



Town of Newmarket
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Recommendation Report - 201 Davis Drive OPA and ZBA Staff Report to Council

Report Number: 2021-71

Department(s): Planning and Building Services

Author(s): Meghan White

Meeting Date: October 25, 2021

Recommendations

1. That the report entitled Recommendation Report - 201 Davis Drive OPA and ZBA dated October 25, 2021 be received; and,
2. That the applications for a Official Plan and Zoning By-law Amendments, as submitted by Mosiak Davis Inc. for 201 Davis Drive, be approved, and that staff be directed to present the Official Plan and Zoning By-law Amendments, including the necessary Holding provisions, to Council for approval; and,
3. That Nick Pileggi of Macaulay Shiomi Howson Ltd be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

An application was submitted to amend the Urban Centres Secondary Plan and Zoning By-law 2019-06 to permit the development of a 6 storey apartment building at 201 Davis Drive. The Official Plan amendment is required to permit an increase in density and the zoning by-law amendment is required to recognize the increase in density and some site specific development standards.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in conformity with the policy framework as it relates to providing desirable residential dwellings, prioritizing intensification to make efficient use of land and infrastructure, supporting 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 November 23rd, 2020 as required by the Planning Act.

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

Should Committee adopt the recommendations of this report, the Official Plan and Zoning By-law Amendments will be presented to Council for approval at a subsequent Council meeting.

Purpose

This report provides recommendations to Council on the applications for Official Plan and Zoning By-law Amendments for 201 Davis Drive (the “subject lands”).

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 Secondary Plan and Zoning By-law 2019-06 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 on the north side of Davis Drive, one property east of Longford Drive. The subject lands are known as 201 Davis Drive. Legally they are described as Lots 253, 254, 255, 256, 257 & 258 on Registered Plan 492. The lands are vacant and have been since they were farmland in the 1950's. The site is approximately 4984m² (0.49 Ha) in area, with approximately 119 metres (390 ft) of frontage along Davis Drive and Penn Avenue respectively. There is a Viva Rapidway Station on Davis Drive almost directly in front of the subject lands at Davis Drive and Longford Avenue.

The surrounding land uses are as follows:

North: Primarily single and semi-detached dwellings.

East: Semi-detached dwellings fronting onto Penn Ave.

South: Commercial uses, including a plaza of retail and office uses. As well as the apartment building at 212 Davis Drive and the redevelopment of the Deerfield Road properties.

West: Commercial uses, including a fast food restaurant with a drive-through directly adjacent to the subject lands.



The subject lands are located in the Urban Centres Secondary Plan (UCSP) area, and designated as follows:

- Located in the Davis Drive Character Area (Schedule 2)
- Designated as Mixed-Use (Schedule 3)
- The site is within the Low Density designation (Schedule 4)

Proposal

The applicant is proposing to amend the Secondary Plan and rezone the subject lands in order to permit the construction of a six-storey mid-rise residential apartment building with condominium tenure. The development is comprised of:

- 147 apartment units with total proposed gross floor area of 12,125m² and a floor space index (FSI) of 2.42; and
- Resident parking (148 spaces) in an underground structure and visitor parking (30 spaces), located at grade, under the eastern portion of the building;

The upper floor is stepped, to provide a transition to the neighbourhood to the north. The resulting outdoor space will be used as an amenity space (rooftop terrace) for residents.

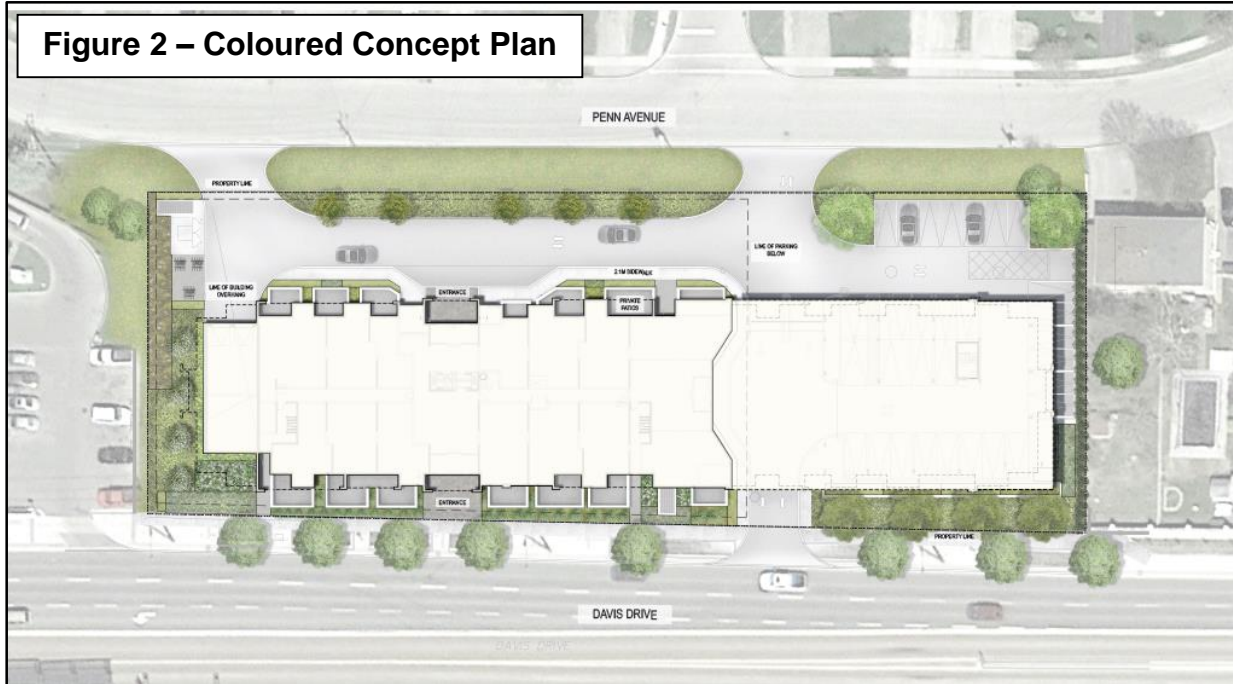
There are a number of varying unit types/sizes with the following breakdown:

Apartment type	Number of Units	Percentage of total
Studio Apartments	6	4%
One Bedroom	50	34%
One Bedroom + Den	49	33%
Two Bedrooms	14	10%
Two Bedrooms + Den	28	19%
Total	147	

Access is proposed from a right-in/right-out access on Davis Drive and two full-movement accesses from Penn Avenue. A gate control will ensure that vehicles do not infiltrate through the site from Davis Drive to Penn Avenue, while pedestrian and bike access will be permitted. An internal driveway network services the site and access to the underground parking is from a ramp at the west end of the building. Entrances to the building are proposed from Davis Drive and Penn Avenue along with a through lobby. A secondary entrance/vestibule is also provided from the visitor parking area (under the east portion of the building).

Figure 2 below shows the concept plan. A full sized copy is provided as Appendix 1. Full sized copies of the elevations are provided as Appendix 2. The elevations are shown in Figures 3a and 3b below.

Figure 2 – Coloured Concept Plan



The applicant originally requested an increase in FSI from 2.0 to 2.56; however, through the development review process the FSI increase has been refined and reduced to 2.42.

Figure 3a – Davis Dr Elevation



Figure 3b – Penn Ave Elevation



Discussion

Any planning decision by Council should be consistent with Provincial, Regional and local planning documents. Applicable policies and how they are addressed by this application are discussed below.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. 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. Planning decisions shall be consistent with the Provincial Policy Statement.

The PPS 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 studio, one, and two bedroom apartments.

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 for intensification and redevelopment. The proposal provides for a compact form allowing for the efficient use of land and infrastructure.

The proposed development represents intensification within a built-up area, makes efficient use of existing servicing and transit infrastructure and is an example of compact development. The subject applications are consistent with the PPS 2020 policies.

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 is the Town's main planning document that focuses 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 proposal would improve the diversity of the housing stock in Newmarket, provide additional dwelling units close to transit and commercial uses, and provide an adequate parking supply while supporting 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 Mixed Use designation allows for the residential uses contemplated by this proposal. The Davis Drive Character Area is planned to be a mix of residential and commercial with an approximate full build out of 4,200 residents and 2,000 jobs. The planned land use mix is approximately 70% residential and 30% commercial. The proposal will contribute to the build-out objectives of the Character Area by contributing approximately 200 people in 147 residential units.

Height and Density

The subject property is located within the Low Density designation. This designation requires building heights ranging from 2-6 storeys. The Low Density designation allows for floor space indexes (FSI) ranging from 1.5 to 2.0.

The proposal fits within the maximum permitted height of 6 storeys. However, to facilitate the concept, an amendment is required to increase the maximum permitted density from 2.0 to 2.42.

The subject site is currently vacant and represents an opportunity for appropriate infill and intensification. The site is an underutilized piece of land that is viable for development that reflects the vision the Town has established through the Urban Centres Secondary Plan.

This residential development will support the existing institutional, commercial and residential uses already located within the immediate area. It will utilize recently improved transit facilities within the area; and, will support the walkable, mixed-use environment that the UCSP envisages for the Davis Drive Character Area.

The increase in density, from a maximum of 2.0 FSI to 2.42 FSI is appropriate for the following reasons:

- The proposal meets the maximum height requirement of 6 storeys;
- Even when combined, the properties are relatively small. It is not uncommon to exceed maximum FSIs on smaller sites when meeting the maximum height allowances;
- The building has immediate access to a higher order transit station;
- The building provides a mid-rise form which is unique for the area and will provide for greater variety in the unit mix currently available in Newmarket;
- The building provides on-site indoor and outdoor amenity areas;
- The FSI proposed is generally accommodated within the building envelope outlined by the Zoning By-law.

The Secondary Plan speaks to height in terms of storeys and the proposal is within those height limits. The Zoning By-law speaks to height in terms of metres, specifically the maximum height as 20 metres. The proposed building would have a height of 20.6m and therefore the 0.6m increase is proposed to be recognized in the site specific zone standards.

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 to create the distinct, livable, and vibrant urban place that Newmarket is seeking to achieve. This application was received prior to the adoption of the Town's new Urban Design Guidelines (UDG) and therefore is not subject to those standards. Since many of the requirements of the UDG stem from the UCSP policies, they have already been given consideration.

The proposed built form conforms to the urban design policies of the UCSP. The applicant has committed to design an attractive building façade by incorporating balconies and windows; leaving no blank walls. The balconies are proposed on both the Davis Drive and Penn Avenue frontages. Both indoor and outdoor amenity spaces are proposed within the building and on-roof and at-grade.

Staff note that minor revisions to the design may be incorporated through the site plan approval process. To date the applicant has endeavoured to incorporate all urban design comments.

There are currently walking paths cut through this property. These paths indicate a certain degree of usage by area residents to access Davis Drive. The proposal seeks to

maintain this pedestrian connectivity by means of a pedestrian walkway through the parking area, with no through vehicle access permitted.

There are thirty surface parking spaces proposed on the site, located under the eastern portion of the building. This parking is for visitors and all residential parking is located below grade in an underground parking structure that is accessed from the west side of the building. The at-grade parking is also bordered by landscaping features including planter boxes with tall grasses to ensure that the parking area is adequately screened from Davis Drive.

The proposed development is consistent with the urban design and parking policies of the Secondary Plan.

Sustainability

The UCSP requires the incorporation of certain sustainability measures. The applicant has proposed a green roof to promote low impact development. A cool roof with white ballast is also proposed in non-green roof areas to reduce urban heat island effect. A stormwater chamber is also proposed for infiltration, which keeps stormwater out of the sewers and allows it to return into the ground. If Council should deem to approve this application, some of these elements will be further explored at the site plan approval stage.

Public Art

The Secondary Plan encourages the inclusion of public art on all new sites or a contribution to the Public Art Reserve Fund. The applicant is proposing a contribution to the Public Art Reserve Fund with the amount to be finalized through the Site Plan Agreement process.

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 and prioritize the use of public transit and active transportation. The proposal meets these policy objectives by providing residential units in close proximity to a Viva Rapidway Station and encouraging pedestrian permeability through the site.

The traffic report has been reviewed by the Town's Consultant Engineer and they have advised that there is no objection to the official plan and zoning by-law amendments. Any outstanding comments can be addressed through the site plan approval process.

Parkland Dedication

The applicant is proposing to meet this requirement primarily through cash-in-lieu in accordance with the Parkland Dedication By-law. The details of the amount of cash-in-

lieu will be finalized in the Site Plan Agreement. The By-law requires that cash-in-lieu is calculated at 5% of the value of the land or the value of 1 hectare of land per 300 dwelling units (whichever is less) up to a maximum of 25% of the land area proposed for redevelopment (or the cash-in-lieu equivalent). For properties over 1000 sq.m within the Urban Centers, such as this site, the By-law requires that some actual land be dedicated to the Town for park purposes, in addition to any cash-in-lieu contribution. The By-law requires this land contribution to be at least 7.5% of the subject lands or 75sq.m along a public road or a pedestrian mews. Staff and the applicant are investigating the possibility of a 75sq.m pocket park or sliver space at Davis Drive or a pedestrian mews. This can be finalized through the Site Plan process.

Zoning By-law 2019-06

Zoning By-law 2019-06 implements the Urban Centres Secondary Plan. The subject site is zoned “Mixed-Use One (MU-1) Zone”. The MU-1 zone allows for a range of residential and non-residential uses including apartment buildings. The subject site requires a minimum height of 8.0m and sets out a maximum height of 20.0m.

Section 6.2.4.3 of the Zoning By-law prescribes a minimum FSI of 1.5 and a maximum FSI of 2.0 for the MU-1 zone. Section 6.2.4.4 of the Zoning By-law requires 2.0m² of indoor amenity space per unit for any building that contains 20 or more dwelling units.

A site specific zone has been requested to recognize the increased FSI and some standards including increasing the height to 20.6m, amending the angular plane requirement for the east part of the property, reducing the number of loading spaces, increasing the number of accesses to the site, and minor amendments to the landscape buffers and parking lot design standards.

A draft by-law has been attached to the report.

Servicing Allocation

Servicing allocation has not yet been provided to this application. Allocation will be considered as part of the 2022 annual servicing allocation report, currently scheduled for Q2, 2022.

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 re-development including but not limited to:

- Servicing allocation granted by Council,
- Execution of a Site Plan Agreement,
- Confirmation that the downstream sewer improvements are completed, and
- A Noise and Vibration Study has been 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). As the applicant submitted a Site Plan Approval application concurrently with the OPA and rezoning, staff have already given consideration to some site plan matters. There remain some comments to be addressed and at least one additional submission of the site plan drawings will be required.

Comments

Staff circulate applications to the Town's review partners and make materials available to the public. The below sections summarize the comments received from the circulation of the application.

York Region

York Region has advised there is no objection to the Official Plan and the Zoning By-law Amendments subject to servicing allocation being granted. In accordance with YROP Policy 8.3.8 the proposed amendment does not adversely affect Regional planning policies or interests; therefore, the Region considers it an amendment of local importance and has exempted the OPA from Regional approval. There are site plan comments that the applicant and the Region will continue to discuss through that process.

Engineering Services

The application has been reviewed by the Town's Consultant Engineer. They note 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. They have no concerns with the Official Plan and Zoning By-law Amendments being approved.

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 approval of the Official Plan and Zoning By-law amendments. There are site plan comments that the applicant will address in a further submission.

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.
- 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 and Hydro One have 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.

Comments received in writing and at the Public Meeting were centered around the following concerns:

- Traffic impacts
- Affordable housing
- Pedestrian connectivity
- Shadow impacts
- Privacy and overlook
- Neighbourhood compatibility
- Property values

Traffic Impacts: The submitted studies have been reviewed to the satisfaction of the Engineering Department through the Town's Consultant Engineer. It has been determined that the road system can accept the increased traffic flows without a decline in level of service.

Affordable Housing & Pedestrian Connectivity: Affordable housing and pedestrian connectivity has been discussed in this report above. The increase in smaller units available in Newmarket will be a small contribution to affordability. The pedestrian connectivity through the site will remain while not allowing vehicles to use the site as a cut through from Davis Drive to Penn Avenue.

Privacy & Overlook and Shadow Impacts: The site specific zoning by-law standards will require a 2.4m (8ft) high fence between the subject lands and the existing residential uses. A shadow study was submitted and found to be acceptable.

Neighbourhood Compatibility: The height and built form permissions (6 storeys and apartment building) were established through the Secondary Plan. Prior to the adoption of the Secondary Plan, extensive public consultant was undertaken in to explain the

changes that would result from the shift in policies. The applicant has not proposed anything outside what is permitted by the Secondary Plan, other than a slight increase in density. This property is in very close proximity to a Bus Rapid Transit stop and is an excellent location for increased density in the urban corridors and has been slated as such since 2015.

Property Values: Perceived impacts to private property values are not typically taken into consideration in planning applications.

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.

Based on this analysis staff 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 Official Plan and Zoning By-law Amendments and Site Plan Approval applications have 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 November of 2020. Following the meeting, the concept was revised and additional studies and revised drawings were provided to the Town, which were also circulated for review. Matters raised by members of the public were discussed above.

All agencies and internal departments are satisfied with the development at the Official Plan Amendment and Rezoning level. Work continues with the applicant to address various Site Plan Approval matters.

Human Resource Considerations

None.

Budget Impact

The appropriate planning application fees have been received for the Official Plan and Zoning By-law Amendments 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.

Attachments

Appendix 1 – Coloured Concept Plan

Appendix 2 – Elevations

Appendix 3 – Draft Official Plan and Zoning By-law Amendments

Submitted by

Meghan White, Senior Planner, Development

Approved for Submission

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Jason Unger, MCIP RPP, Director, Planning & Building Services

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