



Town of Newmarket  
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## **Zoning By-law Amendment – 693-713 Davis Dr (Briarwood) Staff Report to Council**

Report Number: 2020-90

Department(s): Planning & Building Services

Author(s): Meghan White

Meeting Date: December 7, 2020

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 693-713 Davis Drive (Briarwood) dated December 7, 2020 be received; and,
2. That the application for a Zoning By-law Amendment, as submitted by Briarwood Developments Limited for 693-713 Davis Drive, be approved, and that staff be directed to present the Zoning By-law Amendment, including the necessary Holding provisions, to Council for approval; and,
3. That Council direct the Director of Planning & Building Services and the Municipal Solicitor, or her designate, to enter into one or more agreements on behalf of the Town pursuant to Section 37 of the Planning Act to secure community benefits and any matters required as a legal convenience; and,
4. That Council direct the Director of Planning & Building Services and the Director of Finance, or their designate, to enter into a DC Deferral Agreement, once all of the requirements of the Town's Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres have been met; and,
5. That servicing allocation for 339 units (662 people) be granted in accordance with the Servicing Allocation Policy and subsequent agreements; and
6. That Briarwood (NWMKT) Inc. of 636 Edward Ave, Unit #14, Richmond Hill ON L4C3A5 be notified of this action; and,

7. That Candevcon Limited of 9358 Goreway Drive, Brampton ON L6P0M7 be notified of this action; and,

8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## **Executive Summary**

Staff have reviewed the application to amend Zoning By-law 2019-06 to permit the development of two 15 storey towers on the subject lands, connected by a podium. The amendment is primarily required to permit an increase to the height and density pursuant to the bonusing policies of the Urban Centers Secondary Plan.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy framework as it relates to providing desirable residential dwellings, prioritizing intensification to make efficient use of land and infrastructure and support transit viability, supporting a range and mix of housing options to serve all sizes, incomes, and ages of households, and creating complete communities. A statutory public meeting was held on January 13, 2020 as required by the Planning Act.

This report provides (1) the context of the site, (2) the details of the proposal, (3) a discussion of the relevant planning policies and how the application addresses them, (4) an outline of feedback received, and (5) next steps in the development approval process.

Should Committee adopt the recommendations of this report, the Zoning By-law Amendment will be presented to Council for adoption at a subsequent Council meeting.

## **Purpose**

This report serves to provide recommendations to Committee of the Whole on the application for Zoning By-law Amendment for 693 & 713 Davis Drive (the “subject lands”) under Section 34 of the Planning Act.

This report discusses the application, the relevant planning policies and comments received from Town departments and our partner agencies. The recommendations of the report, if adopted, would result in an amendment to the Zoning By-law to permit the proposed development, and apply necessary holding provisions to ensure the orderly development of the site.

## **Background**

### **Subject Lands**

The subject lands are located at the north-east corner of Davis Drive and Patterson Street. The subjects are comprised of 693 and 713 Davis Drive as well as the southern

portion (21m) of 35 Patterson Street, the Hollingsworth Civic Area. The application does not include the remaining Hollingsworth Arena lands, which remain owned by the Town for future park purposes. There is an existing building on 693 Davis which is used for a temporary sales office for a development further west on Davis Drive. There is an existing 3 storey commercial building on 713 Davis Drive. Both buildings will be removed to if the proposal is approved. The subject lands have a land area of approximately 0.87ha (2.1 acres). The surrounding land uses are as follows:

**North:** the Hollingsworth Arena and single detached dwellings.

**East:** Commercial uses along Davis Drive.

**South:** Commercial and Institutional uses, including a retirement residence and an office building.

**West:** Commercial uses, including offices and medical offices and Southlake Regional Hospital.



The subject lands are located in the Urban Centres Secondary Plan (UCSP) area, and designated with a range of applicable policy categories of the UCSP. These include:

- Located in the Regional Healthcare Centre character area (Schedule 2)
- Designated as Mixed Use with a Priority Commercial Area along Davis Drive (Schedule 3)
- The site is within the Medium-High Density designation (Schedule 4)
- The site is planned to host a portion of a future private lane/road connection (Schedule 5)

The Urban Centres Secondary Plan (UCSP) was adopted by Council on June 23, 2014 and by the Regional Municipality of York on March 26, 2015. The implementing Zoning By-law 2019-06 for the UCSP was approved June 10, 2019. The applicant is seeking to amend this implementing zoning by-law to obtain permission for the extra 3 storeys and extra density (FSI) contemplated by the UCSP in exchange for community benefits.

This application is preceded by discussions with the landowner regarding various development concepts and the subsequent Council endorsement in principle of a development concept generally consistent with “Scenario 2”, as presented in Staff [Report 2019-40](#).

## Proposal

The applicant is proposing to rezone the subject lands from the existing Mixed Use 2 (MU-2) zone to facilitate an increase in building height and density to permit a mixed-use multi-unit residential development comprised of two residential towers (15 storeys each) linked by a 3-storey podium with two underground levels of parking, and commercial space fronting onto Davis Drive. 339 residential units are proposed, comprised of: 224 one-bedroom apartments, 101 two-bedroom apartments, and 14 three-bedroom apartments. There will be 1050m<sup>2</sup> of commercial space and 375 parking spaces provided (55 on the surface and 320 underground). Also 212 bicycle parking spaces will be provided.



Perspective of proposed development from Patterson Ave and Davis Dr.

## Discussion

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter 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 2020 (the “PPS”). The provincial plans comprise the A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017.

Applicable policies and how they are addressed by this application are discussed below. In certain sections comments are provided regarding how the application will be processed through the development review process to ensure conformity with these policies.

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The first section of the PPS (Policy 1.0) relates to building strong communities. The preamble to this policy provides "Ontario's long-term prosperity, environmental and social well-being depend on wisely managing change and promoting efficient land use and development patterns".

The policies set out how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term and accommodating an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The PPS speaks to providing an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs. The proposed development is increasing the mix of housing available in Newmarket by adding one, two and three bedroom apartments. The applicant has committed to providing 25% of the units at affordable prices (as defined by York Region).

The PPS supports and promotes intensification in designated growth areas taking advantage of existing and planned infrastructure. The proposed development is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket that has been identified in the Official Plan/UCSP for intensification and redevelopment. The proposal provides for a compact form allowing for the efficient use of land and infrastructure.

## **Growth Plan**

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Urban Centres Secondary Plan (UCSP) will help the Town to meet its intensification requirements under the Growth Plan. The UCSP focuses the Town's

future growth to the Yonge Street and Davis Drive corridors, where this development application is located.

The Growth Plan contains policies directing municipalities to 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.

This development aligns with the objectives of the Growth Plan and provincial policy by:

- being located in an intensification area;
- being located along the Davis Drive corridor within a major transit station area;
- contribute to a mix of built forms and public open spaces;
- seeking to meet affordable housing targets;
- providing a range of size and types of dwelling units; and
- supporting transportation demand management through limited parking.

The Growth Plan requires that Urban Growth Centres be planned to achieve a minimum gross density target of 160 residents and jobs within Major Transit Station Areas (MTSAs) on priority transit corridors served by Bus Rapid Transit (BRT) such as the Viva BRT on Davis Drive. The proposal provides approximately 759 people per hectare, which will exceed the MTSAs minimum density target. While the figure of 759 may seem large compared to the minimum target of 160, it is important to note that the target of 160 is a minimum, and densities over and above this minimum in the Urban Centres are supported by other planning documents including the Urban Centres Secondary Plan (as discussed later in this report).

The Growth Plan contains policies directing municipalities to create complete communities, reduce the dependence on private automobiles through mixed-use, transit-supportive development. This proposal would improve the diversity of the housing stock in Newmarket, provide additional dwelling units close to transit and retail options, and provide a parking supply that supports reduced dependence on private automobile use.

## **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 Region's "Urban Area", and Davis Drive is one of the Regional Corridors, which are planned to serve as the primary locations for the most intensive and greatest mix of development. The policy requirements of the YROP have been integrated into the Urban Centres Secondary Plan (UCSP).

## **Town of Newmarket Official Plan / Urban Centres Secondary Plan**

The subject lands are located in the Urban Centre Secondary Plan (UCSP) area, as discussed in the Background Context section above.

### **Land Use**

The UCSP designates the lands Mixed Use with a Commercial Priority Area along the Davis Drive frontage.

The Mixed Use designation allows for both residential and commercial uses as are contemplated by this proposal.

The Regional Healthcare Centre Character Area is planned to be a primarily institutional area with 1,100 residents and 8,700 jobs over the whole geographic area. Residential and commercial uses are still contemplated in this Character Area and the proposal will contribute to the build out objectives of the Character Area.

Section 5.3.2.i states that “Priority Commercial Areas are intended to ensure that an at-grade commercial presence is provided and retail goods and services remain available within close proximity to the people that live and work in the area. The Priority Commercial Areas are also intended to contribute to an active street and boulevard condition.” This proposal provides for commercial uses at grade along Davis Drive thus achieving the objectives of active street and providing goods and service close to residential uses.

### **Height and Density**

The subject property is located within the Medium-High Density designation. This designation requires building heights ranging from 4-12 storeys. The Secondary Plan also provides for discretionary maximum height of 15 storeys in this area through height and density bonusing.

The Medium-High Density designation allows for floor space indexes (FSI) ranging from 2.0 to 2.5. The Secondary Plan also provides for discretionary maximum FSI of 3.0 in this area through height and density bonusing.

The proposal seeks building heights of 15 storeys and an FSI of 3.0. These maximums are contemplated by the Secondary Plan and must be implemented through a zoning by-law amendment and Section 37 Bonusing Agreement.

### **Affordable Housing**

The subject lands are located within the Urban Centres, but outside the Yonge & Davis Provincial Urban Growth Centre. In this area, the UCSP indicates that a minimum of 25% of new housing units shall be affordable to low and moderate income households. The applicant has confirmed that they are committed to providing 25% of new housing units as affordable to low and moderate income households. The proposed development provides a range of unit sizes (1, 2 and 3 bedroom units) to provide opportunity for all

household types, including larger families, seniors and persons with special needs. The applicant has also committed that all units will be accessible to people with physical disabilities. The applicant has identified that 43 units in each Tower will be affordable to low and moderate income households. This commitment will be secured through legal agreements, as appropriate.

### **Urban Design**

The UCSP has a number of urban design objectives to ensure a high quality of design that is sensitive to the surrounding land uses and create the distinct, livable and vibrant urban place that Newmarket is seeking to achieve.

The proposed built form of the building conforms to the urban design policies of the UCSP. Each building provides a podium with setbacks to a tower that rises above it and articulated facades with a range of complementary building material types. The applicant has committed to design an attractive building facade adjacent to the urban square in the area where a breezeway was originally proposed. This will be continued to be reviewed as part of the Site Plan process.

Staff have worked with the applicant on details regarding the material selection for the elevation plans, along with sustainability requirements, and bird-friendly design elements through the site plan application process. Staff note that minor revisions may be continue to be incorporated to the design through the site plan approval process. To date the applicant has endeavoured to incorporate all urban design comments.

### **Shadow Impact**

The submitted shadow study indicates that the proposed development has been oriented and sized to minimize shadow impacts. The UCSP prioritizes ensuring that sunlight penetration continues to nearby reach streets, parks, squares and plazas, surrounding neighbourhoods, and shadow-sensitive areas such as schoolyards and amenity areas for seniors. As such new development will be designed to limit shadow impacts on adjacent properties and public spaces. The submitted shadow study indicates that these policies would be met.

### **Sustainability**

The UCSP requires the incorporation of certain sustainability measures. Section 7.3.7 (i) of the Plan provides that all development be encouraged to strive for a LEED Gold or higher rating or equivalent standard. The provided Sustainable Development Report provides a list of features that the applicant has indicated they will have committed to provide. These include attempting to achieve York Region's Sustainable Development through LEED program, using Green Street philosophy for Patterson Street, cool roof treatment, and a possible geothermal heat exchanger.



If Council should deem to approve this application, some of these elements may be secured at the site plan approval stage, with holding provisions, and through legal agreements as appropriate.

### **Communication Technology**

The UCSP requires that all multi-unit residential buildings will be designed to facilitate advanced telecommunication. The submission indicates that the applicant will ensure that conduits will be provided from the right-of-way to each building and unit such that the buildings are prepared for “fibre to suite” requirements of telecommunication providers. The application appears to meet the policies of the UCSP related to communication technology.

### **Transportation**

The integration of land use and transportation planning is a critical element of the UCSP and of good planning in general. The transportation policies of the UCSP encourage a shift away from single occupant vehicles in favor of more active, efficient, and sustainable transportation modes. The UCSP policies prioritize the use of public transit and active transportation, and direct the establishment of a new road network throughout the UCSP area to provide accessibility and permeability. The proposal meets these policy objectives by leaving space for the future private road connection on the east end of the property and encouraging pedestrian permeability through the site.

Staff and the applicant continue to work on the upgrades required to Patterson Street to facilitate the development, which will be finalized through the Site Plan Approval application.

**Parking** for the site has been updated to align with the requirements of Zoning By-law 2019-06. Sufficient residential parking has been provided and visitor spaces have been identified on the site plan. Adequate parking for the commercial spaces has been provided based on the information available at this time.

### **Parkland Dedication**

The applicant is proposing to meet this requirement through cash-in-lieu and the provision of a Private Open Public Space (POPS) urban park. The calculation of the required parkland and/or cash-in-lieu has been calculated in accordance with the Town’s Parkland Dedication By-law, and it has been found to be satisfactory for the purposes of the zoning by-law amendment. The details of the POPS and amount of cash-in-lieu will be finalized in the Site Plan Agreement.

The applicant has requested a deferral of cash-in-lieu of parkland. This is discussed in the Budget section of this Report below.

## **Zoning By-law 2019-06**

Zoning By-law 2019-06 implements the Urban Centres Secondary Plan. The applicant has requested the amendment to permit an increase in height from 12 to 15 storeys and increase the density (measured in Floor Space Index FSI) from 2.5 to 3.0. The maximum permitted height in meters is 38m, the proposed towers both have a height of 47m. Approval of these zoning by-law amendments is recommended as the applicant is providing acceptable community benefits through a Section 37 Agreement and meets the policies of the UCSP.

### **Servicing Allocation**

The proposed development will require servicing allocation in the amount of 662 people, with Tower A having 172 units requiring 336 persons worth of allocation and Tower B having 167 units requiring 326 persons. This development is not phased. Through this report, staff are recommending granting servicing allocation at the time the zoning by-law amendment is approved.

In accordance with the Servicing Allocation Policy, staff are recommending that allocation for the entire project be provided with the approval of the Zoning By-law amendment as this proposal is located in the highest priority area identified in the Policy. Also, the proposal is substantially advanced, as the Site Plan was submitted concurrently with the Zoning By-law Amendment application, and the review of the second submission of the Site Plan documents has been completed.

In addition, the applicant has noted that they are in discussions with York Region to participate in the “Sustainable Development through LEED” program through which constructing the building to LEED Silver standards would provide the Town with a refund of 30% of the servicing allocation required for the building.

It is recommended to provide full servicing allocation at this time, as this development will contribute to achieving Council’s Strategic Priority of Enhancing the Vibrancy on Yonge and Davis through this proposal’s active street front and commercial and residential uses in close proximity to one another.

### **Height and Density Bonusing**

The application would require height and density bonusing under Section 37 of the Planning Act. The UCSP has a maximum Floor Space Index (FSI) of 2.5. The application is seeking an increase of 0.5 FSI, to 3.0, which comprises an increase of three storeys and 9 metres of overall height (from 38m to 47m).

Section 37 of the Planning Act authorizes municipalities to permit increases in height and density in exchange for certain community benefits or cash-in-lieu of the same. The benefits that are eligible for such bonusing are set out in Section 14.2.9 of the UCSP. In order to permit such an increase in height and/or density, the UCSP states that the applicant shall demonstrate that the development:

- a) represents good planning;
- b) is consistent with the objectives of this Plan;
- c) meets the applicable urban design and built form policies of this Plan;
- d) represents appropriate development in the context of the surrounding character;
- e) can be accommodated by existing or improved infrastructure; and
- f) will not adversely impact the transportation network or, where cumulative impacts are identified, such impacts are accommodated through road and transit improvements which are to be provided prior to the time of development.

The applicant has provided a rationale in their Bonusing Justification Report that explains how the application meets these requirements. As discussed throughout this report, it is staff's opinion that this proposal represents good planning, is consistent with the objectives of the Plan, meets the applicable design and built form policies of the Plan, and can be accommodated within existing and slightly improved infrastructure.

The UCSP allows for the exchange of the following public benefits as long as they are beyond what would otherwise be required to be provided by the Plan, the Planning Act, the Development Charges Act or any other legislative requirement for increases in height and density. The following is a list of community benefits that the Secondary Plan allows the Town to consider, the bolded benefits are being considered as part of this application:

- a) cultural facilities, such as a performing arts centre, amphitheatre or museum;
- b) **special park or recreational facilities and improvements identified by the Town as desirable for the area but which are beyond those required by this Plan, the Planning Act, or the Town's standard levels of service;**
- c) public amenities within identified environmental open spaces, including but not limited to permanent pathways, recreational trails and bridges, including contribution toward the Town's Active Transportation Network;
- d) public art;
- e) structured parking for vehicles where a significant portion of the parking is to be transferred to a public authority for use as public parking;
- f) **streetscape, gateway features, pedestrian mews and open space design enhancements that are beyond those required by this Plan, the Planning Act, or the Town's standard levels of service;**
- g) private roads that are to remain accessible to the public;
- h) upgrades to and/or provision of community facilities such as community centres, including seniors and youth facilities and other social services;
- i) other community facilities or human services identified by the Town as desirable for the Urban Centres;
- j) inclusion of energy or water conservation measures beyond those required by this Plan or by any other applicable plan;
- k) affordable housing units beyond those required by this Plan or by the York Region Official Plan;
- l) provision of rental housing which is guaranteed to remain as rental for a period of not less than 20 years; and

- m) provision for social housing that is affordable to those below the 40<sup>th</sup> percentile in household income.

Based on the above list, and specifically items b and f, the applicant has proposed the following potential community benefits:

- a) 50% of the value of an enhanced water feature at the corner of Davis Drive and Patterson Street
- b) 50% of the value of the east pedestrian walkway
- c) balance of the bonusing to be made up in cash to go towards outfitting the future Hollingsworth Park

The water feature at the corner of Davis Drive and Patterson Street has been determined to be designed beyond the general urban design requirements of the Plan. It will contribute to setting a high standard of design in the Urban Centres and assists Council in achieving their Strategic Goal of Enhancing the Vibrancy of Yonge and Davis.

It is an overall objective the Secondary Plan to enhance pedestrian permeability along the Yonge and Davis corridors. This enhanced pedestrian mews has been determined to be beyond the standard requirements of the design policies in the UCSP.

The remaining value will be provided as a cash contribution to be applied by the Town to the redevelopment of the Hollingsworth Park.

The Town's Implementation Guidelines for Section 37 of the Planning Act in the Urban Centers allows the Town to seek 25% of the value resulting from the increased height and density for public benefits. From the applicant's Bonusing Justification Report the following will be provided:

- An appraisal was completed to estimate the value of the increase in height and density; based on the appraisal 25% of the estimated increase in land value due to bonusing is \$643,000.
- The assessed value of 50% of the public benefits (enhanced water feature and enhanced pedestrian mews) is \$93,750.
- The difference between these two figures is \$549,250 and will be paid as funds to be used in the redevelopment of the Hollingsworth Park.

As such, the bonusing requirements for this application have been met.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose holding provisions ("H") on a zoning by-law to limit the use of lands until the provision is removed. The amending zoning by-law will include holding provisions that are typical for this kind of mixed-use, higher-density development including but not limited to:

- Execution of a Site Plan Agreement

- Execution of a Section 37 Agreement
- Execution of a DC Deferral Agreement, if appropriate
- An RSC filed with MOECC and/or the Town's Reliance Letter Template completed
- A Noise and Vibration Study completed
- Patterson Street road widening conveyed
- The capacity of the water service to be confirmed to satisfaction of the Director of Engineering
- The Traffic Management Plan completed

### **Site Plan Agreement**

The applicant will be required to enter into a Site Plan Agreement (SPA) for the redevelopment of this site, as required through a holding provision (as per the above section). In addition to the typical requirements and clauses of a Site Plan Agreement for this type of development, the Site Plan Agreement will require the following:

- The Patterson Street road works completed prior to the security being released
- The sanitary service constructed prior to the security being released
- The water service constructed prior to the security being released
- A Crane Swing, Tieback, and Shoring Agreement executed before the SPA is executed
- The Construction Management Plan completed

### **Comments**

Staff circulate zoning by-law amendment applications to the public and the Town's review partners. Many of the comments provided are outlined in the Discussion section above. Any additional comments are presented below for greater context.

### **York Region**

York Region has advised there is no objection to the approval of the Zoning By-law Amendment subject to servicing allocation being granted. Through this report, staff are recommending granting servicing allocation at the time the zoning by-law amendment is approved, and there are Site Plan comments that the applicant and the Region continue to address.

### **Engineering Services**

Staff from Engineering Services have provided comments on the application. They note that they believe that the issues they have raised can be satisfactorily addressed through holding provisions in the amending zoning by-law and during the site plan approval process.

## **Town Arborist**

The Town's Consulting Arborist, Urban Forest Innovations Inc., has reviewed the application. The Consulting Arborist is generally satisfied with the arborist report submitted by the applicant.

Staff will ensure compliance with the Tree Policy through the Site Plan process.

## **Lake Simcoe Region Conservation Authority**

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the *Conservation Authorities Act*.

The LSRCA is satisfied that, from a watershed management perspective, the application is consistent with the applicable policies. Consequently, the LSRCA has no objection to the zoning by-law amendment.

## **Other Review Partners**

- Building Services has indicated they have no comments at this time.
- Central York Fire Services has reviewed the application and they have provided general comments on the site layout and plan detail to ensure appropriate access for emergency vehicles.
- The York Catholic District School Board has been advised of the application and they have advised they have no additional comment or objection to its approval.
- Canada Post has been advised of the application and they have noted their requirements to ensure orderly mail delivery to the development in the event that Council approves the application.
- The Southlake Regional Health Centre has been advised of the application and they have noted the ongoing need for capital investment and public support to meet the needs of the region's growing population.
- Rogers Communications has been advised of the application and they have noted no comment.

## **Effect of Public Input**

Comments were received from the public at the statutory public meeting and by written correspondence. The effect of this input, or the way in which the matters raised by the public were otherwise addressed, are discussed below.

At the statutory public meeting, the applicant was asked to consider opportunities for daytime paid parking for the users of nearby medical facilities, and whether any surplus parking may be viable for paid use by others. The applicant has met the requirements of the Zoning By-law which set a maximum and minimum amount of parking to be provided. The surface parking is not gated and is fully accessible to anyone. The underground parking will be accessed by keycard or a similar technology.

Parking and Traffic were concerns raised by several residents and Councilors. The applicant has provided enough parking for the development as required under the Zoning By-law. Zoning By-law 2019-06 intentionally set minimum and maximum parking requirements for development in the corridor as it is supported by the Region's Bus Rapid Transit (BRT) system. This redevelopment will support the use of the BRT and reduce future (and hopefully current) residents' dependence on motor vehicles.

There were discussions around the community benefits proposed by the applicant. At the time there were different community benefits proposed. The list has been shortened to include two elements and a cash contribution (as discussed earlier in this Report).

Concerns were raised regarding the shadow impacts of the proposed building on the future park on the Hollingsworth Arena property. The submitted Shadow Study demonstrates that the largest shadow impact on the future park will be in December and that the two tower design enables adequate light to penetrate through to the park.

Concerns were raised about the mix of apartment units, the applicant has increased the number of three bedroom units from 8 to 14.

## **Conclusion**

The application meets the policies of the Urban Centres Secondary Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and the Provincial Policy Statement.

The application has sufficiently improved from the initial submission, such that staff now recommend its approval, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

## **Business Plan and Strategic Plan Linkages**

- Extraordinary Places and Spaces
- Vibrancy on Yonge, Davis and Mulock

## **Consultation**

The Zoning By-law Amendment application has been provided to the Town's internal review partners and external agencies per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held in January of 2020. A non-statutory meeting was hosted by the applicant. Following the meetings additional studies were provided to the Town in August 2020, which were also circulated for review.

## **Human Resource Considerations**

N/A

## **Budget Impact**

The appropriate planning application fees have been received for the Zoning By-law Amendment and Site Plan Approval applications. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

The applicant has requested a deferral of development charges, as per the Town's Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres, under Section 6.2 - Enhanced Development Criteria Based Approach for the Deferral of Development Charges and Planning Application Fees. This request is under review as part of the Site Plan Approval process. Should the application for deferral be found to conform to the policy requirements, this report recommends that the Town enter into a DC Deferral Agreement; and that this Agreement will have to be executed prior to the holding provision being removed from the lands.

The applicant has also requested a deferral of cash-in-lieu of parkland. Staff do not support a deferral of cash-in-lieu of parkland, and will require that parkland dedication be provided in accordance with the Town's Parkland Dedication By-law.

## **Attachments**

- Proposed Site Plan
- Building Renderings

## **Submitted by**

Meghan White, Senior Planner, Planning Services

## **Approved for Submission**

Adrian Cammaert, MCIP RPP, Acting Manager, Planning Services

Jason Unger, MCIP RPP, Director Planning & Building Services

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

## **Contact**

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