

Hello

Could you please provide this email and attached letter, previously provided to the Planning Department, to Council for their meeting September 22, 2020. I have been in conversation with Phoebe Chow regarding the Established Neighbourhood Study and proposed Official Plan and Zoning By-law amendments and look forward to continuing that discussion.

To summarize my comments, I am pleased that the Town has undertaken this initiative. Generally the classification of the residential areas through a description of the character could assist with assessment of proposed developments and is a good approach. My main concern with the Study document is with the description of the street width and parking in the Traditional Suburban Character Area particularly and generally as they will be a component for consideration of compatibility through the Official Plan amendment. I also have a concern that the descriptions do not readily give a picture of the variations in the quantity or type of landscaping (public and private) that distinguish the residential character areas that was identified as important to the community. This has to be construed through interpretation of other character traits including available space. For instance, Contemporary area lots may currently have few mature trees, however the lot size and soil quality will never be able to support larger tree species such as those found in the other character areas. Thus will/does have a completely different canopy cover and home landscape character. To a certain extent it isn't clear how some of the character traits will be used to assess development compatibility.

I would be fully supportive of the Town introducing medium-density housing typologies that can be compatible with the neighbourhood. I believe the proposed Official Plan amendment could be strengthened to allow for these housing forms without the need for an Official Plan amendment. My comments are intended to reflect this.

The comments on the proposed Zoning By-law amendment are primarily technical in nature. Being that I am located in Zone R2-K and a Traditional Suburban Character Area, I do have a concern with this zone not being revised to a Maximum Building Height of 8.5m. Is there a reasoned explanation for this? My understanding is the proposed amendment would reduce the maximum lot coverage for Zone R2-K, which I am in support of as it has been based on the analysis of the existing development form. This has been reflected on the draft Schedule, but does not appear to be reflected in the text of the amendment.

Thank you for considering my comments. Unfortunately, I am not able to make a deputation.

Sincerely,

Janet Wong



September 7, 2020

Via Email

Phoebe Chow, MCIP, RPP
Senior Planner - Policy
Planning and Building Services
Town of Newmarket
395 Mulock Drive
Newmarket, ON L3Y 4X7

Dear Ms Chow

Re: Proposed Official Plan and Zoning By-law Amendments
Town Initiated Established Neighbourhood Study

Thank you for speaking with me last week regarding this Study and the proposed amendments to initiate the recommendations. I do apologize for not providing the following for the Town's consideration earlier in the process. It is understood that the Town has initiated this process to address growth, change and particularly compatibility of single-lot/unit residential development. However, the Official Plan amendment covers broader overall residential policies such as infill and intensification without fully addressing the various potential forms of low-rise residential building forms. I have reviewed the documents on the Town webpage for this Project as well as listened to the public meeting presentation August 31, 2020 and have some general concerns as well as specific concerns with the Study and the amendments.

General Concerns

Two documents have been released for the Established Neighbourhood Study. A draft or final Policy Recommendations Report has not been released and it is understood that this would provide additional technical information to support the proposed amendments and the powerpoint presentation at the public meeting. My comments are provided in light of availability of the first two Study documents and the powerpoint presentation.

The Study has characterized the residential neighbourhoods into five categories and in light of the potential for single-lot development, the Organic and Traditional neighbourhoods appear to be the focus of the final technical work to provide guidance on compatibility. I live in a Traditional neighbourhood near the recently built large home on Elgin Street.

I have two main concerns with the characterization descriptions. Please confirm how the 63 image samples were determined to be statistically representative sufficiently to establish character. MPAC data would have been a good source for built form as it provides information on type, size, storeys, garages, lot size etc. to provide support to a visual analysis. The original Town Plan as well as subdivision plans would illustrate street width and configuration.

Furthermore, how do the 90 sampled sites referenced in the Public Meeting presentation relate to information gathering and characterization?

Generally the character descriptions reflect lot shape, size, built form, and landscaping. I would like a reconsideration of the description of street width and parking of the Traditional Suburban Character Area (to be referred to as Traditional Area) for the following reasons:

1. Policy Options Report, page 6, street width is defined from property line to property line. Except for possibly collector roads, some streets in the original Town Plan, and private roads I suspect that most road allowances are 66 feet (20 metres) and the paved road surface appears to be fairly standard in residential areas. Yet, Traditional Area street width is described as 'substantial' and Contemporary Area is described as 'moderate'. My perception of the difference in the public realm between these two areas is the sense of enclosure due to higher lot and building density as well as possibly a smaller front yard setback in the Contemporary Area and not the street width. Please confirm.

As this characteristic is being carried forward into the Official Plan, what is the difference between 'substantial' and 'moderate' and what is the actual difference in street width as defined. It would be prudent to ensure that there is an accurate description in the Official Plan as it is being used in the evaluation of compatibility. It would be helpful to have in the Official Plan a definition of street width as well as a numerical range associated with 'substantial', 'moderate', and 'narrow' if street width is an essential component of the description. This would assist with consistent interpretation of the Official Plan. If it isn't essential, consider not including in the Official Plan amendment. It is noted that the Official Plan uses the term 'wide' instead of 'substantial'.

2. The Policy Options report states in Section 4.1 '...front and side driveways with attached garages...' and Section 4.3 'consistent parking configurations, characterized by attached garages'. Again, my perception is that while there is a predominance of attached garages in a Contemporary Area, this is a distinguishing difference from Traditional Areas. My observation is there are a substantial number of properties without an attached garage. There are also carports and single or double-car attached garages. Detached garages are rare. There are neighbourhoods/street sections without attached garages. MPAC data would provide information on properties with attached garages and carports.

As this characteristic is being carried forward into the Official Plan, please reconsider the description. It would be prudent to ensure that there is an accurate description in the Official Plan as it is being used in the evaluation of compatibility. I would suggest 'various parking provisions ranging from no covered parking to integral garages'.

As a small point, I note that in the Traditional Areas it would be more accurate to indicate 'typically buried utilities' in both the Policy Options Report and Official Plan amendment. One

of your illustrations (which coincidentally appears to be my street segment) also demonstrates overhead utilities. This same illustration also shows the lack of integral garages. Are the illustrations reflective of the 63 sample sites. How does this differ from the 85-90 samples presented at the Public Meeting.

In Section 6.4, Key Opportunities, Contextually-Sensitive Infill and Disconnect Between Official Plan Policies and Zoning By-law, I would be fully supportive of the Town introducing medium-density housing typologies that can be compatible within each Character Area in order to meet residential targets. There is tremendous opportunity to introduce diversity into the Town housing fabric, address changing demographics, and cater to different housing needs as household units expand and contract in a lifetime. The options of duplexes, triplexes, and four-unit buildings can all be designed to appear in form as a single-detached residence and the physical character of the surrounding neighbourhood. The proposed amendment should include language supporting these (medium density) housing forms within our neighbourhoods without the requirement for an Official Plan amendment. This would be consistent with Provincial and Region direction if the growth targets would necessitate intensification of residential areas.

Updating the Zoning By-law to more closely represent current built form would achieve the objective of the Town with respect to this Study. Under Updated Zoning Permissions: New Area-Specific Standards (page 32), has the Town reviewed the potential the number of legal non-conforming uses (more accurately legal non-complying uses) that would result from the proposed changes. If there would be a high number of legal non-complying situations created, it may warrant adjustments to the proposed Zoning By-law amendment requirements to reduce the number of minor variance applications the Town could be required to process.

In the Policy Options Report, I encourage the Town to implement the Emerging Policy Directions as outlined. I would suggest that there be a set of definitions as it is confusing to understand if there is a substantive difference between 'development', 'redevelopment', 'intensification', and 'infill' within the residential areas as the terms seem to be used interchangeably. For example, building on an existing vacant lot (development) is generally not intensification if the building meets Zoning By-law requirements although it could be considered to be infill. Intensification could be an increase in lot density as well as an increase in lot coverage or height when a property is developed or redeveloped. Is a distinction between development and redevelopment necessary? I am making this point in order to simplify and add clarity of intent to the Official Plan for both professional and non-professionals. If different policies might apply to these different situations, then definitions would be helpful. Is it anticipated that there might be a change in use, such as open space to residential, which could be considered to be infill? I would suggest considering the definitions in the Provincial Policy Statement and York Region Official Plan as a starting point.

Proposed Official Plan Amendment

Overall, the proposed amendment is well written and captures the intent of introducing stability to residential areas while allowing for redevelopment and intensification. It is difficult

to introduce Residential policies that generally will address all potential development when the initial concern is with compatibility of single-detached redevelopment. I provide these comments to help clarify the intent with the aim of limiting difficulties with interpretation.

1. Section 3.0, while I understand the reason for not incorporating specific numbers within the Official Plan, is it possible to clarify what 'limited amount of infill and intensification' is in paragraph 2.
2. Section 3.0, second paragraph, barring definitions I would suggest using 'redevelopment and intensification' following on language in this amendment. Throughout the amendment, it is not clear if the use of terms infill, redevelopment, intensification, development, and new development are different and if a specific policy applies only to the referenced term.
3. Together, Section 3.1.1b this would appear to allow for redevelopment that doesn't require a Planning Act change while Section 3.1.1c provides policy objective to be met where Planning Act applications would be required. Section 3.1.1c, consider '...allowing for limited, contextually-sensitive redevelopment and intensification....'.
4. Section 3.1.2, duplex, triplex, fourplex, and other house types, currently found within the Town, are recognized earlier in the amendment and permitted in the current Zoning By-law yet are not identified. Suggest they be included by changing Policy 2 to 'All other forms of medium density residential building forms are permitted....'. See comment 7 below. Also, is there a difference between rowhouses and townhouses as they are not reflected in the Zoning By-law?
5. It is implied by Section 3.1.2, policy 1, that single-detached and semi-detached will be permitted without amendment to the Official Plan. Policy direction should be given as the proposed statement is more appropriate at the beginning of the Residential Areas Section 3.0. I would encourage the Town to consider including at least duplexes, being also two units, as permitted unless a duplex could not be constructed without exceeding proposed height and lot coverage requirements.
6. Comments 1-5 should be taken together with the proposed changes to the Intensification Section.
7. Section 3.1.2.4, while I understand the intention, having a 'similar' physical character as described will be difficult to achieve unless the proposal meets Zoning provisions. Taking direction from the Policy Options Report, the Town may wish to include a policy describing building form in conjunction with the Character Area description as not requiring an Official Plan amendment. It will be difficult to introduce multi-unit buildings that would meet this policy as intended by Policy 2.

Suggestion: 'Low density development directly abutting existing homes in Residential Areas is considered to be compatible when the building has similar building size, mass, and shape

to neighbouring houses and which also conforms with applicable Character Area features in the neighbourhood and is permitted without an Official Plan Amendment.' If the term low density development is used it would be warranted to change Policy 1 to reflect low density development includes residential in the form of single-detached and other house forms the Town considers to be low density.

8. Sections 3.1.3.3 and 3.1.3.5, is 'new' to qualify development necessary? Do additions (major or minor) fall under a particular type of development (eg. infill, intensification, new development); or is additional policy direction required for additions? Suggest adding a policy, if not elsewhere in the Official Plan, that development applications may require a character analysis study in support of the proposed changes.

Does the Town have site plan control for redevelopment or development that otherwise complies with the Zoning By-law as some policies in this section and the Urban Design and Compatibility policies could not be applied otherwise; or, does the Town believe in large part that the proposed Zoning By-law amendment will substantively address concerns with compatible redevelopment of single residential unit/lot properties?

9. Section 3.2.2, it is not clear what is to be achieved by the second paragraph of this policy. It seems to be very open to interpretation and puts the entire use of Residential Character Area characterizations in jeopardy. This will take decisions away from Council as well as opens up appeals of decisions on Planning Act applications. A proper planning analysis and review would ascertain the character features/traits that would be relevant to a particular development. It is recommended that this be revisited and possibly put the onus on the proponent to demonstrate that the development conforms with the Residential Character. If it doesn't an Official Plan amendment would be required and suitable justification provided upon which a decision by Council is made.

It is also suggested the amendment indicate that Town Staff can determine the requirement and scope for a 'character analysis study' to address Residential Character Area policies, similar to what might be done for an environmental impact study.

10. Section 3.2.4, please reconsider the description related to street width and parking configuration.

Throughout Sections 3.2.3., 3.2.4 and 3.2.5, consider if using the terms wide, narrow, moderate, small, and significant would convey the same interpretation to all readers. If not, some general parameters within the Official Plan would be warranted to describe their meaning to improve and clarify the intention of the Town.

11. Page 13, under number 3, the policy specifies emphasis of continuous street frontage by locating parking in the rear. While in principle bringing a physical connection of the building and use with the street adds vibrancy to the street, reconsider this for residential

development as it could be totally out of context with the neighbourhood character. Why is this policy specific to 'new' development?

12. The background information indicated that residents seemed to value open space and landscaping greater than the actual built form. Was this value on private or public landscapes? The amendment doesn't seem to include anything specific to address this aside from noting the presence and type of landscaping of boulevards and on properties in the character area descriptions. Is it possible to discern the value and incorporate additional policies to protect this value? Otherwise, I would encourage the Town to incorporate specific policies (if not already a part of the Official Plan) to place primacy on protecting and retaining healthy mature vegetation with any development for the environmental, social, and health benefits vegetation provides; and to incorporate sufficient, quality soil volume to support tree growth particularly.

Proposed Zoning By-law Amendment

1. Definition Dormer: is this 30% in total for each side of the roof or 30% for each dormer?
2. Definition Grade, Established and Finished: It is suggested that the established and finished grade be measured at the location of the dwelling rather than the minimum front yard where it meets the side yard as:
 - a. the house may be further back than the minimum front yard;
 - b. in the example of the redevelopment of the dwelling on Elgin Street, the previous house had a similar driveway entrance, with a split level dwelling, such that one side lot line was considerably lower than the other side lot line. In this situation, I believe it will be difficult to interpret what should be the established or finished grade for the purposes of determining the height of the building, first floor elevation, and a storey if the side lot line is used as the reference.
3. Definition Roof Pitched: Consider '....greater than or equal to 1.0 vertical unit....' in the event the roof is equal to 1:4, thus being neither flat or pitched.
4. Definition Storey: is established grade different from finished grade? Typically established grade is as proposed. If the intent is to ensure grade compatibility with surrounding properties is it better to use the existing grade to consider establishment of the first storey?

Is the last sentence (reference to 3.6 metres) intended to apply to both situations; in which case it should be separate paragraph.

The zone for my property is R2-K.

5. Maximum Lot Coverage: At least Zone K is also reflected on Schedule D with respect to Lot Coverage, so should be added to the list.

6. Maximum Building Height: Why is Zone K also not changed to 8.5 m. being that my property is within a Traditional Area? It is noted that the permitted uses for Zone K does not permit Duplex Dwellings although it is listed as a built form in the Table 6.2.2. Will the proposed deletion also delete the number of storeys? Does this mean the definition of a storey being an additional storey above 3.6 metres would not matter for dwellings in the specified zones?
7. Section iv. f. respecting interior side lot line, suggest adding 'respectively' to the end. It may warrant adding reference to the Interior Side Lot Line part of the table for clarity.
8. Page 5, b.ii., this could be interpreted to mean landscaping could not be reduced by new permitted encroachments. As they would otherwise be permitted, it seems inequitable to allow only existing encroachments into a yard. Suggest deleting 'existing'.
9. Page 5, (*16), why is a minimum of 3 m. proposed versus any other minimum? Is it to be the same as many exterior side yards?

Corner lots always present a challenge. If the visual front of the house is on an exterior side lot line, why would the setback not have to reflect houses on that frontage. Similarly, is it possible for both the exterior side and front side to be considered for reduced yard to respect both streetscapes.

10. With respect to additions, the existing first floor may not meet the proposed definition with respect to height above existing grade. Has consideration been given to this requiring a minor variance if the addition otherwise meets the proposed requirements for height, lot coverage, and setbacks? If a variance would be required, it is suggested that an allowance be incorporated into the By-law to eliminate the requirement for a Planning Act application. As examples, this could apply to all or some additions (eg minor or no new units) and provide an allowance for the first floor elevation as long as it is the same as the existing first floor.

Thank you for the opportunity to provide comments. I am pleased that the Town is looking to address compatible single lot development and look forward to a response.

Sincerely,



Janet Wong

c.c. Jane Twinney, Councillor