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Old Main Street Tertiary Plan Final Report Staff Report

Report Number: 2019-36

Department(s): Planning & Building Services

Author(s): Meghan White

Meeting Date: April 8, 2019

Recommendations

1. That the report entitled Old Main Street Tertiary Plan Final Report dated April 8, 2019 be received;
2. That Official Plan Amendment No 22 (Old Main Street Tertiary Plan), generally as attached to this report, be adopted;
3. That a Holding By-law be placed on the lands subject to the Tertiary Plan as described in this report;
4. That Engineering Services be authorized to include a budget request, for the 2020 budget, to hire a consultant to complete the Engineering Master Plan as proposed in the Old Main Street Tertiary Plan, which will consider drainage, water table levels, stormwater management, and road design, among other things;
5. That an implementing zoning by-law amendment based generally on the Draft Zoning By-law Directions for the Old Main Street Tertiary Plan be referred to a Public Meeting at a future date;
6. That following the Public Meeting, issues identified, and comments heard from the public, Committee, and those received through agency and departmental circulation of the proposed zoning by-law be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

This report recommends approval of the Official Plan Amendment (OPA) which amends the Official Plan to include the Old Main Street Tertiary Plan. The report highlights various policies of the Tertiary Plan, including new built form permissions of triplexes and fourplexes, a new area designated Natural Heritage, the requirement for an Engineering Master Plan and outlines how the Tertiary Plan will be implemented.

The report also speaks to how the Tertiary Plan conforms to and is consistent with all of the relevant upper level planning documents, including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Lake Simcoe Protection Plan and the Regional Official Plan.

Finally the report outlines and addresses the public comments received prior to and at the Public Meeting; reviewing comments on built form, the Natural Heritage designation, trees, and traffic.

The report finds that the Official Plan Amendment for the Tertiary Plan, represents good planning and is in the public interest.

Purpose

The purpose of this report is to recommend the approval of Official Plan Amendment (OPA) No 22 (Old Main Street Tertiary Plan) and several implementing items. This report lays out the planning rationale for approving the OPA including how it conforms to all relevant policy documents. The report also discusses comments heard at the Public Meeting and how they have been addressed.

Background

In May 2017, Council passed an Interim Control By-law to pause development applications along Old Main Street, thus allowing staff the opportunity to hire a consultant and complete a Tertiary Plan. The study area consists of the properties on Old Main Street bounded by Bexhill Road to the south-west, St John's Cemetery to the north-west, Main Street By-pass to the north-east and south-east (as shown on Figure 1 below).

Figure 1:
Aerial Map –
Old Main
Street Tertiary
Plan study
area



Staff have been working with SvN Planners & Architects and Dillon Consulting on the Tertiary Plan. Staff and the consultants collected data and information on the area, including conducting a walking tour to gather input from the residents. The information was compiled into two Background Reports. In February 2018, staff and SvN presented these reports to Council, outlining their findings and highlighting the opportunities and constraints identified for the area. The Background Reports were appended to Planning & Building Services Report 2018-14 and are available on the website:

www.newmarket.ca/OldMain.

Subsequently, staff presented three concept plans of varying densities to the public at a workshop event in April 2018. The summary of that event and the three land use concepts are also available on the website.

Staff and SvN took the comments submitted at the workshop and drafted the Tertiary Plan document. In September 2018, it was presented to the public. Feedback was received on the draft and changes were made, the new version was dated January 2019. This was the version presented at the Public Meeting on February 4th, 2019. The comments heard throughout the process are summarized and responded to in the Consultation section of this report below.

Discussion

The Plan

The Old Main Street Tertiary Plan provides direction on the possibilities of redevelopment along Old Main Street. The process to create the Tertiary Plan incorporated planning, transportation and servicing reviews and analysis of relevant background information, as well as a robust public and stakeholder consultation process.

Through the process, a vision and guiding principles for the Tertiary Plan were created and vetted. The determined vision for Old Main Street is that the Old Main Street Neighbourhood will retain its rural, cottage-like and scenic natural character, while accommodating contextually-sensitive development. The guiding principles for future development are that the neighbourhood will be planned and designed in a manner which:

- Respects the existing natural heritage system and topographical conditions;
- Enhances existing landscaping and open space features, while introducing new and improved stormwater management facilities;
- Facilitates the establishment of new pedestrian connections, gateway features, and the enhancement of Old Main Street;
- Respects prevailing site, building and architectural characteristics.

Policies

Official Plan Amendment No. 22 amends the residential policies (Section 3) of the Official Plan. In addition to singles and semis that are currently permitted by the Official Plan, the new policies also permit triplexes and fourplexes.

These kinds of built form are important for the Town's growth as they offer a variety of housing types rather than just single detached dwellings or apartment buildings. A variety of housing is important for urban growth because it can be constructed faster than apartments, can suit irregular lot patterns, and can encourage a variety of builders with different backgrounds to build. This kind of built form is able to maintain existing street patterns including lot sizes, landscaping standards, and light penetration. This style of housing is often more human-scale and creates more walkable neighbourhoods. This kind of housing can be more affordable because it is faster to build, is accessible to a greater number of builders/designers who may have different goals, and construction costs can be, generally, cheaper per square foot.

Figure 2:
Examples of
(from right to
left, top to
bottom): single
detached,
semi-
detached,
triplexes, and
fourplexes



The policies aim to blend additional units into the neighbourhood using thoughtful site planning to minimize impacts on the existing residents. The Tertiary Plan also has design policies which maintain the vision for the Old Main Street neighbourhood and controls built form. Such policies address matters pertaining to building height and massing, building elements, garages and driveways, setbacks and landscaping, special features, and built heritage. Official Plan policies do not typically get specific with regard to site and building design; they have been included in the Tertiary Plan in lieu of a separate architectural or urban design guideline.

To permit some intensification, the Tertiary Plan policies allow for the consideration of private roads, which would allow for additional development off of Old Main Street. In some cases, some properties would have to be consolidated to accommodate private road redevelopment.

The Official Plan Amendment extends the Natural Heritage Area designation from the approved redevelopment at Bexhill (172-178 Old Main St) through to the St John Cemetery. The location of the designation was based on a desktop review of the following:

- Geospatial information provided by the Town, including the Official Plan Schedules and LSRCA regulatory floodplain;
- Geospatial information identified through Land Information Ontario;
- East Holland River Subwatershed Plan (LSRCA 2010); and
- Natural Heritage Information Centre (NHIC).

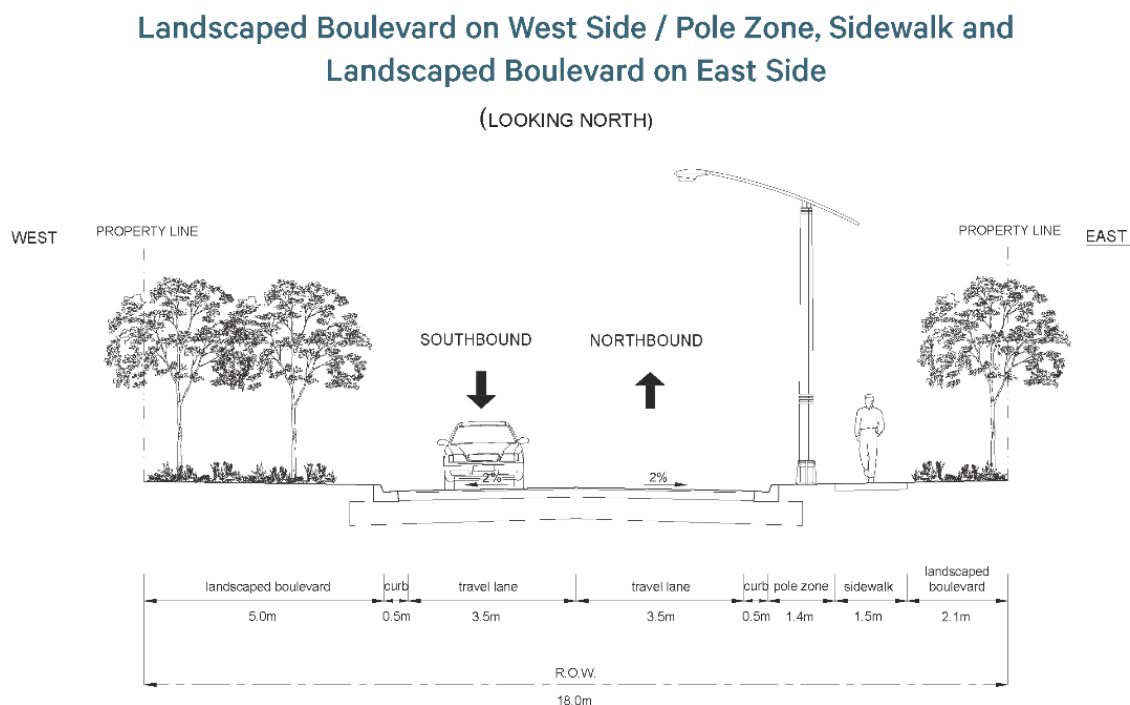
The Natural Heritage policies of the Tertiary Plan reference back to the Official Plan's Natural Heritage section to maintain consistency.

The Implementation section of the Tertiary Plan outlines that properties should be consolidated to ensure a comprehensive and complete redevelopment is contemplated. The Tertiary Plan speaks to encouraging consolidation whenever possible.

The consultants have also prepared a guidance document for the implementing zoning by-law, which is attached as Appendix C – Draft Zoning By-law Directions. This report recommends that a Holding Provision be put in place to ensure the requisite works and studies are completed prior to significant redevelopment taking place. Staff will continue to work on the zoning by-law amendment that will implement the policies of the Tertiary Plan. This will be a Town-initiated zoning by-law amendment and this report is also requesting permission to hold a Public Meeting for that amendment.

Proposed streetscape

The Tertiary Plan presents a preferred streetscape which would modernize the street and allow for additional infrastructure, including an underground storm pipe. It is theorized that an underground storm pipe will be required to accommodate future development as well as improve some of the stormwater management in the area. The Engineering Master Plan, discussed below, will review the stormwater management requirements and the road redesign and make recommendations about how to proceed.



Engineering Master Plan

In terms of the infrastructure and engineering component, further detailed study is required. The policies require the town to undertake an Engineering Master Plan (EMP) to study the stormwater management and drainage patterns of the area. The EMP will

have to consider the overall drainage of the area including stormwater management (with upstream and downstream considerations) and water table levels. It could also consider the more detailed design of the road layout and how to incorporate all road elements from the preferred concept while dealing with a more compact road right of way. It is anticipated that any works required out of the EMP could be, at least partially, funded through development charges. The recommendations of this report give authorization/direction to Engineering Services to put forward a budget request for the 2020 fiscal year to hire a consultant to undertake the EMP.

The Zoning By-law

Staff have recommended that a Holding By-law be placed on the lands subject to the Tertiary Plan, a draft by-law is attached in Appendix B. The normal and regular use of the underlying zoning (R1-B in most cases) would still be permitted. The Holding Provision would restrict future redevelopment until the Engineering Master Plan has been completed, lands have been consolidated, and servicing allocation granted.

Later this year, staff are intending to bring forward an implementing zoning by-law based on the Draft Zoning Directions document provided by SvN. This will codify some of the site and building design policies into law. This report also seeks approval to hold the public meeting for that zoning by-law amendment at a future date.

Plan Conformity and Consistency

The *Planning Act* requires that a decision of Council shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement (the “PPS”). The provincial plan relevant to this area of Newmarket is the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

Provincial Policy Statement

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 policy statement.

Section 1.1.3 of the PPS communicates that settlement areas shall be the focus of growth and development, and that their vitality and regeneration be promoted. Further, settlement areas shall be based on densities and a mix of land uses that promote appropriate development standards to facilitate intensification, redevelopment and compact form.

The Tertiary Plan is consistent with the PPS in that it is considering redevelopment and intensification that uses existing infrastructure services while being sensitive to the existing neighbourhood.

Growth Plan

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

The Tertiary Plan aligns with, and conforms to, the objectives of the Growth Plan as it is encouraging a mix of housing forms with a high standard of urban design.

York Region Official Plan

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The YROP designates this site as part of the “Urban Area”. This designation allows for urban development.

Section 8.3.8 of the Region’s Official Plan allows for municipalities to request an exemption from Regional approval of an official plan amendment, if it can be demonstrated that it will not adversely affect any Regional interests. The area subject to the Old Main Street Tertiary Plan is within the urban boundary of Newmarket, the OPA is of local importance, and will not adversely affect any Regional interests. Specifically, the proposed plan will not adversely affect the Regional Greenlands system as the proposed Natural Heritage System and Floodplain and Hazard Lands designations generally cover the same area; thus further enshrining the protections of the ROP into the Town’s Official Plan. The Region has granted an exemption from their approval of the OPA and their staff is satisfied that Regional interests will not be negatively impacted and that the Tertiary Plan conforms to the Regional Official Plan policies.

Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) is a provincial plan which looks to the preservation and enhancement of Lake Simcoe as a significant water body. The policies of the LSPP speak to stormwater management, subwatershed planning, wetland protection, watercourse protection, natural heritage planning, significant valley lands, ecological offsetting and phosphorus offsetting. The Lake Simcoe Region Conservation Authority administers the LSPP and has advised that the Tertiary Plan conforms to the relevant sections of the LSPP. LSCRA staff have reviewed the draft Plan and are generally satisfied with the proposed policies and mapping.

Newmarket Official Plan

The subject lands are designated Stable Residential with a portion subject to the Floodplain Hazard Overlay.

The Stable Residential designation permits single and semi-detached units. The objectives of the Stable Residential designation are to provide for a range of residential accommodations by housing type, tenure, size, location and price ranges and

encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision design. The Official Plan in Section 3.7 allows for intensification and infill development in Stable Residential areas that is compatible with the surrounding neighbourhood.

The Tertiary Plan allows for gentle intensification that will permit a mix of housing forms while being compatible with the existing neighbourhood. This is in keeping with the general intent and overall direction of the Official Plan and the residential policies.

It is staff's opinion that the policies of the OPA 22 (Old Main Street Tertiary Plan) represent good planning and are in keeping with the Town's own policies as well as all higher level Regional and Provincial Plans.

Consultation

Extensive public consultation has been held over the two years of this project. Summary reports of the events are available on the Town's website. In addition to the three formal events, staff have had several meetings and many phone calls with residents. There has also been an opportunity to participate online through HeyNewmarket.ca. Through these various mediums many comments were received. They are summarized and addressed below.

Public Comments

At, and prior to, the Public Meeting staff heard that residents have concerns that the Tertiary Plan does not go far enough in allowing for intensification and redevelopment. Some residents want to see additional units and a different housing form, specifically townhouses, to maximize the value of their property, to conform with the Growth Plan, to down size and remain in the neighbourhood, and in support of the GO Station at Main St and Davis.

By permitting a combination of singles, semis, triplexes, fourplexes, the Tertiary Plan permits a degree of intensification, in a form which is generally in keeping with the prevailing neighbourhood character. Tri-plexes and fourplexes can be designed in such a manner that they look and feel like single detached and semi detached dwellings, thus allowing additional dwelling units without departing from the feel of the street. As townhouse create a continuous block of development, they are perceived differently from the street and would be a departure from the existing rhythm of the street. Fourplexes and triplexes can achieve the appropriate level of density while maintaining the character of the street.

The Region recently released an Intensification Area document which provides guidance on how to intensify around mass transit stations. The document specifically looks at the area surrounding the Main/Davis Go Station and does not extend the intensification area as far north as Old Main Street. The Intensification Area around the station has been previously studied by the Town and it was decided that it would not include established

residential areas in much closer proximity to the station. It would therefore, not be logical, to leap frog those neighbourhoods to include Old Main Street in the Intensification Area.

The Growth Plan and the PPS both call for intensification within urban areas where appropriate. For Newmarket specifically, the Growth Plan has indicated where Newmarket should intensify, mainly around the intersection of Yonge and Davis. The Town's Secondary Plan has further extended that area to include most of the Yonge and Davis corridors. That is not to say that other areas will not change or be redeveloped, but that most of the intensification shall be directed to the corridors. The PPS and Growth Plan also speak to including a variety of housing forms to meet the needs of all residents, at all stages of life and from all societal groups. As discussed in this report, the proposed forms of housing permitted by the Tertiary Plan will provide a variety of homes to meet the needs of people needing smaller accommodation with less maintenance.

The majority of properties along Old Main Street are zoned Residential Detached Dwelling 30m (R1-B); the Official Plan permits singles and semis. The only form of development that is currently permitted without a major Planning Act application (i.e. official plan or zoning by-law amendment) is a single detached dwelling. The Tertiary Plan adds additional permissions for triplexes and fourplexes. This has simplified any redevelopment proposal by taking away the need for official plan amendment and rezoning applications; in theory making it easier for lands to be redeveloped in the future.

Larkin+ submitted a letter with a sketch demonstrating how the northern properties could be redeveloped with semis and townhouses. Staff appreciate the effort of the residents to communicate their desires in a thorough and professional manner. However, there are concerns that this redevelopment, as proposed, would not meet our draft zoning directions, therefore it would not be in keeping with the site and building policies of the Tertiary Plan whose intent is to ensure that redevelopment feels like a continuation or extension of the existing neighbourhood. The proposed level of intensification could likely be achieved using semis, triplexes and fourplexes, probably with more success at conforming to the site and building policies.

At the Public Meeting staff also heard that residents are concerned that the Tertiary Plan policies will allow for an over-development of the area and negatively impact current residents and nearby residents. There was specific mention of the density permission of 1.0 FSI. The intention of the Plan and Study was to determine how much density could be supported and would be appropriate for this area. Through the process it has been determined that some intensification can be supported and that gentle intensification is appropriate. The intent of the Plan, with the specific site and building design policies, is to control any redevelopment such that it will be an extension of the existing neighbourhood in look and feel. The Plan seeks to achieve the balance between some intensification and significantly altering the neighbourhood.

The draft policies regarding floor space index and lot coverage are intended to apply broadly to the full range of building typologies and lot conditions. In doing so, it accounts for the most constrained of these conditions (i.e. largest potential building mass on smallest potential lot). In that respect, these numbers are consistent with comparable policy initiatives in other municipalities with similar conditions. It is also intended to provide a degree of flexibility at the Official Plan level, with the option of providing a finer grain level of regulation at the zoning stage, broken down by specific building typology. That level of detail warrants consideration at the rezoning stage. The ultimate massing potential of a building is determined by a combination of factors at the zoning level including lot coverage, setbacks, separation distances, finished floor height, building height, building width and depth, gross floor areas, etc. Of these, regulations for building width and depth, in particular, will be significant limiting factors when it comes to building mass, regardless of lot size and FSI permissions.

Natural Heritage

At, and prior to, the Public Meeting, staff heard there was a concern with the size and boundary of the Natural Heritage designation. The Tertiary Plan Natural Heritage policies, and the location of the designation as shown on Schedule A (of the OPA, attached as Appendix A), are a reflection of the research, findings and recommendations of Dillon Consulting, as a sub-set of the Engineering component of the Tertiary Plan Study.

The slope of lands along the west side of Old Main Street is a consideration for the Natural Heritage System boundary. However, it is primarily a concern between the properties at 172 and 210 Old Main Street, and less of a concern for the properties to the north. This is only one of several factors which were used as the basis of determining the extents of the proposed Natural Heritage System. The other factors include, but are not limited to, drainage and stormwater management, the preservation of existing ecological functions, the protection of existing woodlots and naturalized areas, the achievement of municipal tree canopy targets, and the provision landscape buffering requirements between development and natural heritage features. It is important that all of these factors are considered, and balance the desire for development against the potential need for the protection of environmental features.

The policies within the draft Tertiary Plan explicitly state that portions of the Natural Heritage System may be subject to development, pending the findings of an Environmental Impact Study and to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority. The Plan also states that an amendment to the Tertiary Plan is not required for minor adjustments to the Natural Heritage System boundary, if deemed advisable by Council.

Part of the Natural Heritage Area includes a 30 m buffer from the floodplain. The buffer is a setback from the edge of the flood line that identifies the regulated area within which the LSRCA has jurisdiction over proposed developments (and may issue permits for

development). The 30m buffer is a conservative estimate of the regulated area and may need to be verified with further detailed study.

Trees and Woodlot

Staff have heard at, and prior to, the Public Meeting that residents have concerns that part of the area designated Natural Heritage is stand of Scots Pine planted by the property owner and is therefore not 'natural' nor 'heritage'. They raised concerns that the pines were diseased and would harm the rest of our urban forest if preserved. Forestry staff have reviewed the materials submitted by the residents and offer the following comments.

An arborist report completed by Kuntz Forestry Consulting (dated May 3, 2017), provided by the residents, outlines the wooded area as a remnant scots pine plantation with regenerating sugar maple, among other hardwood species. The total density of this unit is 5400sph and therefore qualifies as a portion of the woodlot. This indicates that the scots pines are being pushed out by the regenerating sugar maples and other hardwoods which is a normal progression of a woodlot. Scots pine tend to be not long lived and will give way to hardwoods that will eventually form a permanent forest cover. There is a disease in pines that affects scots and red pines but these diseases are restricted to conifers only and will not affect all of the Town's trees.

The fact the pines are dying is not unusual, there are a number of diseases that affect pine trees. The Kuntz report says that the hardwoods are regenerating indicating a healthy forest environment. In some of the correspondence, there was a mention of pine wilt, this is a disease mostly restricted to scots pines. All species of pine trees, including austrian pine, scots pine, red pine, white pine, and mugo pine, comprise 11% of the Town's total tree canopy. Therefore pine tree diseases do not threaten the overall municipal canopy.

Residents have mentioned the mature oaks in the area are also in decline, suspected to be caused by the disease from the scots pines. There are many factors that can result in the decline or death of a tree including but not limited to climate, draught, too much water, pollution, insects and pests, diseases, nutrient deficiencies, and other soil problems. The decline of the oak trees may be related to the decline of the pines but since they are two different species they are most likely declining for different reasons.

The treed area (woodlot) is only a portion of the reason for the for the Natural Heritage designation. Establishing this designation is in keeping with the Town's Official Plan policies, goals and targets to increase the tree coverage and additional tree canopy. Therefore the establishment of this new Natural Heritage area is consistent with the Town's Official Plan policies. This new designated area is contiguous to an area with an Open Space Environmental Protection zone, which starts to create a small corridor and habitat for wildlife.

Schedule A of OPA 22 shows the general location of the Natural Heritage Designation. The exact size and precise location of the boundary will be determined through

redevelopment application(s) as appropriate. Then the boundary location will be based on specific needs of the proposal and detailed technical studies considering the impact of the proposal and the existing conditions.

Traffic

Residents have proposed stopping up and closing Old Main as a through street. Their proposal includes allowing pedestrian traffic but no longer allowing vehicle traffic to travel the entire length of Old Main Street. The proposed physical separation would be achieved by bollards with the intent of minimizing the impacts of redevelopment on existing residents. The Transportation Division does not support stopping up and closing public roads. It is not the Town's practice to close off streets to provide traffic calming to areas, or to mitigate concerns about redevelopment as it could negatively impact service delivery of fire and emergency services, garbage collection, snow clearing, and general maintenance. A stop-up and closure of a road is a legal process and may require a Class ESR Schedule B, which is a costly process in terms of resources, time and budget.

Specifically for Old Main Street, the traffic volumes are not excessive. The Background Study completed by Dillon, indicated the road could physically handle additional traffic generated by redevelopment. Traffic is not a limiting factor on redeveloping the area. Through the public consultation process, residents often reported concerns with current traffic volumes and speed of cars on the road. Although there are no engineering concerns with traffic volumes, concerns have been expressed about speeding cars; it feels like cars are going too fast through the neighbourhood. In order to address this concern, consideration for traffic calming measures could be included in the redesign of the road. This can be further reviewed through the proposed Engineering Master Plan, if authorized.

HeyNewmarket

There were a few comments received online through HeyNewmarket, primarily they centered around the proposal for detached accessory dwelling units or 'granny flats'. The online commenters were not in favour of granny flats, this echoes the strong sentiment from the in-person engagements. The permission for external accessory apartments was removed in the January edition in the plan. A policy explicitly permitting internal accessory dwelling units in single and semi-detached dwellings has been added at the request of the Region. This is consistent with the parent Official Plan which also has this permission. Other comments received through HeyNewmarket have been addressed in other areas of this report.

Agency Comments

York Region has reviewed both the September and January versions of the Tertiary Plan. All of the changes suggested through their review have been accommodated. The

Region is generally satisfied with the Official Plan Amendment and granted the Plan exemption from Regional Approval.

The Lake Simcoe Region Conservation Authority (LSRCA) has also reviewed both the September and January versions of the Tertiary Plan. Staff have been able to address all of their changes and suggestions. They are satisfied with the Tertiary Plan.

Conclusion

It is staff's opinion that OPA No. 22 (Old Main Street Tertiary Plan) represents good planning and is in the public interest.

The next steps include sending out the Notice of Decision, waiting for the appeal period to expire, starting the public process for the area specific zoning by-law amendment, and hiring a consultant to undertake the Engineering Master Plan.

Business Plan and Strategic Plan Linkages

Living Well

- Traffic and growth management strategies

Well Balanced

- Meeting the needs of all life-cycle stages

Well-equipped & managed

- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Varied housing types, affordability and densities

Well planned & connected

- Long-term strategy matched with a short-term action plan
- Improving interconnectivity and interaction amongst neighbours and neighbourhoods

Human Resource Considerations

None.

Budget Impact

Ultimately there could be budget impacts if Council decides to pursue the preferred street scape for the entire street, although some of the reconstruction costs have been accounted for in the recent Development Charges Background Study.

There will be a cost to undertake the Engineering Master Plan, a cost estimate would be provided through the 2020 budget process.

Attachments

Appendix A – Draft OPA No. 22 and Old Main Street Tertiary Plan

Appendix B – Draft Holding By-law

Appendix C - Draft Zoning By-law Directions

Approval

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