Code provisions will need to be addressed (2014 and provisions to come into effect in January 2015).

Lake Simcoe Region Conservation Authority - The Conservation Authority raise a number of concerns including:

- A water balance and phosphorous loading budget is required.
- The design should accurately address the final design for Davis Drive (YRRTC).
- Low Impact Development (LID) stormwater management strategies are encouraged on site.
- Ensure drainage is contained on site.
- Rationalize any discrepancies with respect to runoff coefficients.
- Demonstrate how the 100 year storm runoff coefficient was determined.
- Grading of the driveway should be undertaken to reduce drainage into the underground parking structure.



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

- demonstration that the turn-around facilities will accommodate the expected loads for emergency vehicles;
- underground parking floor area size does not appear to be correct; and
- Confirm the gross floor area for Blocks 1 and 2.

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 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:
  - Whether the adjacent church to the west has roof-top units that could contribute to noise

York Region District School Board - no objections.

Hydro One – no comments or concerns at this time.

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

Bell - the 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.

Canada Post - The owner/developer will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.

In addition, Canada Post also requests a number of conditions related to the site plan applications including:

- that the prospective home purchaser be advised that mail delivery will be from a designated Community Mailbox;
- a Community Mailbox be constructed on a concrete base pad per Canada Post specifications;  
walk-way access to the mailboxes, including wheelchair access per municipal standards.



## 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. Parks and Open Space - Has the application adequately addressed Parks and Open Space, including Urban Squares?
2. Internal Vehicular Flow - Is the internal vehicular flow and access at Davis Drive appropriate to meet the Town and the Regional requirements, including connectivity, private street/lane fine grain grid (to east and/or to the west), Mobility Plus vehicles, Emergency Services, moving and garbage pick-up, etc.?
3. 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?
4. Grading - Is the proposed grading appropriate to ensure that there is appropriate grading transitions to the adjacent properties and Davis Drive and well as internal to the site and in particular to the underground parking?
5. Geotechnical Issues – Has the application adequately address the geotechnical issues related to high water table and potential artesian regime?
6. Stormwater Management - Has the Stormwater Management Plan adequately addressed the provisions of the Conservation Authority, Regional and Town requirement 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. Regulated area Under the Jurisdiction of the Conservation Authority - Has the application adequately addressed the requirements of the Conservation Authority?
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., shadow impacts, outdoor amenity space, streetscapes and boulevards, energy and water conservation, etc.?
9. Affordable Housing - Has the requirements of the Regional Plan and the provisions of the Secondary Plan been appropriately address with respect to affordable housing?
10. 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**

#### *Well-planned and Connected*

- furthering the provisions of the Official Plan

#### *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. 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.

No Capital budget implications are anticipate.

### **CONTACT**

For more information on this report, contact Marion Plaunt, Senior Planner, Policy at 905 953-5300 Ext. 2459 or at [mplaunt@newmarket.ca](mailto:mplaunt@newmarket.ca).





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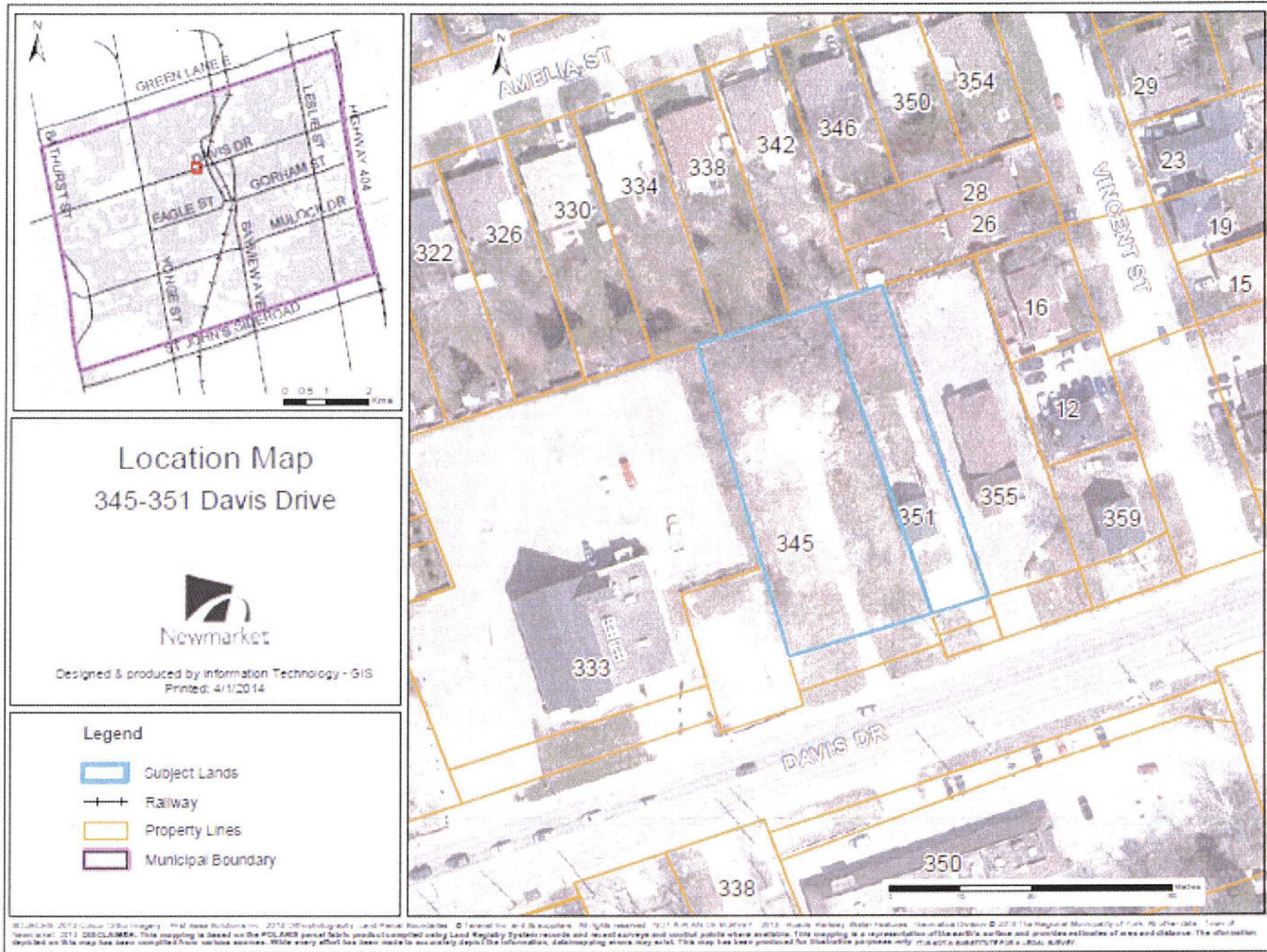
  
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Rob Prentice  
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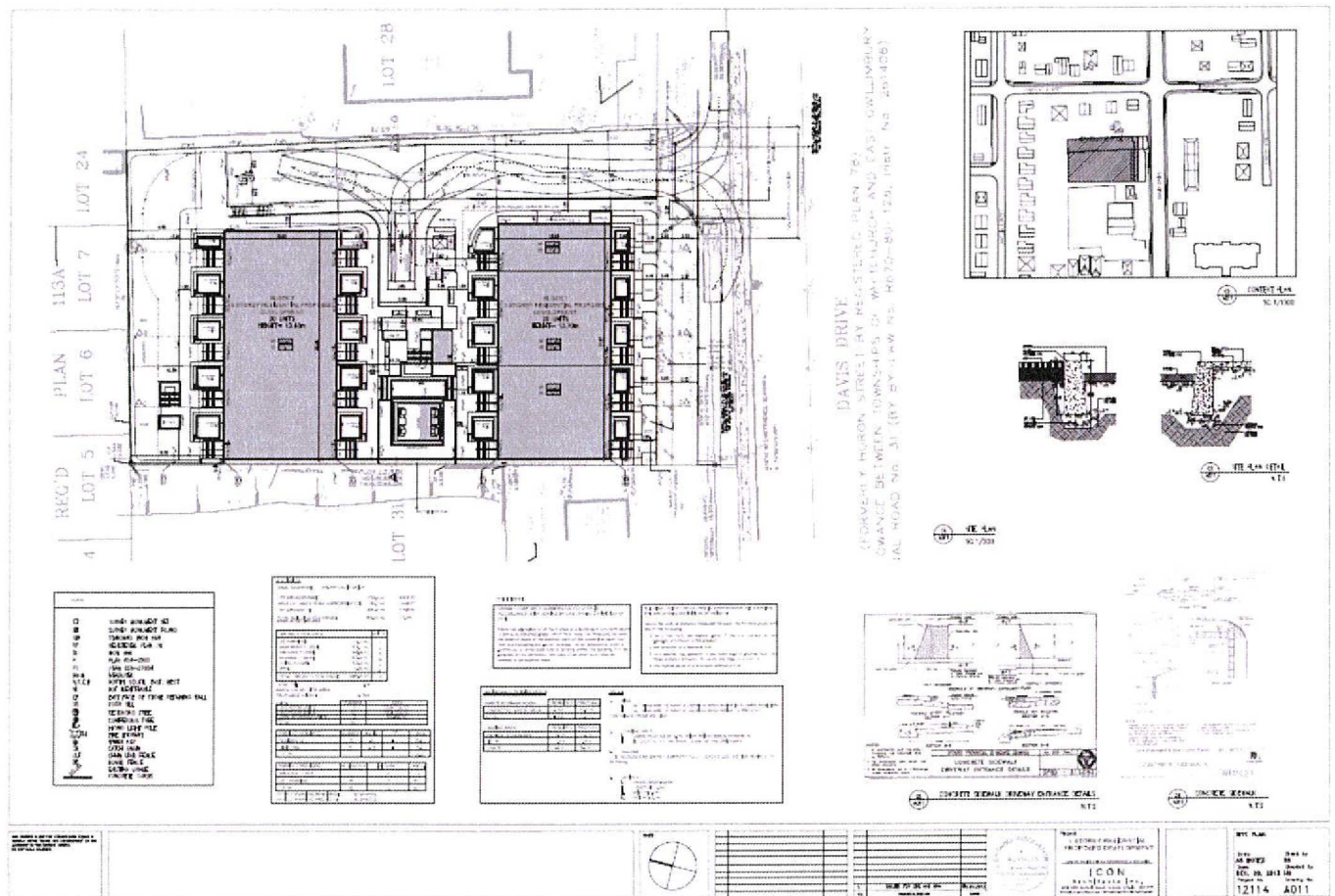


## Location Map





# Site Plan





# Elevations

