



## PLANNING & BUILDING SERVICES

Town of Newmarket  
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Newmarket, ON L3Y 4X7

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planning@newmarket.ca  
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D141.001

### PUBLIC MEETING CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

**MONDAY FEBRUARY 3, 2014 AT 7:00 P.M.**

in the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to consider a proposed Zoning By-Law Amendment under Section 34 of the Planning Act, RSO 1990, c. P. 13 as amended.

An application has been submitted for a Zoning By-Law Amendment to amend the existing Historic Downtown Urban Centre (UC-D1) Zone to permit a mixed use building of 9 storeys (29.48m) along the Park Avenue Frontage and 3 Storeys (12.13m) along the Main Street Frontage on the subject lands being 178, 180, 184, 188, 190 AND 194 Main Street South.



**ANY PERSON** may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Zoning By-Law Amendment. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

**IF YOU WISH TO BE NOTIFIED** of the adoption of the proposed Zoning By-Law Amendment, you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-law is passed; the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-Law Amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated JANUARY 14, 2014

Direct any inquiries to the  
Planning Department 905-953-5321  
Please refer to File No. D14 NP 13-19

## Bondi, Janice

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**From:** Bondi, Janice  
**Sent:** December-13-13 2:45 PM  
**To:** Ruggle, Dave; Unger, Jason; Mercer, Wendi; Mendonca, Barbara  
**Subject:** Council Extract - Item 35, Council Minutes December 2, 2013 - Planning 2013-55 - Application for Zoning By-law Amendment - Main Street Clock Inc.

### Town Council Electronic Extract - Date: December 2, 2013

35. Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc.

An amendment was made by removing recommendation a) vii) of item 19 of the Committee of the Whole Minutes of November 25, 2013.

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc. be received and the following recommendations, as amended, be adopted:

i) THAT the Application for Zoning By-law Amendment, as submitted by Main Street Clock Inc., for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Mr. Chris Bobyk, The Forrest Group, 590 Alden Road, Suite 211, Markham, ON LR 8N2 be notified of this action;

iv) AND THAT the Memorandum from Director of Planning dated November 22, 2013 regarding Development and Infrastructure/Planning and Building Services Report 2013-55, Application for Zoning By-law Amendment 178, 180, 184, 188, 190 and 194 Main Street listed as an (ADDED) item on the agenda (Item 25) regarding the Main Street Clock application be received;

v) AND THAT the Sub-Committee Report listed as an (ADDED -2) item on the agenda (Item 26) from the Heritage Newmarket Advisory Committee regarding Clock Tower Development Re-zoning Request be received;

vi) AND THAT with respect to the heritage designation on Main Street, that a peer review of the application be conducted.

#### Janice Bondi

Council/Committee Coordinator  
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Newmarket: A Community Well Beyond the Ordinary



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November 14, 2013

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-55**

TO: Committee of the Whole

SUBJECT: **Application for Zoning By-Law Amendment,  
178, 180, 184, 188, 190 and 194 Main Street  
Main Street Clock Inc.  
Files: D14 NP 13-19**

ORIGIN: Application Submitted to the Planning Department

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**RECOMMENDATIONS**

THAT Development and Infrastructure Services – Planning and Building Services 2013-55 dated November 14, 2013 regarding application for zoning by-law amendment be received and the following recommendation(s) be adopted:

1. THAT the application for zoning by-law amendment, as submitted by Main Street Clock Inc. for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
3. AND THAT Chris Bobyk, The Forrest Group 590 Alden Road, Suite 211, Markham, ON L3R 8N2 be notified of this action.

**COMMENTS**

**Location**

The subject lands are located on the southwest corner of Main Street South and Park Avenue municipally known as 178, 180, 184, 188, 190 and 194 Main Street (See Location Map attached).

**Proposal**

Main Street Clock Inc. have submitted an application for zoning by-law amendment to amend the existing Historic Downtown Urban Centre (UC-D1) zone to permit a mid-rise 6 storey mixed use building on the subject property consisting of 150 Residential units above 10 units of ground floor commercial and two levels of underground parking (173 spaces) while retaining the historic Post Office/Clock Tower building. The three buildings south of the Clock Tower are proposed to be demolished and redeveloped. The proposal also contemplates the conveyance of a parcel of Town owned land in the northeast corner of Market Square. This parcel is currently grassed and used for utility boxes. The proposed two storeys of

underground parking would extend under the existing library parking and a portion of the Market Square parking lot. If deemed appropriate, it will be necessary to provide easements to allow the underground parking garage to extend into Town owned property.

### **Site Description**

- the Subject lands currently contain the two storey post office building at the corner of Main Street South and Park Avenue and addition that runs along Park Avenue. The subject lands also contain the 3 two storey commercial buildings fronting on Main Street, south of the above noted former Post Office building.
- total lot area is approximately 0.27 hectares with a frontage on Main Street of  $\pm 55$  metres and a frontage on Park Avenue of  $\pm 87$  metres.
- the surrounding land uses are:
  - North: Trinity United Church and low density residential further west along Park Ave.
  - South: Existing Commercial with residential apartments above.
  - West: Newmarket Public Library and the Market Square parking lot.
  - East: Existing Commercial and urban park land.

### **Preliminary Review**

#### **Official Plan Considerations**

One of the goals and strategic directions of the Plan is the protection and enhancement of the natural and cultural heritage of the Town. Section 1.3.2 indicates that the protection of the Town's cultural heritage will be a priority for the Town and that the preservation, restoration and utilization of the Town's heritage resources is vital for the retention of the Town's cultural identity.

Section 1.3.6 under the strategic directions entitled *Revitalization of the Historic Downtown* indicates that the Historic Downtown is the traditional Central Business District of Newmarket and that there is significant opportunity for growth and change that would facilitate the achievement of the Plan's strategic directions. Additional development in this area would achieve the sustainability goal by providing an opportunity to live close to services without the need to burden the road system. The Official Plan goes on to indicate that with additional development, the rich history of the area will be protected for the enjoyment of residents as the Plan builds on the Newmarket Historic Downtown Community Improvement Plan. The mix and design of retail and service, office, institutional, entertainment, recreational and residential uses located along Main Street will continue to foster a sense of vibrancy and community in the Historic Downtown at an Urban Scale in harmony with the rich heritage of the surrounding residential neighbourhoods.

The Subject Property is designated Historic Downtown Centre on Schedule A - Land Use Plan to the Town's Official Plan.



The Historic Downtown Centre designation permits a number of uses including residential uses up to 80 units per net hectare. The Official Plan allows for greater densities provided background studies demonstrate that the proposed development will not create an unacceptable level of traffic, and will be compatible with the existing surrounding development. To demonstrate this, the Official Plan requires a number of studies to be submitted including a Shadow Impact Study, Traffic Impact Study, Heritage Impact Assessment, Environmental Site Assessment, Functional Servicing Report and Planning Justification Report discussed further in this report.

One of the Official Plan's primary goals is to revitalize the Historic Downtown. Policies related to this portion of Main Street encourage improvements in the form of infill development and rehabilitation that is at a scale that retains the historic character of the area. The plan encourages retail uses along Main Street with residential units on the upper floors and encourages pedestrian activity by providing adequate links to Main Street and landscaped sidewalks.

In summary, the Official Plan would encourage appropriate residential and commercial redevelopment in scale with the historic character of Main Street South.

### **Zoning Bylaw Considerations**

The subject property is currently zoned Historic Downtown Urban Centre Zone (UC-D1) by comprehensive zoning By-Law 2010-40. The UC-D1 zone includes an apartment building as a permitted use. The performance standards for this zone have a minimum height of 2 storeys and a maximum height of 3 storeys, a minimum floor space index of 0.5 and a maximum floor space index of 1.0. There are no yard setbacks in this zone category as many of the existing buildings are built to the lot lines.

The applicant is proposing to amend the existing zone of the property to allow for a 6 storey building stepped back from Main Street with a floor space index of 4.25. Relief from the parking requirements is also being requested. The current zoning By-law would require 1.75 parking spaces per unit which equals 263 spaces for the proposed 150 apartment units. The applicant is proposing 173 spaces which amounts 1.15 spaces per unit.

The proposed commercial units that are replacing existing units will not have parking requirements associated with them. However, the newly proposed commercial units would be required to provide parking or cash in lieu of same. The current rate for cash in lieu of parking for the Downtown area is \$1500 per space. This can be applied to the deficient parking spaces for the residential units as well as the newly proposed commercial units if this application is approved.

### **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.

## **Heritage Conservation District**

Council have recently passed a By-law to implement the Heritage Conservation District Plan for Lower Main Street South. The by-law is currently in the Notice of Appeal period which ends on December 2, 2013. If there are no appeals received, the HCD Plan will be in full force and effect on December 3, 2013. While these applications have been made prior to the Heritage Conservation District being in full force, the development proposal will be reviewed against the policies and objectives of the Plan.

### *Purpose*

The purpose of the Heritage District Plan is to establish a framework for assessing and guiding proposals by private property owners and the municipality's proposals for public works to ensure that change contributes to the district character. The Plan also list the types of proposals requiring heritage review, offers guidance on building conservation, gives guidance on adapting existing buildings and identifies where new compatible construction would be appropriate.

### *Types of Buildings*

The Plan identifies three types of buildings and provides guidelines for each building in the proposed district. The building hierarchy are those that are Historic, those that are complementary to the district and other buildings that are neither historic nor complementary. The Clock Tower building at the southwest corner of Main Street South and Park Avenue is identified as a Historic Landmark Building. The remainder of the buildings under this application are designated Historic Commercial buildings with the exception of a small infill building at 190 Main Street filling in what used to be an alley space between 188 and 194 Main Street which is designated as neither historic nor complementary.

### *Goal of the Plan*

The overarching goal of the Plan is to revitalize the Lower Main Street South District while preserving its historic character. The Plan has a number of objectives and policies to achieve this goal. The policies of the Plan, specifically as they relate to buildings identified as historic (Historic Landmark buildings and Historic Commercial Buildings), supports the retention of historic buildings in the district. If a property owner proposed to demolish a building, a heritage impact assessment may be required to ascertain whether there are alternatives to demolition. The Town is not obligated to issue a demolition permit.

### *Plan Policies*

The HCD Plan also contains policies in relation to new construction. This section of the Plan indicates that the Town will favour proposals for new construction that propose:

- building height is not less than two storeys and not more than three storeys and is complementary to adjacent historic buildings and the streetscape;
- there is zero front yard setback and zero side yards;
- the facade shows a vertical orientation (or vertical directional emphasis) by segmenting the mass of the building into units of two or three bays across and by placing windows that are taller than they are wide in the upper floor;
- the ground floor of the facade is mostly taken up by plate glass display windows, the upper floor (or floors) shows a rhythm of windows spaced across the wall, and clay brick of light buff or red colour clads ground-floor piers and the upper-floor wall;
- floors align, or align approximately, with floors of adjacent historic buildings, allowance being made for changes in grade on the Main Street South hill;



- the facade is surmounted by a flat roofline, either a decorative brick cornice or a decorative brick parapet;
- signage is integrated into the ground floor design; and,
- at corner locations, the design addresses the corner and presents two street facades.

The appropriateness of any new design would be demonstrated through a heritage impact assessment in which the impact of the new design on adjacent historic buildings, the streetscape and the district is assessed. A heritage impact assessment has been submitted for this application and discussed further below.

#### *Views*

The HDC Plan discusses the importance of the protection of views to, from and within the district. Specifically, the Plan indicates the Town will review application for their potential impact on existing views including views of the districts four landmark buildings, one of which being the Clock Tower.

#### *Guidelines*

The HDC Plan also contains a number of Guidelines identifying minor improvements to the Post Office building such as filling in holes in the brick work where flag poles and window shields were once mounted. The Guidelines also provide a four step process for approaching improvements or restoration of Historic Commercial Buildings. Section 5.6 of the Plan identifies guidelines for New Construction which are based on the policies for new construction identified above.

The HDC Plan provides a number of suggestions for buildings within the district which are provided below for the properties that form this application. The applicant has indicated that they will integrate heritage facades as part of the redevelopment where feasible. It is noted that the submitted Heritage Impact Assessment also recommends that some form of integration of the existing heritage structures/facades into the development be considered. Further, a structural investigation and a Conservation Plan will be required to determine the appropriate conservation strategy.

184 Main Street South – The Plan recommends that after the siding is removed from the storefront and upper floor and the roughcast plaster beneath is exposed, restoration based on historic photographs and the fire insurance plans should occur. This is one of the district's few buildings where a plaster finish – authentic roughcast and not synthetic EIFS – is recommended. The restored plaster finish should be left in its natural state and not tinted with colour, as was typical, unless there is evidence in the underlying roughcast plaster of a colour tint.

188 Main Street South – The Plan recommends that the siding on the ground floor and upper floor should be removed. If the underlying brick veneer is not irretrievably damaged, restoration based on historic photographs should occur.

194-196 Main Street South – Historic photographs shows at No. 194 an identical building to No. 196. The siding covering No. 194 should be removed, and restoration of the upper floor and storefront should proceed if the underlying brick is not irretrievably damaged.

#### *Comments*

The proposal by the applicant for redevelopment of these buildings on Main Street South would assist in the revitalization of Downtown Newmarket by providing a number of residential units in the core and

providing additional commercial units along Park Avenue as encouraged by the Plan. However, the proposal does not meet significant policies of the Heritage Conservation District Plan by exceeding the 3 storey height limitation and not preserving in situ Historic Commercial Buildings. To assist in the on-going review of the application against the HCD Plan, a Heritage Impact Assessment has been submitted. Staff will provide further analysis of this proposal against the HCD Plan in a comprehensive report after the required Statutory Public Meeting has occurred.

### **Heritage Impact Assessment**

A heritage impact assessment is a report prepared by a qualified heritage specialist to assess the impacts demolition, removal, significant alteration or new construction may have on the character of the building, property, its surrounding context and/or a historic area. Submitted with the application is a Heritage Impact Assessment for 180-194 Main Street South prepared by Goldsmith Borgal & Company Architects.

The HIA provides a historical and contextual background and an architectural review for for Main Street and specifically the structures under this application. The report provides a review of the Town's Official Plan and the Lower Main Street South Heritage Conservation District Plan and the relevant policies.

The report asserts that the proposal addresses the Town's policies by:

- Developing a site within the Historic Downtown which has been identified as an area with a significant opportunity for growth as it would achieve the sustainability goal of providing an opportunity to live close to services without the need to burden the road system.
- Including a multi-unit residential and commercial uses to achieve a mix of uses within the Historic Downtown.
- Proposing a use that has the potential to revitalize the Historic Downtown.

The report also acknowledges that the proposal does not meet the Town's policies and objectives related to heritage, such as;

- Maintaining the historic scale in the Historic Downtown at Two, two-and-one-half, or three stories.
- Protecting heritage by retaining and restoring existing buildings.

The Heritage Impact Assessment continues by providing specific details on the proposed development against the policies of the Heritage Conservation District Plan. The report indicates how these policies can be achieved, and where there is conflict, recommendations are made on how to mitigate the impact increased density would have on the heritage aspects of the District.

The Town is in the process of securing a peer review consultant to review the HIA and comment on the submitted plan. Final comments on the HIA will be provided in a future report to Committee of the Whole.

### **Shadow Study**

A shadow study has been prepared for the proposal that details impacts of shadowing on the surrounding neighbourhood at the spring and fall equinoxes and summer solstice. The shadow impacts are shown at 9am, 12pm, 2pm and 4pm. Shadow Studies illustrate the impact of development in terms of sun and



daylight access to the surrounding context including surrounding buildings, the public realm, public and private open space.

The shadow studies submitted show little impact on the low density developments to the west of Main Street. There appears to be significant shadowing on the public streets of Park Avenue and Main Street. Staff have requested a current condition shadow study be submitted to clarify the cumulative impacts the proposed building would have over the existing situation.

### **Departmental and Agency Comments**

*Heritage Newmarket* have completed a preliminary review of the proposal and provided comments to staff. The comments relate to questions of clarification on the submitted Heritage Impact Assessment as well as providing photographs of existing views to landmark buildings (The Old Post Office, Trinity United Church and Old Town Hall) that would be impeded if this proposal were to be approved in its current state. It is intended that that applicant and heritage consultant will attend Heritage Newmarket on December 3<sup>rd</sup> to present the proposal and answer any questions the committee have. Further comprehensive comments will be included in a report to Committee of the Whole after the public meeting is held.

The Town has received comments from various utilities that will be addressed throughout the planning process.

Engineering services have reviewed the Traffic Impact and Parking Study, Functional Servicing Report and Phase 1 and 2 Environmental Site Assessments and have the following comments to offer:

### **Traffic Impact Study and Parking**

The Traffic Impact and Parking Study (TIPS) only analyses traffic operations on week-days – Saturday traffic operations should also be considered.

The Report assumes no traffic generation from the Commercial Retail Units (CRU). Vehicle traffic is likely to be generated from the CRU and therefore some traffic generation should be forecast.

Additional sight distance work needs to be completed based on a design speed of 50km/h opposed to the 45km/h in the report.

The adequacy of the parking supply proposed for the residential use should be further reviewed within the context of all of the uses proposed including the CRU.

Insufficient justification is provided to support the conclusion that no parking is required for the proposed CRU.

The TIPS does not provide any analysis of the impacts of the site redevelopment based on the replacement of the existing uses. Further consideration of these factors may result in the need for additional parking.

### **Sanitary Sewage**

Sanitary sewage from this development as proposed will discharge to the existing sanitary sewer on Main Street. The capacity of only the sanitary sewer on Main Street fronting this property has been reviewed in the FSR. No analysis has been carried out to confirm that adequate capacity exist in the downstream

system for the flows generated by this development. The applicant will be required to carry out a study to confirm that adequate capacity exists or determine what downstream improvements are required to the sanitary system. All cost for the study and any downstream improvements necessary will be the sole responsibility of the applicant.

### **Water Supply**

The report did not provide any hydrant flow information or modelling to confirm if the existing watermain is adequate to service the proposed development. The consultant should provide either modelling or a hydrant flow test on the watermain where the connection is proposed to confirm that the existing watermain is adequate.

Additional analysis for the Fire Underwriters Survey calculation is required (projected fire flow rate).

### **Storm Drainage**

The existing site is generally impervious. The proposed development will have minimal impact on the quantity of storm water flow which discharges from the property. Water captured and discharged from the roof is inherently clean and therefore the quality of the storm water discharging from the property will be improved from the existing condition. The final design should demonstrate that the water quality from this site meets Enhanced Protection Criteria as defined by MOE Guidelines.

### **Phase 1 and Phase 2 Environmental Site Assessments**

Engineering Services have reviewed the Phase 1 and Phase 2 Environmental Site Assessments and have indicated a number of comments that require addressing. The reports identify that contamination exists in the soils above residential standards. Remediation work and the filing of a Record of Site Condition (RSC) will likely be required. Sufficient environmental work has been carried out to demonstrate that it should not be an undue hardship to remediate the site. We require confirmation from the MOE on whether or not an RSC will be required.

### **COMMUNITY CONSULTATION POLICY**

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the zoning bylaw. A number of comments/letters have been submitted to date including a petition against the existing proposal for redevelopment of these buildings on Main Street South citing design, obstruction of views, traffic increase and parking as issues to be addressed.

### **BUDGET IMPACT (CURRENT AND FUTURE)**

Application fees have been received, and the Town will receive revenue from assessment fees from any land use decisions made on the subject properties. Should the application be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

### **HUMAN RESOURCE CONSIDERATION**

Not applicable to this report as staffing levels remain the same.



**Conclusion**

It is appropriate to refer this application for zoning by-law amendment to a statutory public meeting to hear comments/questions from the public.

Attachments: Location Map  
Site Plan  
Elevations  
Perspective Plan



Senior Planner – Community Planning

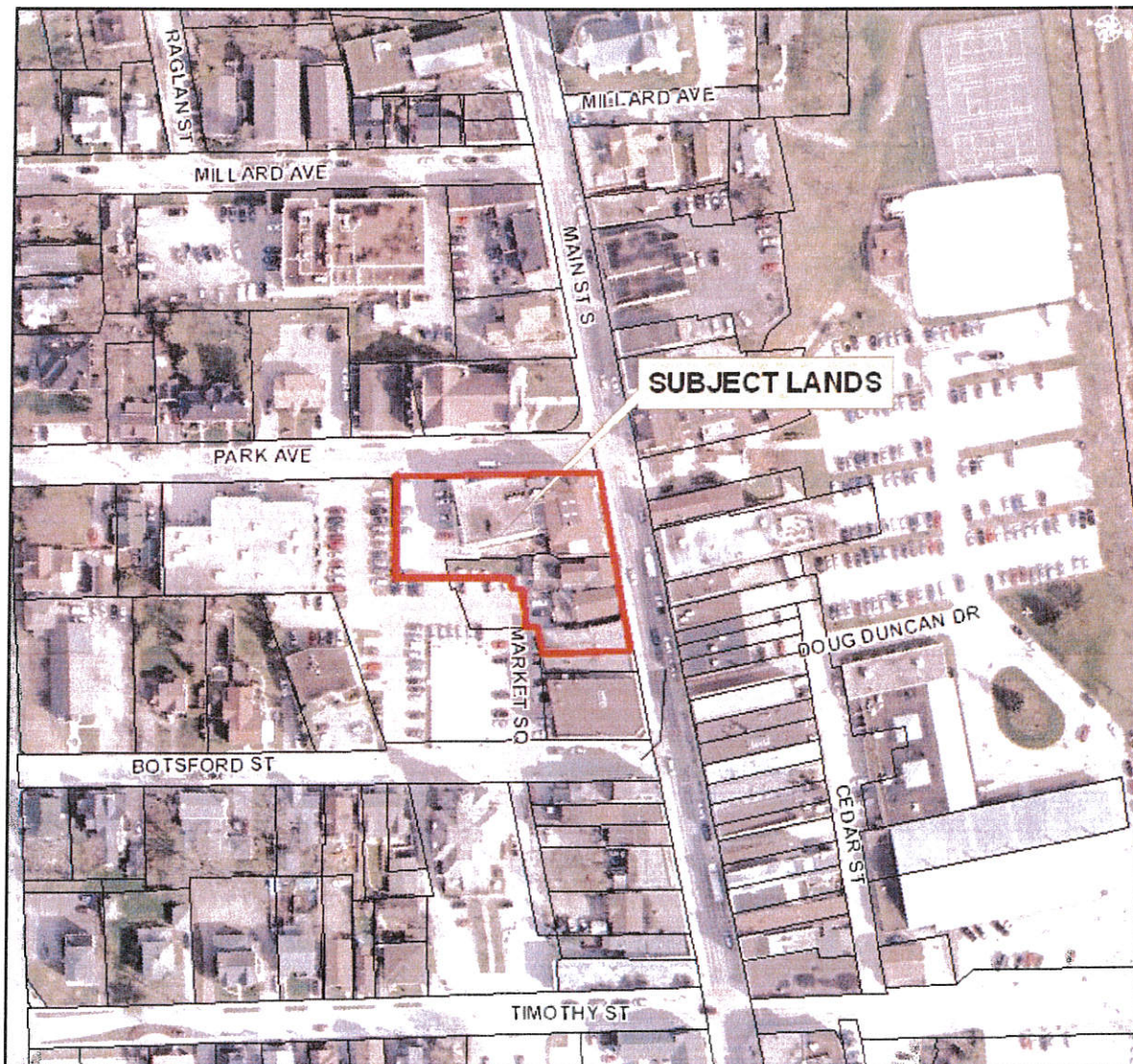


Director of Planning and Building Services



Commissioner of Development and  
Infrastructure Services

## LOCATION MAP 178, 180, 184, 188, 190 and 194 MAIN STREET (CLOCK TOWER)

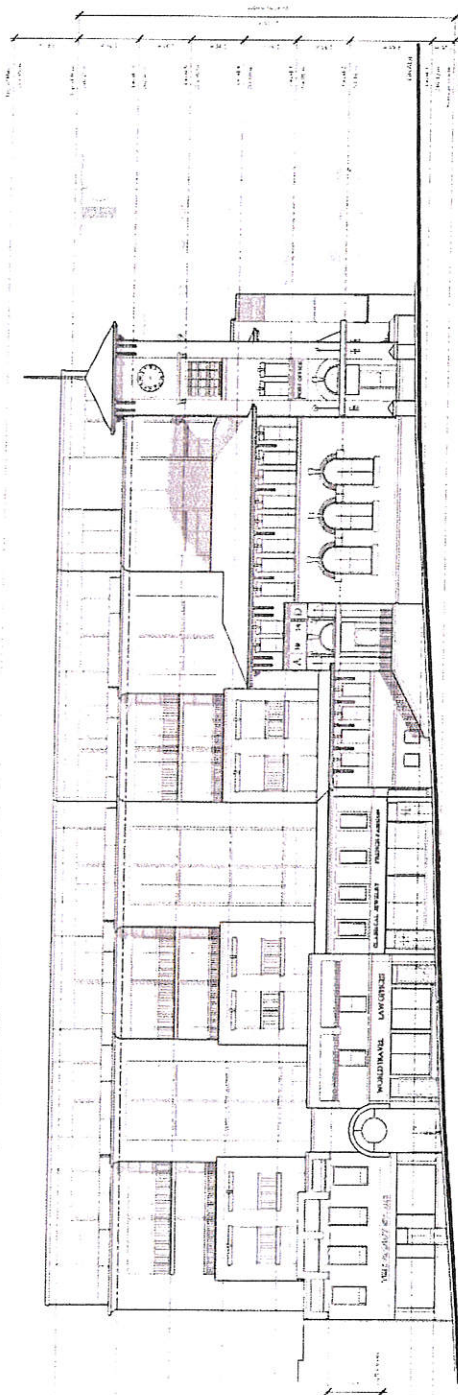


TOWN OF NEWMARKET PLANNING DEPARTMENT

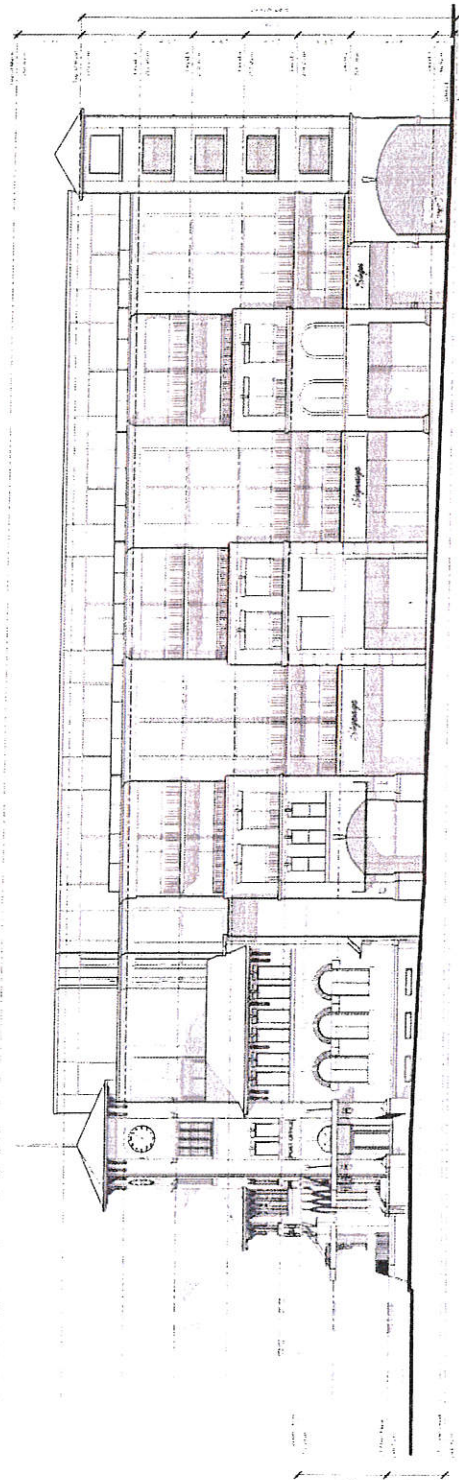
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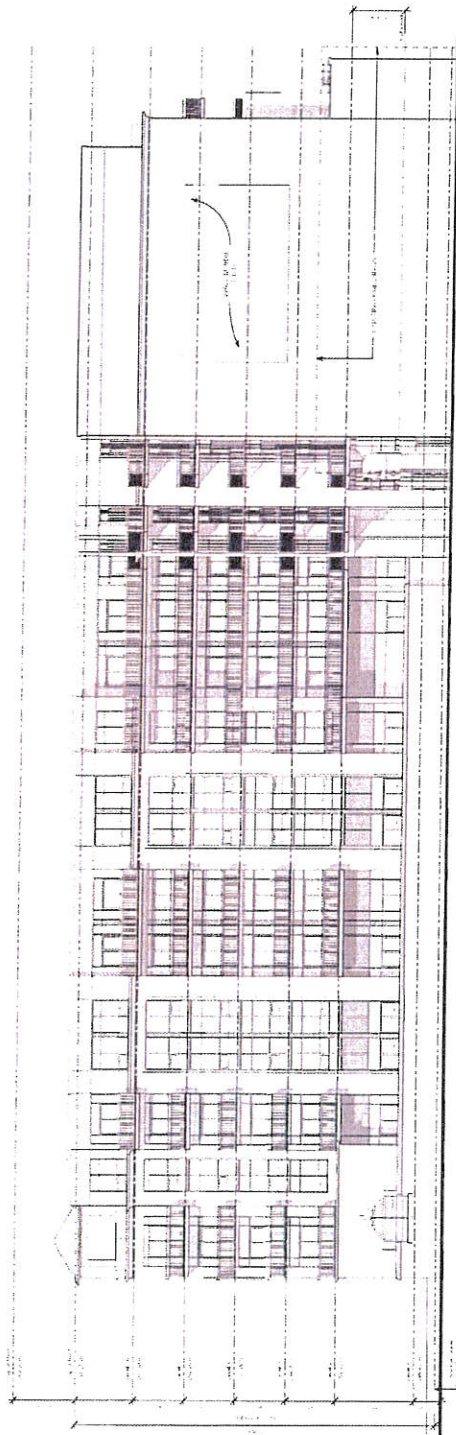


SECTION 1.1 - ELEVATION

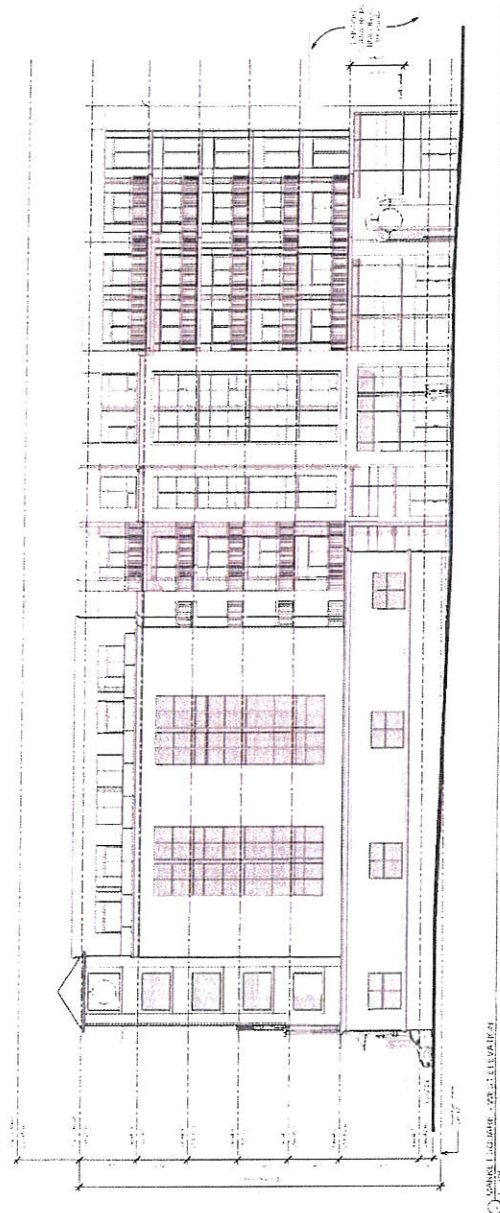


SECTION 1.2 - ELEVATION





○ NORTH ELEVATION - 2013-55-0001



○ SOUTH ELEVATION - 2013-55-0002



Version 2.0  
Main Street Looking South  
CLOCK TOWER REDEVELOPMENT NEWMARKET ONTARIO  
Client MAIN STREET CLOCK INC.  
Date 15/09/22 Scale  
Project number 7350

**FORREST GROUP**  
ARCHITECTS  
We Merchandise Space Inc  
www.forrestgroup.ca

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