



PLANNING AND BUILDING SERVICES
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Planning Report

TO: Committee of Adjustment

FROM: Alannah Slattery
Planner

DATE: March 18, 2020

RE: Application for Consent **D10-B01-20**
165, 185, 200 Deerfield Road
Made by: Deerfield 2 GP Inc.

1. Recommendations:

That Applications for Consent D10-B01-20, be granted, subject to the following conditions:

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
 - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and
 - iii. the required transfer to effect the severance and conveyance applied for under Consent Application D10-B01-20, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

2. Background

This report follows an application for zoning by-law amendment to permit the multi-unit residential redevelopment of the property indicated above (the 'subject lands'), which is to be comprised of two buildings, one of 12 and one of 15 storeys. In addition, there is a third building of 15 storeys under construction on the lands that were severed through consent application D10-B04-19.

The zoning by-law amendment for this development was approved by Council under file D14-NP17-20. The development is currently proceeding through site plan approval under file D11-NP18-17. The conditions for the severance of Phase 1 were completed on February 14, 2020.

The surrounding context is as follows,:

- North: 200 Davis Drive, Two-storey commercial condominium including a range of retail and service uses on the ground floor with upper-floor offices
- East: 212 Davis Drive, fifteen-storey multi-unit residential rental building.
- South: Single detached residential dwellings fronting onto Queen Street
- South and west: Low-rise buildings including motor vehicle repair facilities, professional offices, and a day care
- West: Parkside Drive and the Newmarket Plaza commercial centre

The subject lands are located on Deerfield Road, with a small frontage on the south side of Parkside Drive. The lands are approximately 1.84 hectares in size, with approximately 63 metres of frontage onto Deerfield Road and 4 metres of frontage onto Parkside Drive.

3. Application

The purpose of the consent application is to allow the applicant to sever the subject lands into two (2) separate parcels. The proposed development on the subject lands contemplates three residential buildings with a mix of condominium and rental tenure. The intent of the severance would allow the applicant to operate the Phase 2 building (the severed lot, indicated as "A" on the attached sketch) under a separate ownership from the Phase 3 building (the retained lot, indicated as "B" on the attached sketch), which will be managed under a condominium corporation.

Severing the lands will not lead a physical change in the development, as this is managed through the site plan approval process. The consent will allow for different ownership, mortgaging, financing, and legal agreements on title to each property.

The subject lands are currently largely vacant, save for the existing single detached dwelling and garage, which will be demolished as was the large industrial building on the lands, as part of the overall redevelopment.

4. Planning considerations

5.1 Conformity with Provincial Policy and Regional Plans

Provincial plans are to inform Committee's decision regarding consents. Relevant plans include the Places to Grow Act, the Growth Plan for the Greater Golden Horseshoe, and the Provincial Policy Statement 2014. These acts and plans speak to allowing consents where appropriate, to directing development to areas within urban boundaries, and to intensify existing built-up areas.

The Provincial Policy Statement and provincial policy documents are to be read in their entirety and the relevant policies applied to each situation. In situations where more than one policy is relevant, a decision maker such as the Committee of Adjustment should consider all of the relevant policies to understand how they work together. These documents are available online and through Planning Services and staff from Planning Services are available to assist members of Committee to access and consider them. Given the number and breadth of policy documents they will not all be discussed in this report, but relevant excerpts are provided and brief comments on their relevancy offered.

The Provincial Policy Statement directs that municipalities manage and direct land use to achieve efficient land use patterns. This aim and the creation of healthy, liveable, and safe communities is supported by:

- Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term; and
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs, among other efforts.

Section 2 of the Planning Act sets out Matters of Provincial Interest that are to be considered by the Committee as part of applications for consent.

In addition, criteria under Section 51 (24) of the Planning Act must also be considered when the considering the creation of new lots through consent. Many of these criteria are addressed by staff and agency comments, but these clauses should be considered in their entirety by Committee.

The Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan') provides more specific policy direction. Every planning decision is required to conform with or not conflict with this Plan. The Growth Plan supports the intensification of development along rapid transit corridors such as this project along the Davis Drive VIVA rapidway.

The York Regional Official Plan (the 'YROP') also supports the intensification of development along the regional Davis Drive corridor.

5.2 Conformity with the Official Plan

As discussed above, the subject lands are within the Urban Centres Secondary Plan (UCSP) area, and designated with a range of applicable policy categories of the UCSP. This development conforms with the policies of the Secondary Plan, as has been achieved through amending Zoning by-law 2018-49, and will be secured through the appropriate site plan agreements.

The proposed application is consistent with the purpose and intent of the Urban Centres Secondary Plan.

5.3 Conformity with the Zoning By-law

The subject lands are zoned Holding Regional Urban Centre Exception 144 ((H)UC-R-144) Zone by Zoning By-law 2010-40, as amended by by-law 2018-49.

The amending zoning by-law provides that "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." The proposed consent has been contemplated since the initial application, and is in keeping with the requirements of the zoning by-law.

5. Other comments

6.1 Tree protection

The subject lands are subject to a site plan approval, and are part of an ongoing application.

6.2 Heritage

No structure on the lot is listed under the *Ontario Heritage Act*.

6.3 Effect of public input

Planning Services received no submissions from the public related to this application.

6.4 Commenting agencies and departments

The Regional Municipality of York has reviewed the application and has no comment.

Building Services has reviewed the application and noted that they have no objection to the application.

Comments from Engineering Services were not available as of the date of this report.

6.5 Interim Control By-law

On January 21st, 2019 Council adopted an Interim Control By-law under Section 38 of the *Planning Act*. The Interim Control By-law limits the ability to increase the floor area or height of residential

dwellings throughout its study area, which includes the lands subject to these applications. The subject lands are not subject to the interim control by-law.

6. Conclusions

The consent is an appropriate division of land that meets the relevant requirements of the Zoning By-law, Official Plan, and matters of Provincial interest, and should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alannah Slattery". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alannah Slattery, BES, MCC
Planner