

September 22, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES –
PLANNING REPORT 2014-40**

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 2014-40 dated September 22, 2014 regarding Proposed Zoning By-law Amendment Application D 14-NP-14-04 be received and that the following recommendations be adopted:

1. THAT Council support the Zoning By-law amendment in accordance with the Zoning By-law and applicable Holding provisions as recommended in Appendix A - Recommended Zoning By-law.
2. AND THAT the applicant be advised that a Reference Plan is required to be submitted to the Town prior to Site Plan Approval, which identifies as a minimum, the land to be conveyed to the Town for the future Minor Collector across the southerly limit of 212 Davis Drive; all easements including the easement for the future burying of hydro and related infrastructure (a minimum of a 3 m wide easement and space for the burying of switch gear to replace the current dip pole on the frontage of the property), easements for servicing including: water, waste water and storm water.
3. AND THAT Council direct staff and legal counsel to continue to work with the proponent, the commenting agencies toward the resolution of any outstanding issue as identified in this report prior to the finalization of Site Plan Approval.
4. AND THAT Council direct staff and legal counsel as part of Site Plan process, to enter into a Site Plan Agreement addressing applicable outstanding issues generally as outlined, but not limited to, those identified in Appendix B.
5. AND THAT Brad Rogers of Groundswell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, Ontario L4B 3K1 and Daniel Berholz, Green and Rose Developments Inc. 156 Duncan Mills Road, Unit 12, Toronto, Ontario, M3B 3N2, 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 be approved to permit a 15 storey, 225 unit rental apartment building at 212 Davis Drive, subject to the relief and Holding provisions set out in the Recommended By-law in Appendix A.

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. In consultation with the Lake Simcoe Region Conservation Authority it has been determined that this channel may be enclosed, which provides the opportunity to relocate the building closer to Davis Drive. The relocation of the building closer to Davis Drive ensures that the built form is more in keeping with the urban streetscape envisioned for Davis Drive and provides more flexibility for the parking structure at the rear.

A drainage swale is located on 175 Deerfield (adjacent property to the west) along most of the boundary with 212 Davis Drive. The swale drains diagonally across the southwest corner of the site. The application proposes to relocate the southwest portion of the drainage swale entirely onto 175 Deerfield. The swale is proposed to be thereafter located within the area of the future Minor Collector. In the interim and before the Minor Collector is constructed, the swale will be landscaped as a vegetated bio-swale. With the future construction of the Minor Collector, the bio-swale will be replaced with appropriate drainage within the road right of way.

The property is elevated above the surrounding properties as a result of up to 3 metres of fill having been historically disposed of on the property¹. The Environmental Site Assessment indicated that the fill material will require further testing before disposal.² A Record of Site Condition is also required prior to development.

The surrounding land uses are as follows.

- East: The property adjacent and to the east is owned by Newmarket Church of Christ (230 Davis Dr.), which contains a church and associated parking lot. This property is identified in the Newmarket Urban Centre Secondary Plan as Parks and Open Space as a neighbourhood scale park. The Parks and Open Space designation has been deferred in the Secondary Plan in order to address objections that have been filed.
East of 230 Davis Drive there are 5 apartment buildings varying in height from 9 -10 storeys.
- South: A small drainage swale and the rear yards of the adjacent residential lots that front onto Queen Street are located to the south.
- West: A mix of commercial and industrial uses that have access onto Deerfield Road and Davis Drive are located to west. Several of these existing and historic uses including the uses on 175 Deerfield Drive pose moderate to high risk for contamination (e.g., plastics industrial use, auto body shops and gas stations). Initial testing indicated exceedances beyond the

¹ Phase 2, Environmental Site Assessment, Page 19, April 21 2014.

² Ibid.

MOE standards in a groundwater monitoring well on the subject property immediately east of the existing industrial building on 175 Deerfield, in the area of the proposed apartment building (BH 13 3). However, a subsequent testing indicated reduced levels to below MOE standards³. In addition, fill in the area of the proposed parking structure (BH 13 2) exceeded MOE standards. Further testing is required and a Record of Site Condition will be required prior to final approval of the Zoning By-law amendment.

North: Davis Drive is to the north, and on the north side of Davis Drive, a number of vacant parcels exist.

See attached **Map 1 - 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, fifteen(15) 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 as submitted proposes to increase the density, height, and front yard setback beyond what is provided for in the current zoning by-law. A reduction in the parking standard is also proposed. The following table summarizes the relief sought by the application as submitted.

Provisions	Relief Sought	Current By-law Provisions
Maximum Height	46 m (15 storeys)	Max. 12.7 m (Exception 51) Max. 18 m (6 storeys)(By-law 2010-40)
Minimum Front yard setback(Davis Drive)	17.29 m	Min. 6 m
Density	2 FSI	1 FSI
Parking	0.98 spaces per unit	1.25 spaces per unit

The primary access is proposed onto Davis Drive as a joint access with 230 Davis Drive (Newmarket Church of Christ). This access will be limited to a right-in and right-out configuration which will be implemented when the bus rapidway transit on Davis Drive is complete.

A secondary access has been proposed at the rear of the property to the future Minor Collector identified in the Newmarket Urban Centres Secondary Plan (adopted June 23, 2014). In the application submitted, this secondary access is proposed through the parking structure. Direct access to the future Minor Collector is integral to the future function of the street network given the constrained access onto Davis Drive once the rapidway is in place.

Engineering Services have indicated that access through the parking structure is not appropriate and alternatives to the location and form of this access will be further explored once the grading and elevation of the future Minor Collector has been determined.

To date, no vehicular or pedestrian connectivity is proposed to the east or to the west. Pedestrian access is proposed through a sidewalk located on the north east corner of the site. No side walk has been proposed at the entrance to the site at 230 Davis Drive.

³ Phase 2 Environmental Site Assessment Table 10, April 21 2014.

The issue of additional pedestrian access will be addressed through the Site Plan process.

See attached **Map 2 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

The Site Plan Application has been filed concurrent with the filing of the Zoning By-law Application. The intent is to comprehensively consider the two applications at the same time in order to expedite the decision making process. A number of issues have not been resolved that impact the zoning provisions with the supporting documentation filed. Therefore, the Zoning By-law application is proposed with a number of "Holding" provisions which will be addressed once the necessary information is provided and the Town has completed its analysis in conjunction with the processing of the Site Plan Application. This approach will assist in streamlining the process. The Holding provisions will be required to be lifted prior to the final approval of the Site Plan application.

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 this purpose-built market rental proposal as a pilot project. The proposal also included a commitment to approximately 56 affordable housing units to be subsidized by the Region of York. This application has been submitted in response to the Town and Regional support for the pilot project 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 (based on 5 % of the land value) was also deferred for the 36 months from the issuance of the Building Permit.

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

ANALYSIS

The tests for approvability of the Zoning By-law amendment are: consistency with the Provincial Policy Statement, and conformity with the Growth Plan for the Greater Golden Horseshoe, the Region of York Official Plan and the Town's parent Official Plan. With the adoption of the Newmarket Urban Centres Secondary Plan on June 23, 2014, regard must be had to the objectives and policies of the Secondary Plan in order to ensure the long term vision, as articulated by the Town, is achieved.

1. Policy Jurisdiction

a) 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 recommendations of this report, consistency with the PPS is expected to be achieved.

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

The Growth Plan for the Greater Golden Horseshoe does not specifically designate the subject lands; however, the general intensification policies apply. The Town's Official Plan is in conformity with the Growth Plan and provides for intensification. The recently adopted Newmarket Urban Centres Secondary Plan further elaborates upon the intensification and other policies of the Growth Plan, the Regional Plan and the Town's Official Plan.

c) Region of York Official Plan

The subject property is designated "Urban Area" in the Region of York Official Plan. Several Regional policies apply and are identified below under the specific issues.

d) Newmarket Official Plan

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 (a density of 30-125 units per net hectare, and maximum density of 1.0 FSI). However, 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 generally provided the requisite studies (subject to the comments below) to support an increase in density in accordance with the above provisions. .

The application is tested against a number of policies in the official plan as addressed below in Section 3, Primary Planning and Technical Issues.

e) 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 (Policy 6.0 and Schedules 4, Height and Density and Schedule 5, Transportation Network, 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 be addressed through this application.

The proposed 15 storey (45.11 m high) apartment building is within the Medium-High Density designation on Schedule 4: Height and Density. The Medium-High Density permits up to (38 m) 12 storeys and a maximum height of (47 m) 15 storeys through bonusing. The maximum density permitted is 2.5 FSI, and through bonusing 3.0 FSI.

The height of the proposed apartment is proposed at 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.

The southern portion of the property proposed for an above ground parking structure is within the Medium Density designation.

The justification for the exception to the Zoning By-law for increased height and density is in keeping with the policy direction of the Secondary Plan. e.g., purpose built rental, provisions for affordable housing in conjunction with York Region, dedication of the Minor Collector.

The applicability of the Secondary Plan policies will be identified below under the Primary Planning and Technical Issues.

f) 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 trail in the vicinity of the subject property (212 and 230 Davis Drive) that links Haskett Park and the existing neighbourhood to the south, with Davis

Drive. The final location of this connection is under review and may be considered on the adjacent 230 Davis Drive property.

Davis Drive is also identified as a Primary Active Transportation Network which is intended to provide active transportation opportunities within the Right-of-Way in the form of a cycling facility 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 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 lines and associated utilities and the associated surface considerations (e.g., wider sidewalks and cycling facility).

The application proposes a 3.0 m easement in favour of the Town to accommodate the future underground hydro lines and associated surface features as discussed above. The easement for the additional land should form part of the agreement with the applicant and included on an updated survey registered for the property.

2. Comments Received

The comments received through the circulation and the public meeting, along with and the staff analysis identifies a number of issues as set out below. The full details of the comments received are included in **Appendix C – Detailed Comments Received and are posted on the Town's web site and may be accessed through the following link:**

<http://www.newmarket.ca/en/townhall/resourcelibrary/APPENDIXCCommentsReceivedinResponsetoZoningandSitePlanApplications.pdf>

The issue below are salient to the Zoning By-law and will inform the consideration of the Site Plan application.

3. Primary Planning and Technical Issues

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

1. Grading and Transition to Adjacent Properties

The Town's Official Plan establishes objectives and policies to ensure that land uses are compatible with the existing and future function of adjacent land uses and directs that urban design respond to the context in relation to the surrounding conditions as well as incorporate physical and visual

connections and ensure compatibility between individual sites. (Section 12.0 Urban Design and Compatibility Objective 12.1 d), Policies 12.2.1 Design in Context with the Natural and Built Environments, 12.2.2 Connectivity, and 4.4. 5 a. Intensification).

In addition, the Newmarket Urban Centre Secondary Plan (Secondary Plan), as adopted, directs that development within each development block be planned comprehensively in order to achieve the long term built form, including street network, parkland, etc.

The policy permits the Town to prohibit development that could compromise the effective redevelopment of the development block in accordance with the provisions of the Secondary Plan. (Policy 14.2.2 iii and iv, Co-ordination and Phasing of Development)

The subject property has been landfilled in the past with up to 3.0 m of fill. As a result, the subject property is generally higher in elevation than the surrounding lands. The appropriate transition to Davis Drive, the future Minor Collector to the rear, the adjacent potential future parkland to the east, and the future redevelopment of the property to the west are integral to ensuring the proposed development implements and is in conformity with the above cited policies and does not compromise effective redevelopment of the adjacent lands. For example, the lower level of the parking garage is on average 2 m above the future Minor Collector, which if maintained, would effectively preclude any connection to the Minor Collector.

The issue of the grading, in conjunction with the location of the building and parking structure, and the apparent lack of transitioning to the surrounding properties was raised by staff as well as members of the community **See Appendix C - Comments at the Public Meeting posted on the Town's web site through the following link:**

<http://www.newmarket.ca/en/townhall/resourcelibrary/APPENDIXCCommentsReceivedinResponsetoZoningandSitePlanApplications.pdf>

The applicant has recently (September 3, 2014) provided to the Town cross-sections that illustrate the current proposed grades relative to the existing onsite grades on the subject property, 230 Davis Drive and a portion of 175 Dearfield Road. In addition, the Town has retained Burnside and Associates to undertake to establish a road grade for the future Minor Collector which will provide more certainty around the elevation of the access to the Minor Collector. Once the road grade for the Minor Collector is established, Burnside and Town staff will review the overall site grading to ensure that there is appropriate transition to the adjacent properties and to Davis Drive and the future Minor Collector.

Until the grading issues are resolved, a "Holding" provision has been included in the recommended By-law. **See Appendix A.**

2. Connectivity and Private Streets

The Region of York Official Plan, the Town of Newmarket Official Plan and the Secondary Plan comprehensively address the need for both vehicular and pedestrian connectivity. The Regional

Plan requires through secondary plans that a fine grained street grid be established and implemented that incorporates sidewalks and bicycle lanes (Policy 5.4.6 b) and 5.4.20 d.).

The Town's Official Plan policy for the Urban Centre also directs that attractive, comfortable and safe pedestrian environments and good site access and circulation be provided; maximum pedestrian, bicycle and vehicular connectivity and route choices shall be provided; and access to existing and proposed transit sites be facilitated. (Policy 4.2.2 and 4.2.4)

The Urban Design policies aim at ensuring connectivity – e.g. citing the need to provide visual and physical connectivity between sites and the surrounding areas, and to provide direct and convenient access to transit stations (Policy 12.2.2 Connectivity).

Policy 4.3.2.1 of the Towns Official Plan requires that:

“secondary plans ensure that development sites are connected by a fine grid of streets and where feasible, internal driveway connections, and sidewalks to provide direct and safe access to major streets and public transit services.”

The Secondary Plan on Schedule 5 identifies, in addition to the Minor Collector across the rear of the subject property, an east/west and a north/south Proposed Private Road/Lane to provide a mid-block connection between Davis Drive and the future Minor Collector and to connect the future Minor Collector to Davis Drive. The Proposed Private Road/Lane identified in the Secondary Plan in the vicinity of 212 Davis Drive has been deferred to allow the detailed discussions and resolution of the deferral to take place with the processing of this application and in advance of the Regional consideration of the Secondary Plan.

The Secondary Plan contains numerous policies that direct that connectivity and permeability is achieved through development and redevelopment. (Policies 8.3.2, Street Network, 8.3.4 Private Roads and Lanes and 8.3.5 Pedestrian Mews.)

OPA # 11 identifies a Trail connection on the adjacent property the east that connects Haskett Park to Davis Drive.

The applicant has agreed to convey land to the Town for the future Minor Collector across the rear of the property.

The applicant has also committed to a north south connection between Davis Drive and the future Minor Collector through the proposed parking garage. This connection does not appear feasible due to the apparent +/- 2m grade difference between the lower floor of the parking garage and the possible future Minor Collector road surface. As discussed previously, the recommended elevation of the road surface for the Minor Collector and the overall grading is being further considered by the Town and Burnside and Associates. Alternative design modifications will be explored once this analysis has been carried out.

Maximum flexibility is being provided in the recommended By-law to allow for consideration of a wider ROW for the Minor Collector, the potential for a private lane/street with or without parking on

the east side of the property and the provision for the parking structure to be relocated further to the westerly lot line. These provisions allow for refinements to the site design through the Site Plan process that achieves the above sited provisions of the planning documents.

A “Holding” provision has been included the recommended By-law to require an agreement between the Town and the owner for the conveyance of the space required for the future Minor Collector across the rear of the subject property.

The consideration of pedestrian access (e.g., to the east and west and at the joint access at 230 Davis Drive will be addressed through the Site Plan process.

3. Underground Hydro Facilities

The application has made appropriate provision for the future burying of hydro through the conveyance of a 3 metre easement in favour of the Town, across the Davis Drive frontage.

This additional space will also ensure the companion benefitting surface facilities e.g., wider sidewalks and cycling facilities on Davis Drive as required by the Regional Official Plan and the Town’s Official Plan can be achieved in the long term.

Newmarket hydro has indicated that the currently required dip pole may be replaced in the future by a pad mounted switch gear and that an easement in the form of a 4x5 m area should be identified adjacent to the 3 metre easement to accommodate the future pad mounted switch gear.

A “Holding” provision has been included the recommended By-law to require an agreement between the Town and the owner for a 3 metre easement across the Davis Drive frontage for the future burying of the overhead hydro lines and associated facilities.

4. Natural Hazards and Fisheries

The LSCRA has confirmed that the watercourse which traverses the frontage of the 212 and 230 Davis Drive may be enclosed in a culvert as it has been confirmed that it is **not** a fisheries resource. The enclosing of this watercourse will eliminate a number of constraints on frontage of the property including the fish habitat setback and the erosion buffer and provide significant flexibility to move the proposed development forward on the site. By moving the building forward, it creates the opportunity for the building to address the street and create a more appropriate built urban form. It also provides additional space for modifications to the parking structure in conjunction with grading considerations addressed previously, facilitate a more feasible access to the future Minor Collector and increased parking opportunities. The Recommended By-law has been drafted to provide flexibility for moving the building forward toward Davis Drive.

The Town is currently exploring mechanisms for the implementation of burying the watercourse.

5. Parking

The applicant has requested a reduced parking standard of **0.98 space per unit**. This is a reduction from the current parking standard of **1.25 spaces per unit** (1.0 for tenant and .25 for visitors). No provision for shared parking has been proposed by the applicant in accordance with Section 5.35 of the Zoning By-law; nor has the applicant proposed ground floor commercial, which as the benefit of allowing for potentially more flexibility.

The Regional Plan provides for the reduced minimum and maximum parking through secondary plans and implementing zoning by-laws that reflect the walking distance to transit and complementary uses (Policy 5.4.7. a.) and encourage shared parking (Policy 5.4.7. b.).

The Secondary Plan provides that:

“The Town will establish minimum and maximum parking requirements for the Urban Centres in the Zoning By-law. Parking requirements will seek to encourage a shift toward non-auto modes of transportation.”

The Urban Centres Transportation Study prepared to support and guide the development and implementation of the Secondary Plan included the evaluation of reduced parking standards. The Transportation Study prepared by GHD recommended:

- a minimum of 1.0 space per unit plus 0.1 space for visitor parking; and
- a maximum of 1.0 spaces per unit plus 0.15 visitor spaces.

In view of the location of the property on the Davis Drive rapidway and its proximity to both the Transit Station at Parkside Drive and the Go-Train station, planning staff can accept a reduced parking standard of **1.1 spaces per unit**, which is in keeping with the recommended standard recommended in the Secondary Plan Transportation Study.

There is also the potential that the refinements to the design as a result of moving the building closer to Davis Drive, along with other design considerations coming out of the grading analysis discussed above, that the increase from 0.98 to 1.1 spaces per unit may be accommodated on site. Other remedies could also be considered including shared parking with 175 Deerfield subject to appropriate pedestrian access or alternatively the potential for on-street parking on the private north-south lane. These considerations will be addressed through the Site Plan process.

6. Urban Design and Sustainability

Urban Design

One of the principles of good urban design for tall buildings (taller than 6 storeys) included in the Secondary Plan is the requirement for a podium.(Policy 7.3.5.1) The proposed building has been designed without a podium. The purpose of a podium is break up the massing of tall buildings and to create an attractive and articulated street frontage. Planning staff have recommended that a podium structure be considered across the Davis Drive frontage. The podium structure may be enclosed or open and would form part of the amenity space and create a sense of place for the residents. The applicant has expressed an interest in exploring this and appropriate provisions have been included

in the recommended Bylaw to address the minimum and maximum height, minimum step back, etc. of the podium structure.

This types of space is integral to providing onsite outdoor amenity space in keeping with the provisions of the Official Plan to create plazas or outdoor gathering spaces. (OP Policy 12.2.4) and complements the landscaped remaining portion of the Davis Drive frontage that would be available with the burying of the watercourse, as addressed above.

Sustainability

The Regional Plan, the Town's Official Plan, the Town's Tools for Intensification Policy and the Secondary Plan have numerous policies that address sustainability, energy and water conservation, green roofs, bird friendly practices, etc. These policies will be addressed through the Site Plan process.

7. Environmental Site Assessment

The Official Plan (OPA # 7 Policy 10.4.7) requires that no decision for development or redevelopment shall occur until written acknowledgement is received by the Town that the site has been made suitable for the proposes uses in accordance with the provisions of the Environmental Protection Act. Historic uses in the area pose moderate to high risk for contamination. e.g., plastics industrial use, auto body shops and gas stations. Due to test exceedances beyond the MOE standards in a groundwater monitoring well on the subject property in the area of the proposed apartment building (BH 13 3) and in soil tests in the area of the proposed parking structure, further testing is required and a Record of Site Condition will be required prior to final approval of the Zoning By-law amendment.

A "Holding" provisions is included in the Bylaw in accordance with the Policy 10.4.7 a) of the Official Plan.

8. Sanitary Sewers

The Functional Servicing Report has been sent to the Town's consultant for review, and comments have not been received to date.

The Regional Plan, the Town's Official Plan and Secondary Plan encourage a suite of policies that aim to reduce sanitary flows and include the following policies: 20 % greater water conservation than the Ontario Building Code for all new buildings (Regional Policy 5.2.23); advanced water conservation and efficiency measures (Town OP Policy 12.3. b.); 50 % of projected demand for toilets and urinals from grey water recycling Town Tools for Intensification); and utilize low demand or low flow fixtures, such as high efficiency toilets, low-flow showerheads, and/or water efficient clothes washers to achieve 20% greater water conservation than the Ontario Building Code in effect at the time of application; and provide for a minimum of 50% of the projected water demand for toilets/urinals through grey water recycling Town Secondary Plan Policy 7.3.7 iii b) and c)).

Until the sanitary sewer capacity is confirmed, a "Holding" provisions has been included in the recommended By-law.

9. Stormwater Management

The applicant's storm water management plan includes a Low Impact Development facility aimed at promoting infiltration, roof top storage, discharge through 230 Davis Drive to the Western Creek and relocation of the westerly swale to be conveyed in the interim in a bioswale.

The Regional Plan, the Town's Plans and the Lake Simcoe Protection Plan contain policies related to stormwater management with a view to reducing peak flows and runoff, increasing infiltration, reducing flooding and encouraging innovative measures such as Low Impact Development (LID).

Although the application has proposed a LID facility and other innovative design features, Engineering Services has identified a number of concerns related to the stormwater management system. The Lake Simcoe Region Conservation Authority (LSRCA) has not finalized their review of the Functional Stormwater Management Report.

Until the stormwater management issues are resolved, a "Holding" provisions has been included in the recommended By-law.

10. Source Water Protection

The Region of York requires that a Source Water Impact and Assessment Mitigation Plan is required to receive approval from the Region prior to Site Plan approval.

Until the approval of the Source Water Impact and Assessment Mitigation Plan is confirmed, a "Holding" provisions has been included in the recommended By-law.

11. Servicing Allocation

The Town currently has a strategic servicing allocation reserve in the amount of 3989 people, of which 1000 is to be distributed within the Urban Centres as per Regional policy. It is recommended that allocation be granted to this development from the Urban Centres assignment in the amount of 439 people (225 apartment units X 1.95 ppu). This will leave 561 people worth of allocation in the Urban Centres assignment, and a total reserve of 3550 people remain.

12. Affordable and Rental Housing

Applicant has proposed that the entire building be rental accommodation and that 56 units (25 %) of the units will be leased to York Housing to provide subsidised housing for low to moderate income households.

The requirements of the Regional Plan, the Town's Official Plan and the provisions of the Secondary Plan that 25 % of housing units be affordable to moderate to low income households has been appropriately address, subject to the appropriate agreement with York Region.

Conclusion

Many of the above issues will be addressed through the Site Plan Process. The attached By-law has been drafted with significant flexibility in order that these issues may be appropriately addressed without an amendment to the By-law, and subject to the removal of “Holding” provisions.

Appendix D attached demonstrates effect of the recommended By-law.

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

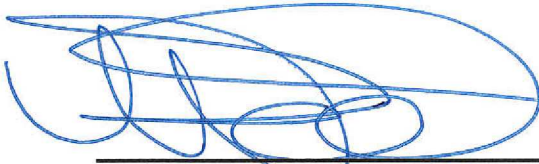
The Town will receive the planning application, Building permit and Development Charges fees following the 36 month deferral. The Town will also receive increased tax revenue from the new development.

Capital Budget

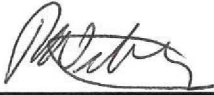
Parkland fees will be applied to the acquisition of parkland and the development charges will contribute to the future Minor Collector located at the rear of the property as identified in the Newmarket Urban Centres Secondary Plan.

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



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



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



Peter Noehammer, P. Eng.
Commissioner
Development and Infrastructure Services

List of Attachments

Map 1 Location Map

Map 2 Streetscape and Landscape Plan

Elevation Plans

Appendix A Recommended By-law

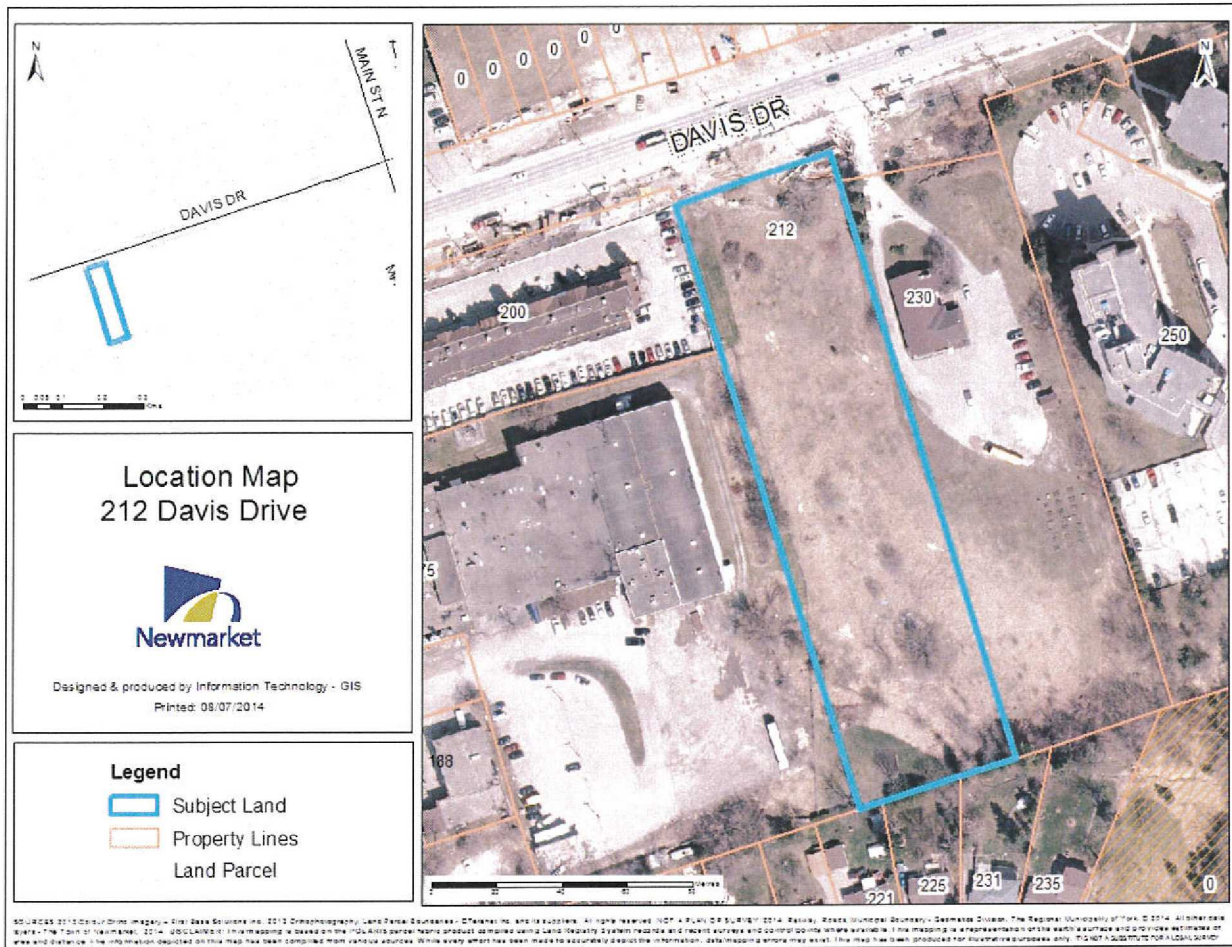
Appendix B List of Matters to be Included in the Site Plan Agreement

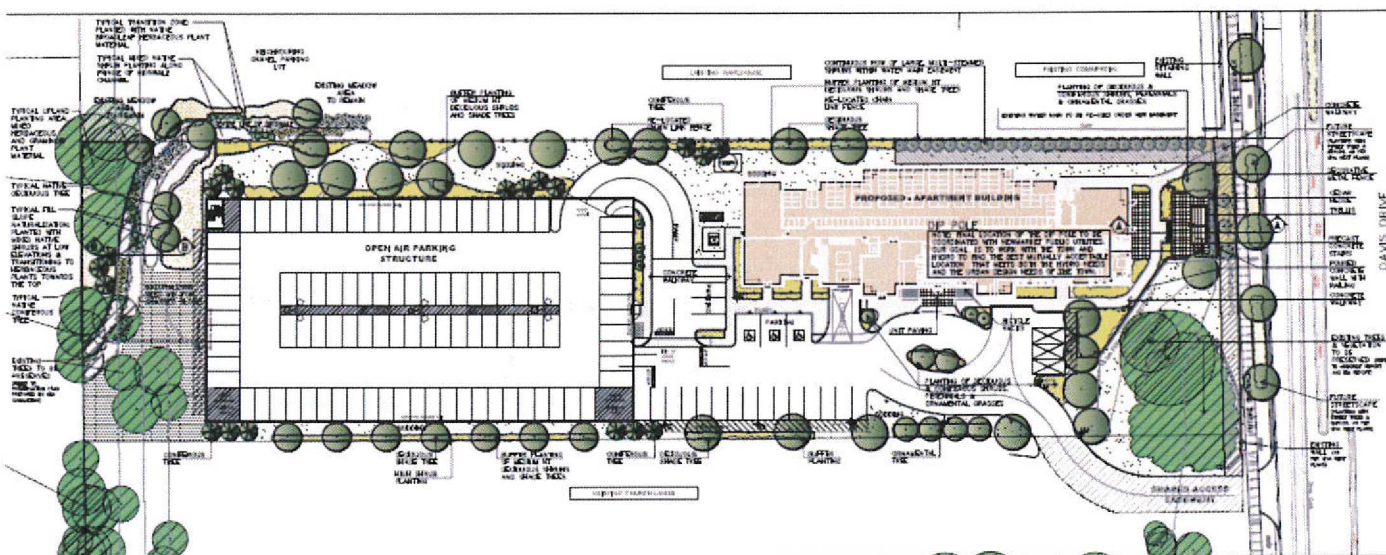
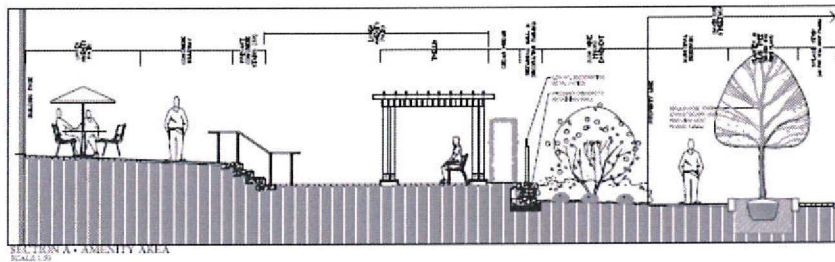
Appendix C Detailed Comments Received

Appendix D Schematic Illustrating the Effect of the Recommended By-law

Schedule 4 Height and Density - Newmarket Urban Centre Secondary Plan

Schedule 5 Street Network - Newmarket Urban Centre Secondary Plan





NOTIFY ALL OWNERSHIP,
BY MAIL (SEE INSTRUCTIONS).
BEFORE ANY DEVELOPMENTS, ENHANCED
EDUCATION, OR CHANGES TO THE LANDSCAPE
APPROPRIATE BEFORE PROCEEDING.
IF IT IS ADVISED THAT DEVELOPMENTS COULD
THE LANDSCAPE ARCHITECT PRIOR TO
CONSTRUCTION IN ORDER TO USE OF THE
LATEST DESIGN DRAWINGS.
OWNERSHIP AND INFORMATION ARE THE
PROPERTY OF THE LANDSCAPE ARCHITECT.



- [illegible]

[illegible]

www.humanityfirst.org

STRYBOS BARRON KING
LANDSCAPE ARCHITECTS

**15 STOREY RENTAL
APARTMENTS**
C/O 04 153 00 15
4000404021. 017400

STREETSCAPE & LANDSCAPE DESIGN

NAME SCALF, TROY	WEIGHT No. 14-4524
SEX MALE	Deadline No. 1.100
GRADE No. 300	
OFFENSE No. 100	

[illegible]

WEST ELEVATION
A-303

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

client;
GREEN & ROSE
DEVELOPMENTS INC.
19 Laramie Rd., Suite 100
Toronto, ON M2B 2T3



Elevation Plans



EAST ELEVATION

EAST ELEVATION
A-301

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

client:
GREEN & ROSE
DEVELOPMENTS INC.
19 Leavelle Rd., Suite 103
Toronto, ON M2B 2T3



Architectural drawing of the North Elevation of the proposed 12-story building. The drawing shows a multi-story structure with a grid of windows and balconies. The building is set against a blue sky with clouds. To the right of the building is a vertical scale bar with height markers from 0 to 120 feet. The drawing is labeled "NORTH ELEVATION" at the bottom.

NORTH ELEVATION

[illegible]


 TAYLOR & FRANCIS
 10000 Rte. 100, Suite 100
 Philadelphia, PA 19104
 Tel: 215 625 8900
 Fax: 215 625 2240
 Email: info@taylorandfrancis.com
 Website: www.tandf.co.uk

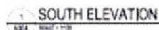


NORTH ELEVATION
A-302

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

client:
GREEN & ROSE
DEVELOPMENTS INC.
191 Yorkville Rd. Suite 100
Toronto, Ont. M5S 2T3



SAI
SAPLUS

APPENDIX A
RECOMMENDED BY-LAW

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-XX

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.

WHEREAS it is deemed advisable to amend By-Law Number 2010-40;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT By-law Number 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule "A", Map No.10, the UC-R-51 Zone on Part of Lot 4, Registered Plan 32, Town of Newmarket and municipally addressed 212 Davis Drive, and substituting therefore the:

Regional Urban Centre (H)UC-R-122 Exception Zone

as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.

2. Adding the following regulations relating to the UC-R Section 8.1.1 List of Exceptions:

Exception 122	Zoning (H)UC-R-122	Map 10	By-Law Reference 2014-XX	File Reference D14-NP-14-04
<p>i) Location: 212 Davis Drive - South side of Davis Drive</p> <p>ii) Legal Description: Lot 4, Registered Plan 32, Town of Newmarket (PIN 03602-0347 (LT)).</p> <p>iii) Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000 L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, snow storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage.</p> <p>vi) Development Standards:</p>				
		(H)UC-R-122		
(a) Min. Yard Setbacks				
Apartment:				
From Front Lot Line (Davis Drive):		Min. 3.0 m from Davis Drive to accommodate a 3m easement in favour of the Town for the future undergrounding hydro		
Apartment:		Min. 4.5 m		
From West Lot Line				
Parking Structure:				
From Rear Lot Line as measured from the northerly limit of the Minor Collector ROW:		Min. 3 m from the future Minor Collector right of way. The 3 m setback is to be landscaped. Note: The future Minor Collector ROW is to be dedicated to the Town and will have a minimum width of 20 m		
Above Ground Parking Structure:				
From East Lot Line for above ground		Min. 6.3 m to provide the opportunity for a private lane access to the future Minor Collector		
Above Ground Parking Structure				
From the West Lot Line		Min. 2 m including any ramps		
(b) Max Yard Setback				
Apartment:				
From Front Lot Line (Davis Drive)		Max. 15 m		
From Side Lot Line (West)		Max. 4.5 m		
From Side Lot Line (East)		Max. 6.3 m		

Above Ground Parking Structure:			
From East Lot Line		Max. 9 m	
From West Lot Line for above ground parking structure		Max. 4 m excluding any ramps	
(c) Max. Floor Space Index:	2.0 FSI based on the <i>net lot area</i> of the property that is the subject of the zoning amendment as described below in provision (vi).		
(d) Min. Floor Space Index:	1.5 FSI based on <i>net land area</i> described below in provision (vi).		
(e) Max. Height of apartment :	47 m (15 storeys)		
Where height is in metres and storeys, the measurement in metres shall prevail.			
(f) Podium Structure :			
Maximum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage	Max. 10 m		
Minimum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage	Min. 5.0 m		
Minimum step back	Min. 3.0 m		
Minimum frontage	Min. two-thirds the width of the frontage of the apartment facing Davis Drive		
(g) Minimum Ground Floor Height:	Min. 4.5 m		
(h) Minimum Parking Requirement:	1.1 space per unit		

- v) A greater setback from the lot lines shall be permitted where public and/or private/public space is provided for a park, public square or outdoor plaza.
- vi) *Net lot area* shall be calculated based on the entire property at the time of application of the By-law amendment (September April 28, 2014), inclusive of the public Minor Collector across the rear of 212 Davis Drive and all private internal streets/lanes and the land included in the easements for underground hydro utilization across the frontage of Davis Drive.

vii) *Podium Structure* means the lower part of the apartment building that is designed to break up the front façade and define the street edge. The podium refers to the overall structure of this portion of the building, and can be considered as the base of the building.

viii) Section 5.5 vii shall not apply.

ix) Special note (*3) of Section 6.4.1 shall not apply.

x) Sections 6.4.2 (notes *2-5) pertaining to terracing and setbacks shall not apply.

xi) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.

3. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-Law.

4. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
2014-XX	212 Davis Drive Part of Lot 4, Registered Plan 32, Town of Newmarket	<p>No person within the lands zoned (H)UC-P-119 shall use, erect, alter or use any buildings or structures for any purpose except for those uses which existed on the date of passing of this By-Law. Any grading, filling or works necessary to fulfill the requirements of site remediation in order to obtain approval for record of site condition and to provide approved servicing shall be permitted.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-Law shall occur unless an amendment to this By-Law or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent the remediation as addressed above in accordance with the requirements of the Phase 2 Environmental Site Assessment and any testing required to address the potential impacts of development including the Risk Assessment related to Source Water Protection and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<p>1. Grading</p> <p>That prior to lifting the "H" it shall be demonstrated to the satisfaction of the Town that the proposed grading and elevation of the proposed building and parking structure is to the satisfaction of the Town.</p> <p>3. Conveyance of the Minor Collector and Hydro Easement along the frontage of Davis Drive.</p> <p>That prior to the lifting of the "H", that the Owner shall enter into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the rear of 212 Davis Drive and the 3 m easement and associated facilities at the Davis Drive frontage and the necessary agreements executed with the Town, and applicable agencies.</p> <p>2. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the "H" it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity available, or through a detailed calculation demonstrate that water conservation measures will achieve the same end and that there will be no downstream adverse impacts.</p> <p>3. Record of Site Condition:</p> <p>That prior to lifting the "H" a Record of Site Condition shall be filed in accordance with the Town's Official Plan. (Policy</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			<p>10.4.7 a)</p> <p>4. Stormwater:</p> <p>That prior to lifting the "H" on, a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and Lake Simcoe Region Conservation Authority.</p> <p>5. Servicing Conveyance:</p> <p>Prior to the lifting of the "H" on each phase, provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town.</p> <p>6. Source Water Impact and Assessment Mitigation Plan:</p> <p>That prior to lifting the "H" a Source Water Impact and Assessment Mitigation Plan shall be required to have received approval from the Region of York demonstrating that any construction activities including any dewatering or groundwater depressurization will not interfere with quantity and quality of groundwater of the municipal well(s);</p> <p>7. Site Plan Agreement:</p> <p>That prior to lifting the "H" a site plan has been entered into between the Town and the Owner of the lands and the Town, and the performance security contemplated therein posted;</p> <p>10. Official Plan:</p> <p>That prior to lifting the "H" on</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			each phase, all relevant provisions of the Official Plan have been complied with.	

ENACTED THIS DAY OF , 2013

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

APPENDIX B

LIST OF MATTERS TO BE INCLUDED IN THE SITE PLAN AGREEMENT

PART 1

Transportation

1. The owner agrees that the Minor Collector identified on Schedule 5 in the Newmarket Urban Centre Secondary Plan located across the rear of 212 shall be a public street and will be dedicated to the Town at no cost save and except for the provisions of the Deferral of Development Charges Agreement as entered into with the Town. The final width of the Minor Collector Right of Way will be determined once the Town has determined the final grade of said street. The street will be conveyed to the Town and an up to date survey provided and registered on title.
2. It is agreed that the construction of the minor collector across the rear of 212 Davis Drive will not be the responsibility of the owner.
3. The owner agrees to provide connectivity through the site and to the adjacent lands through:
 - i. a private street connecting Davis Drive to the future minor collector located at the rear of 212 Davis Drive , and
 - ii. Side walk connection to the proposed park to the east
 - iii. A sidewalk connection to the future development to the west.

Underground Hydro

4. The owner agrees that a 3 m easement will be dedicated to the Town to accommodate the future undergrounding of hydro along the Davis Drive frontage.
5. The owner agrees that an area of approximately 4 m x 5 m in size, in close proximity to the 3 m hydro easement and proposed hydro dip pole, be established for a future easement in favour of to Newmarket Hydro or appropriate body for a pad mount transformer, which will replace the existing dip pole structure.

6. Affordable Housing

7. The owner agrees to provide a minimum of 25 % of the rental accommodation within the affordability benchmark for rental housing in accordance with the Region of York criteria for affordability for moderate to low income households.

Open Space and Connectivity

8. The owner agrees to create a landscaped areas along the frontages of the subject property including the area where the watercourse may be placed in a culvert, on the south, and on east and west sides of the parking structure to the satisfaction of the Town and where applicable, the Region of York.
9. The owner agrees to provide detailed design of the connection between Davis Drive and the future Minor Collector to the satisfaction of the Town at the Site Plan stage.
10. The owner agrees to a minimum of one side walk at the joint entrance to the subject property in addition to the sidewalk access proposed on the north west corner of the subject property

Sustainability

11. The owner agrees to the sustainability measures, including but not limited to:
 - Implement grey water recycling to meet 50 % of the projected demand for toilets and urinals.
 - Implement reflective roofing or landscaped/green roofs on all rooftops exclusive of the areas used for mechanical equipment.
 - Design the buildings to be solar ready.
 - Make best commercial effort to provide for 40 % of the energy requirements to be purchased from alternative energy sources, or off-site renewable energy source.
 - Design lighting and circulation/ventilation to meet or exceed energy efficient standards in effect at the time.
 - Ensure all appliances and water fixtures are low demand or low flow.
 - Design and implement three-stream waste management.
 - Design and building to accept advance communication technology e.g., conduit and wiring that meets or exceeds the minimum industry standard for advance communication e.g., broadband.

APPENDIX C

DETAILED COMMENTS RECEIVED

The detailed comments raised issues related to the following topics that relate predominantly to the Zoning By-law.

1. Grading and Transition to Adjacent Properties
2. Connectivity and Private Street
3. Underground Hydro Facilities
4. Natural Hazards and Fisheries
5. Parking
6. Urban Design and Sustainability
7. Environmental Site Assessment
8. Sanitary Sewers
9. Stormwater Management
10. Source Water Protection
11. Servicing Allocation
12. Affordable and Rental Housing

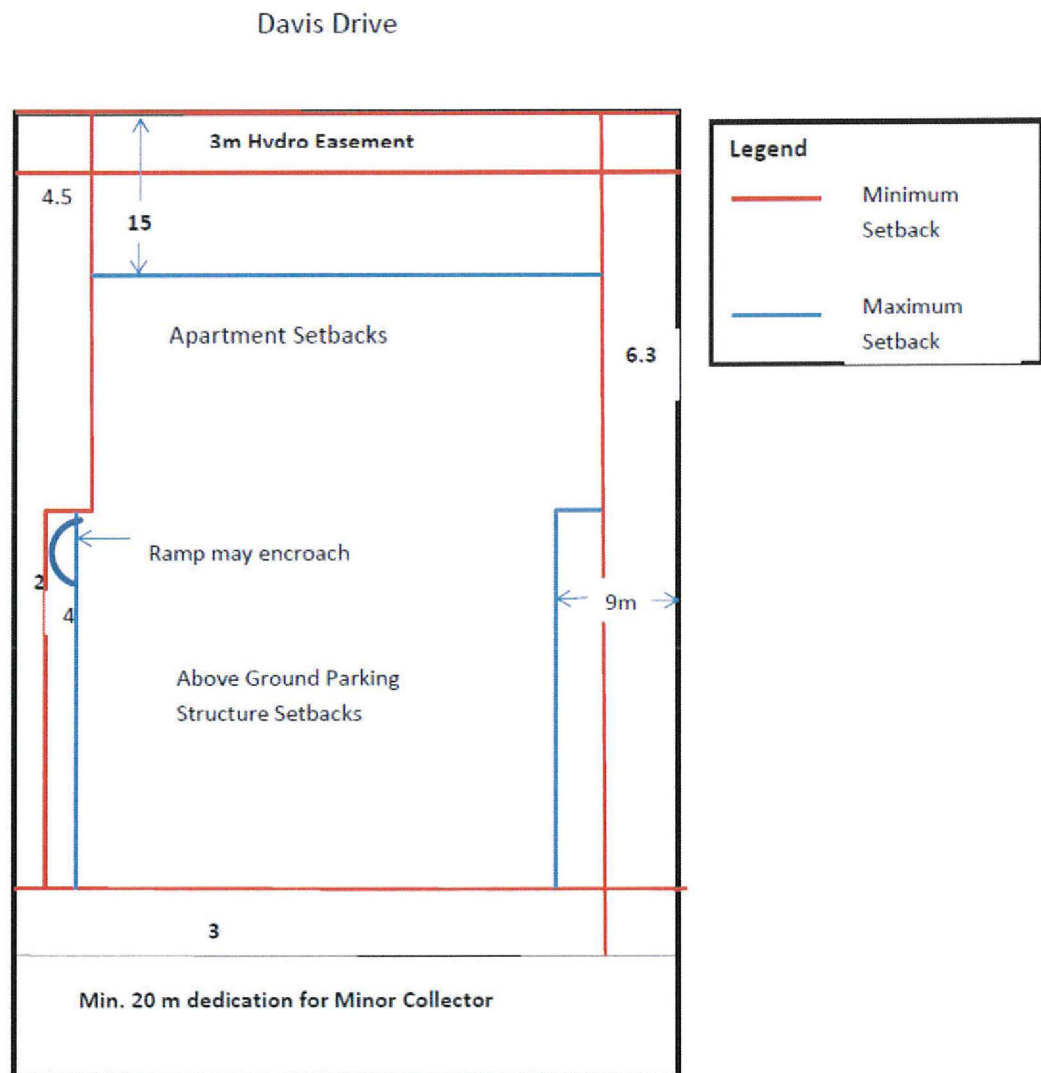
The comments have been addressed in the Staff Report under Primary Planning and Technical Issues.

The detailed comments are available on the Town's Web site through the following link:

<http://www.newmarket.ca/en/townhall/resourcelibrary/APPENDIXCCommentsReceivedinResponsetoZoningandSitePlanApplications.pdf>

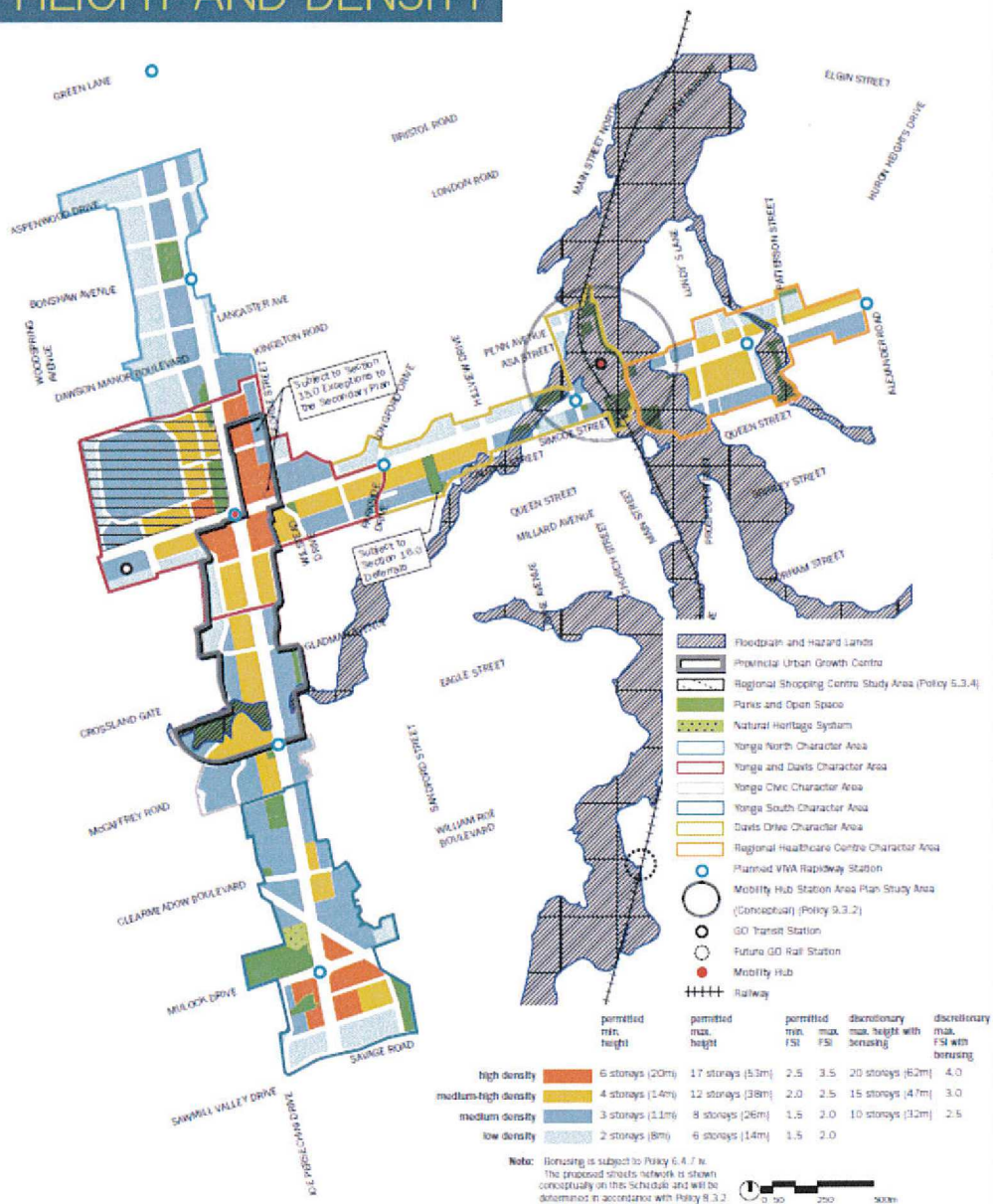
Appendix D

Schematic Illustrating the Effect of the Recommended By-law (Not to Scale and All Measurements are Shown in Metric)



AS ADOPTED, JUNE 23 2014; NEWMARKET URBAN CENTRES SECONDARY PLAN

SCHEDULE 4: HEIGHT AND DENSITY



AS ADOPTED, JUNE 23 2014: NEWMARKET URBAN CENTRES SECONDARY PLAN

SCHEDULE 5: STREET NETWORK

