



Town of Newmarket
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Recommendation Report Upper Canada Mall Master Plan Official Plan Amendment Staff Report to Council

Report Number: 2021-78

Department(s): Planning & Building Services

Author(s): Meghan White

Meeting Date: November 15, 2021

Recommendations

1. That the report entitled Recommendation Report Upper Canada Mall Master Plan Official Plan Amendment dated November 15, 2021 be received; and,
2. That the Official Plan Amendment No. 30 for the Upper Canada Mall Master Plan, substantially in accordance with the version attached, be adopted; and,
3. That staff be directed to forward the adopted Official Plan Amendment No. 30 to the Regional Municipality of York for approval; and,
4. That Oz Kemal of MHBC Planning Ltd., 442 Brant Street, Suite 204, Burlington, Ontario, L7R 2G4, be notified of this action; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Town has received an Official Plan Amendment (OPA) application to create a Master Plan for the long term redevelopment of the subject lands known municipally as 17600 Yonge Street and locally as the Upper Canada Mall (Mall or UCM). The OPA is required by Section 5.3.4 of the Urban Centres Secondary Plan to create a Master Plan for the Upper Canada Mall property. The Secondary Plan requires that the Master Plan sets out specific heights and densities for the property. The process of the OPA has also established details on the road and development block layout. It has been determined

that the proposed amendment to the Secondary Plan conforms to the PPS, the Growth Plan and the York Region Official Plan.

The new Regional Shopping Centre policies set the stage for the future redevelopment of the Mall property which will include introducing residential uses to the site and the expansion of the mall itself. This Master Plan envisions how the property will evolve over the coming decades to a mixed-use and vibrant community with a diversity of uses, park spaces and commercial opportunities. The redevelopment will happen in phases over approximately 30 to 40 years. The proposed Secondary Plan policies provide an outline and a framework guiding each phase as it comes forward. These policies intend to create a community with the Mall at the centre and with outdoor urban spaces as focal points. The new park spaces and pedestrian connections that will be created will benefit the future residents in this community and Newmarket as a whole.

The proposal has been reviewed by the Region, the Lake Simcoe Region Conservation Authority and internal review departments. Overall, there are no objections to the recommendation to adopt the Official Plan Amendment, with the understanding that there are still some technical details that will have to be explored through the rezoning and site plan approvals required for each phase.

Purpose

The purpose of this report is to recommend that Council adopt the Official Plan Amendment (OPA) that would establish the policies for the redevelopment of the Mall. This report presents the overall proposal, discusses the planning policy context surrounding the adoption recommendation and outlines the comments from our development review partners, as well as the comments received from the general public.

Background

Site Context

The subject lands are currently developed as the Upper Canada Mall, a regional two-storey indoor shopping mall surrounded by surface parking lots and stormwater management ponds. Since its opening in 1974, the mall has grown, alongside the Town, from 55 to approximately 250 stores and has become a key economic driver for Newmarket.

Located on the northwest corner of Davis Drive and Yonge Street, the lands have an approximate total site GFA of 121,137m². Surrounding land uses include the following:

- North: a low-rise residential neighbourhood (north/northwest) and low-density commercial plazas (north/northeast)
- East: low-density commercial plazas, vacant lots, a four-storey hotel and a car dealership
- South: low-density commercial plazas, a low-density residential neighbourhood and a York Region Bus terminal
- West: existing low-density residential neighbourhood and a future low-density residential neighbourhood, currently under construction.



Proposal

Consistent with the requirements of Section 5.3.4 of the Urban Centres Secondary Plan (Secondary Plan), the application proposes to amend the Secondary Plan to permit the subject lands to develop into a high density mixed use community over the coming three to four decades. The proposed Master Plan aims to create a vibrant, high quality urban development by providing a mixture of land uses, heights and densities on the property. The Concept Plan found below, and in Appendix 1, shows the proposed road layout and park locations. The redevelopment is subdivided into blocks and the applicant intends to develop the different blocks in phases. The proposal is generally as follows:

- Four (4) **high density blocks** (A, B, H, and G) of mixed-use buildings 6 to 17 storeys high with a maximum FSI of 3.5. In these blocks 20 storeys and an FSI of 4.5 could be achieved with bonusing;

- Two (2) **medium-high density blocks** (C and G2) of mixed-use buildings 4 to 12 storeys high with a maximum FSI of 2.5. In these blocks 18 storeys and an FSI of 3.5 could be achieved with bonusing;
- Three (3) **medium density blocks** (E, N, and M) of mixed-use buildings, and the Mall in block M, 3 to 8 storeys high with a maximum FSI of 2.0. In these blocks 10 storeys and an FSI of 3.0 could be achieved with bonusing;
- One (1) **low density block** (D) of primarily residential buildings 2 to 6 storeys with a maximum FSI of 2.0; and
- **Parks and open space blocks** located throughout the subject lands, focusing on the primary east and south driveways and an Iconic Park space at the corner of Yonge Street and Davis Drive. Some of these blocks will be in public ownership and others will remain in private ownership but will be fully accessible to the public. (Privately Owned Public Spaces / POPS).

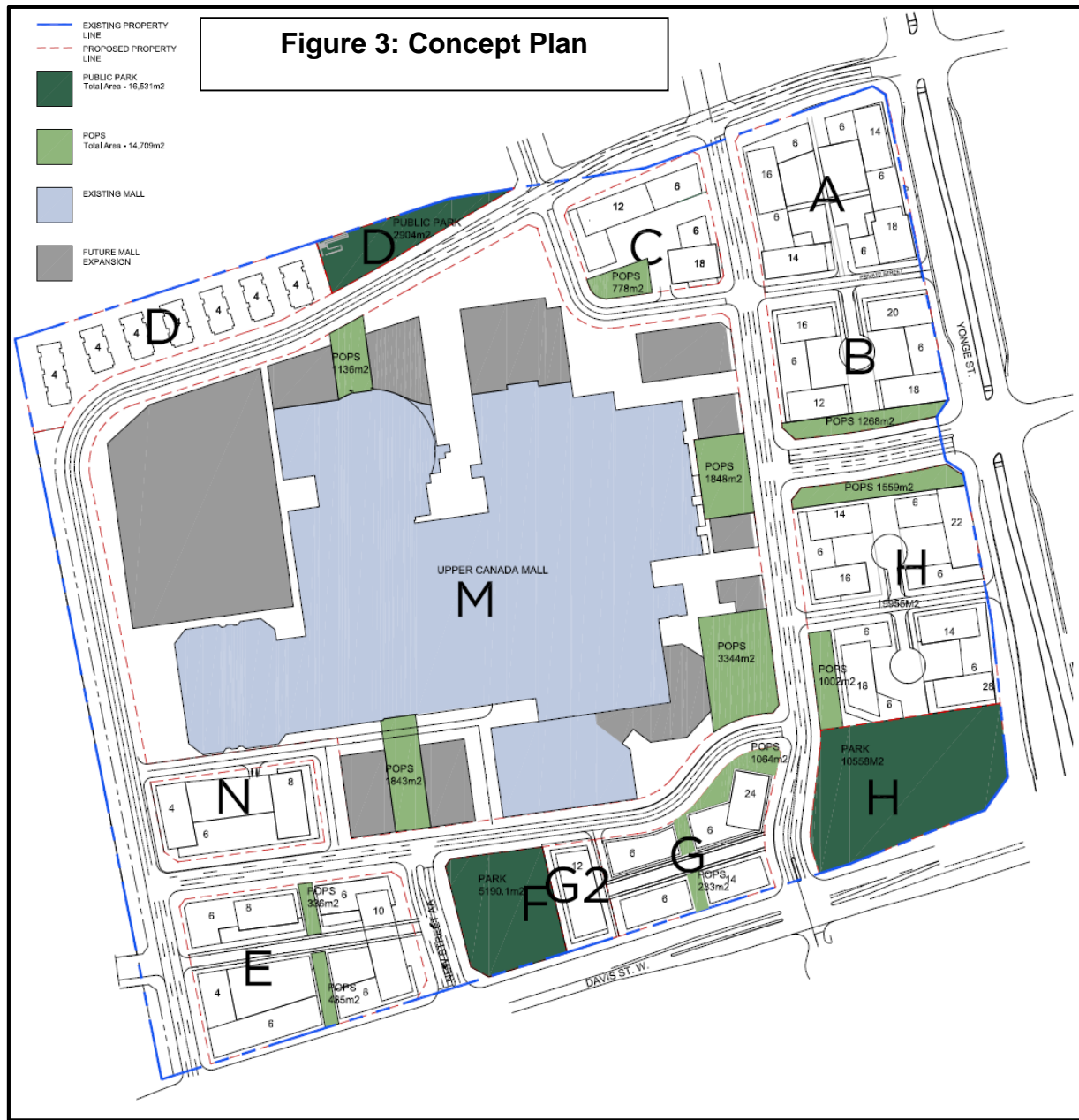


Figure 2: Height & Density Schedule excerpt

The image to the right shows where each of these height and density designations are proposed to be located.

It is acknowledged that the maximum heights and densities with bonusing in some of the proposed density designation exceed what is permitted elsewhere in the Secondary Plan. Rationale for this is provided in the following sections of this report.

The image below depicts the block structure and street network proposed. A mixture of private and public roads is proposed on the property and the ultimate structure of the blocks seeks to focus development density toward the intersection of Yonge Street and Davis Drive. A full sized version of the Concept Plan is attached as Appendix 1.



The Master Plan proposes adding approximately 5,000 residential units, 9,700m² of non-residential space, a new road system and 4,500 parking spaces at and below grade to the existing property. The Master Plan plans for the Mall to remain and expand over time, adding residential uses and a significant amount of commercial space to the site. The Mall will be expanded but commercial uses will also be added along Yonge Street and Davis Drive to achieve the Secondary Plan's goals of lively and vibrant corridors. Both Yonge Street and Davis Drive, outside of the park spaces, are designated as Priority Commercial Areas in the Secondary Plan and this will remain in place through the amendment.

The Master Plan is estimated to accommodate approximately 8,600 people and 3,154 jobs, resulting in a proposed density of 382 persons and jobs per hectare.

Heights and Densities

The Master Plan (through an amendment to the Secondary Plan) amends the heights and densities that were shown in the Regional Shopping Centre Study Area in the Secondary Plan in accordance with the intention of Section 5.3.4.ii b) of the Secondary Plan. This section requires a future amendment to “establish minimum and maximum building heights and block densities” of the study area. The following minimum and maximum heights and densities are proposed for the Regional Shopping Centre Area:

Table 1: Heights & Densities

	Min Height	Max Height	Min FSI	Max FSI	Discretionary Max Height w Bonusing	Discretionary Max FSI w Bonusing
High Density	6 storeys	17 storeys	2.5	3.5	20 storeys	4.5
Med-High Density	4 storeys	12 storeys	2.0	2.5	18 storeys	3.5
Medium Density	3 storeys	8 storeys	1.0	2.0	10 storeys	3.0
Low Density	2 storeys	6 storeys	1.0	2.0		

The maximum permitted densities, which can be achieved with bonusing/Community Benefits, in the High Density, Med-High Density and Medium Density designations exceed the maximums currently established in the Secondary Plan. The highest density of 4.5 FSI exceeds the maximum elsewhere in the Secondary Plan of 4.0. A table detailing the specific changes is found below. The maximum height (20 storeys) does not exceed what is allowed in the Secondary Plan. It has been established that these densities can be supported on the site and that they are in keeping with the overall goals and policy objectives of the Character Area and Secondary Plan.

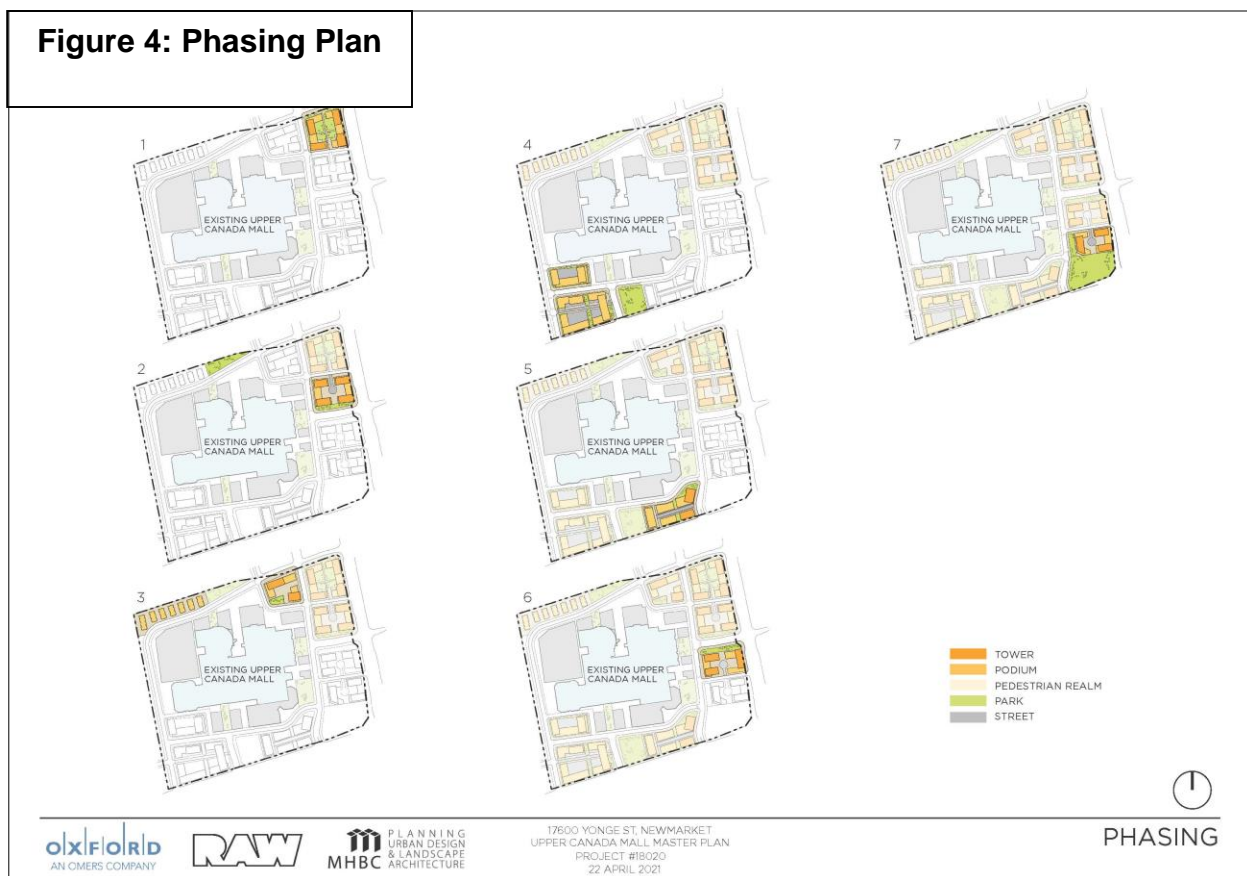
Through this OPA, a new Special Policy Area will be created around the Iconic Park located at the corner of Yonge Street and Davis Drive, as the heights and densities originally proposed further exceeded the maximum discretionary heights and densities contemplated by the Secondary Plan. The applicant has advised that this corner will be the last to redevelop and it could likely not be redeveloped for another 25, 35 or 40 years. Staff is unable to predict if the densities originally proposed (28 storeys and 6.7 FSI) will be acceptable at that time. Therefore the policies state that an OPA will be

required when that corner is redeveloped to refine the permitted heights and densities based on the Newmarket context that time.

Phasing

The phasing plan below (and the full sized version found in Appendix 2) shows the intended order of redevelopment of the subject property starting in the north-east corner and ending at Yonge Street and Davis Drive. The property is intended to be developed in phases to ensure the redevelopment can respond to current market demands and conditions, the presence of supporting infrastructures such as underground stormwater management ponds, sufficient parking availability and continued access to the retail centre throughout. The Special Policy Area mentioned above, captures parts of Phases 5, 6, & 7, with the exception of the Iconic Park.

The new policies of OPA 30 require that the ultimate design of the Iconic Park be created during the rezoning and site plan process for Phase 1. The policies require that the Iconic Park also have a two stage development, where the first stage is developed with Phase 1 and it includes paths around the stormpond, then later, when the stormpond is changed into an underground stormwater management facility for the last phase of development, the second stage of the Iconic Park will be implemented.



Transportation & Connectivity

The Secondary Plan identified a ring road around the mall and connections to properties to the north and west with several connections to Yonge and Davis. Through this process, the applicant has worked with the Town and the Region to ensure the design of those connections and the ring road are feasible. The proposed road and connection layout is in keeping with the Secondary Plan vision; there will be a local public road running parallel to Yonge Street connecting Davis Drive to the commercial property to the north and beyond. There will be a private road which runs around the entire mall. There will be private road connections to Yonge Street and to Davis Drive, primarily with right-in right-out access to give drivers alternatives to the main intersections. There is also a connection to the property to the west proposed. The design of the subdivision to the west, currently under construction, also contemplates this connection and its design was approved with the intention to establish this connection.

The new Regional Shopping Centre policies require an emphasis on pedestrian connections to abutting properties and through the site. These pedestrian connections aim to connect the future community on the subject lands with the surrounding neighbourhoods. The pedestrian experience in the new community will be enhanced by the new outdoor privately owned publically accessible spaces. The new policies also require the provision of Green Streets which will also contribute to an enhanced pedestrian experience, encouraging resident and shoppers to walk the property.

The Secondary Plan policies speak to attempting to create a transportation hub on the subject lands. The new Master Plan policies require the land owner to continue to work with the Town, Region and Metrolinx to improve transit facilities on and through the subject lands as the redevelopment evolves.

Discussion

Plan Conformity and Consistency

The Planning Act requires that a decision of Council in respect of a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform to provincial plans in effect on that date, or shall not conflict with them. 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. Decisions affecting planning matters “shall be consistent” with the policy statement.

The first section of the PPS (Policy 1.0) relates to building strong communities. Policies in this section emphasize the priority of promoting economically, physically, mentally, environmentally sustainable places to live. This OPA is consistent with these policies by

envisioning a transit-supportive, mixed-density and mixed-use community over the long-term.

Policy 2.0 concerns the wise use and management of natural heritage, water, agricultural, mineral, cultural heritage and archaeological resources for long-term economic, environmental and social prosperity. The PPS also supports and promotes intensification in designated growth areas by taking advantage of existing and planned infrastructure. The proposed Master Plan (and implementing OPA) is consistent with the PPS by utilizing and increasing the efficiency of existing land and infrastructure and by enhancing the sense of place and cultural identity associated with the local landmark.

Growth Plan

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Urban Centres Secondary Plan will allow the Town to meet its intensification requirements under the Growth Plan. The UCSP directs the majority of the Town's future growth to the Yonge Street and Davis Drive corridors.

Policies of the Growth Plan and the goals of this OPA align to prioritize creating complete communities, reducing the dependence on private automobile through mixed-use and transit-supportive development; providing for high quality public spaces; supporting transit, walking, and cycling; implementing a minimum affordable housing target in accordance with the PPS; and achieving an appropriate transition of built form to adjacent uses.

This OPA promises to reinforce the vibrancy and resiliency of Newmarket as it continues to grow in the future by intensifying existing land and infrastructure, providing a diverse range and mix of housing, retail, commercial and other uses and expanding transit access and options. Furthermore, this Master Plan considers the effect of redevelopment on the nearby street life, surrounding neighbourhoods and municipality as a whole, and ensures that the function (mixed uses, accessibility, compact development) and the form (pedestrian oriented scale, welcoming atmosphere, safe design) of the redevelopment will positively impact the community in the long term.

The Growth Plan requires that Major Transit Stations Areas be planned to achieve a minimum gross density target of 160 residents and jobs for major transit station areas on priority transit corridors served by Bus Rapid Transit (BRT) such as the Viva BRT on Davis Drive and Yonge Street. The proposal provides 279 people per hectare, which exceeds the minimum target, however it is important to note that the target of 160 is across all major transit station areas and other sites may not achieve 160 ppl/ha and so it is necessary to achieve a range of densities to realise the overall objective.

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed-use, transit-supportive development. This proposal would improve the diversity of housing stock in

Newmarket, provide additional dwelling units close to transit and retail options and decrease dependence on private automobile use through implementing methods from the submitted Transportation Demand Management Strategy.

The Growth Plan further directs municipalities to provide for high quality public spaces that support transit, walking, and cycling. This is achieved in a range of ways, both through the development of numerous on-site parks and open space amenities and through the accessible and multi-modal path/street network internal to the site and connecting to the broader community.

The Growth Plan also directs the implementation of minimum affordable housing targets. The new OP policies reinforce the Secondary Plan's minimum 25% affordable housing across the site, and also encourages the landowner to achieve a higher target of 35% affordable units, which may require programs and incentives to assist in achieving the higher target and which may be established over the timeframe of this redevelopment.

The proposed amendment conforms to the Growth Plan and assists the Town in achieving its intensification targets.

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 "Urban Area". Located at the intersection of Yonge Street and Davis Drive, the subject lands are part the Newmarket Regional Centre and two 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 Secondary Plan; further, the Regional Shopping Centre policies conform to the Secondary Plan and therefore conform to the YROP policies.

Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) is a provincial plan which looks to the preservation and enhancement of Lake Simcoe as a significant water body. The policies of the LSPP speak to stormwater management, subwatershed planning, wetland protection, watercourse protection, natural heritage planning, significant valley lands, ecological offsetting and phosphorus offsetting. The Lake Simcoe Region Conservation Authority (LSRCA) administers the LSPP and has advised that the Official Plan Amendment conforms to the relevant sections of the LSPP.

Town of Newmarket Official Plan

The subject lands are located in the Urban Centres Secondary Plan Area which is OPA 10 to the Town of Newmarket Official Plan. An analysis of the Secondary Plan policies are found below.

Urban Centres Secondary Plan

The subject lands are within the Yonge and Davis Character Area. This character area is planned to be the highest density area in the Urban Centres. It is and will continue to be the primary retail node for the Urban Centres and the rest of Newmarket. This character area is planned to be built out with approximately 13,400 people and 10,100 jobs. It is planned to have approximately 65% residential uses and 35% employment (i.e. commercial) uses. The Secondary Plan envisions the Upper Canada Mall to redevelop into a mixed-use area; maintaining its predominantly retail function and evolving into a complete community with residential uses and amenity spaces, with a neighbourhood park identified at the corner of Yonge Street and Davis Drive which is a focal point for the character area, as well as for the overall Urban Centers.

The proposed redevelopment plan meets the intent and policies of the Yonge and Davis Character Area by contributing approximately 8,600 people and 3,154 jobs over the next few decades, which is 64% of the residential target and 31% of the employment target of the character area. The proposal creates an approximate 1 hectare park at the corner of Yonge Street and Davis Drive which will serve as a focal point. In addition, additional park space is provided along Davis Drive at Eagle Street and at the north end of the property, and Privately Owned Public Spaces (POPS) are provided throughout the subject property.

Section 5.3.4. ii of the Secondary Plan states that: “A Master Plan for the Regional Shopping Centre Study Area as identified on Schedules 3, 4 and 5 will be prepared by the landowner(s) in cooperation with the Town, York Region, Metrolinx and other relevant partners to address, as a minimum, the following criteria”. How each of these policies have been addressed are set out below:

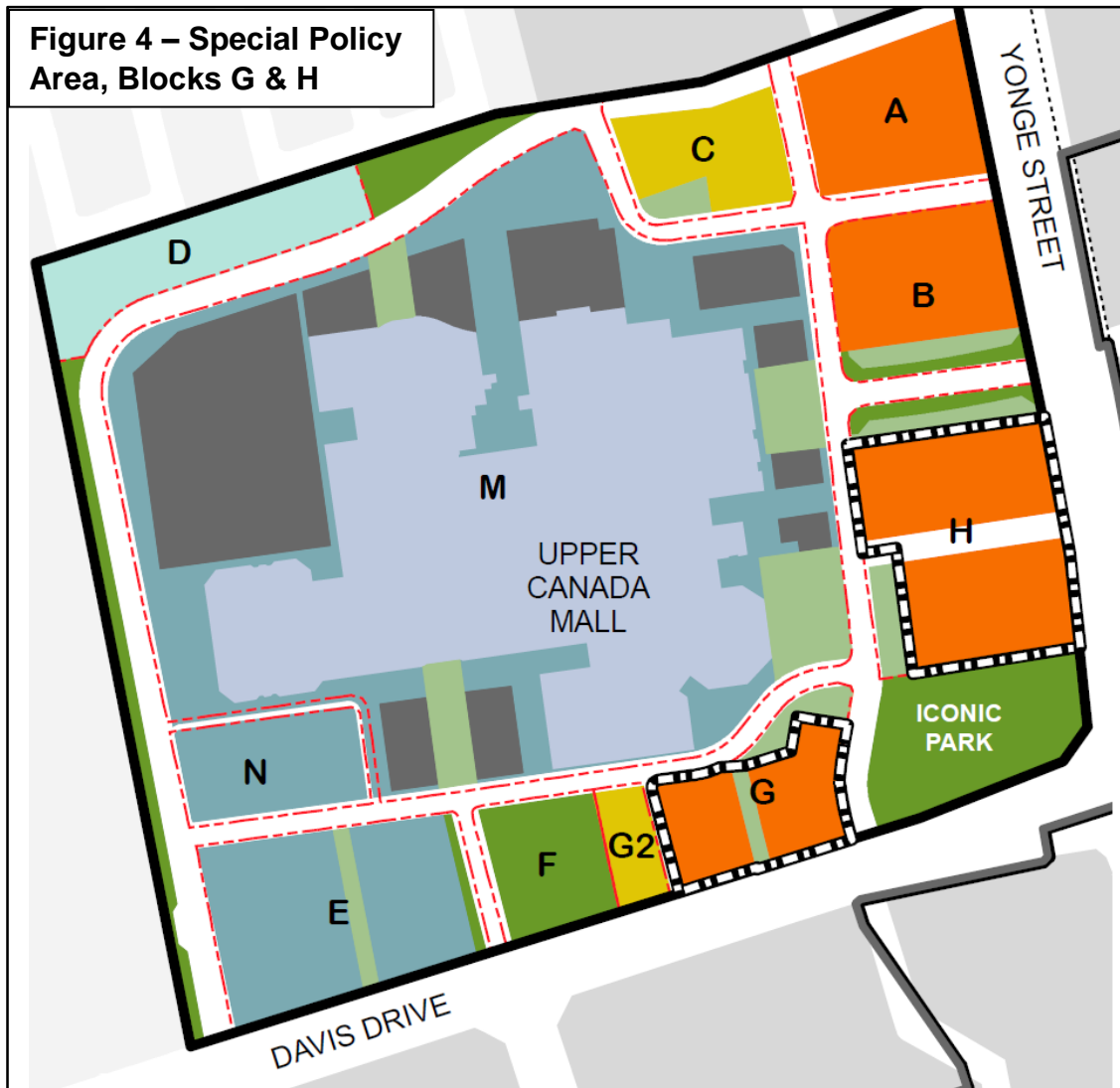
- a) the manner in which future development will achieve the objectives of this Plan, including the urban design policies;

The requirement to meet the urban design policies of the Secondary Plan has been continued in the amendment. All future rezoning and site plan applications will have to adhere to Section 7.3 of the Secondary Plan as well as the newly adopted Urban Design Guidelines.

- b) establish minimum and maximum building heights and block densities, and demonstrate how these are in keeping with the objectives of this Plan and the various policies and targets for the Yonge and Davis Character Area and planned intensification in proximity to a planned regional mobility hub;

The proposed minimum and maximum heights listed below are in keeping with the Yonge and Davis Character Area as they are still the highest maximums permitted in the Secondary Plan; this character area is intended to have the highest density and will continue to function as the primary retail node for the Urban Centres and the Town.

The OPA proposes to create a special policy area at the corner of Yonge Street and Davis Drive, generally on either side of the Iconic Park (see Figure 4).



This special policy area (white and black line around Blocks G & H) will allow for consideration of a future official plan amendment where the applicant can seek additional height and density permissions which may be appropriate at that time. It is acknowledged that this is proposed to be the last phase of development and it could be that by the time this phase is considered, additional height and density could be appropriate and desirable. Thus an official plan amendment can be considered at that time. The applicant had proposed buildings of 28, 24 and 22 storeys surrounding the Iconic Park. The OPA provides for 20 storeys, with bonusing, on these lands; a future process would be required to obtain the heights requested by the applicant. The applicant agreed to the Special Policy Area which currently limits the High Density designation to 20 storeys and an FSI of 4.5 with bonusing.

A maximum FSI of 4.5 is proposed for the High Density designation. This density could only be achieved by entering into a Section 37 Bonusing Agreement (or a Community Benefit Charge Agreement, whichever is applicable at the time of application), such that if the applicant chooses to pursue an FSI of 4.5 during the rezoning, Council will be able to set the terms under which that FSI can be achieved. Therefore, although it is slightly over the maximum of 4.0 FSI contemplated by the Secondary Plan the increase in density is justified (discussed further below) and will garner the Town extra community benefits, if the landowner choose to pursue that much density. It must be noted that by late 2022 a Community Benefits Charge by-law must be enacted. As the By-law has not yet been written or approved, it is yet unknown the impact of that future by-law on the bonusing provisions of the Secondary Plan.

The table below demonstrates the difference between what is currently allowed and what is proposed on the subject lands. The current permission is shown in black the proposed amount is shown in **blue**.

	Min Height	Max Height	Min FSI	Max FSI	Discretionary Max Height w Bonusing	Discretionary Max FSI w Bonusing
High Density	6 storeys	17 storeys	2.5	3.5	20 storeys	4.0 4.5
Med-High Density	4 storeys	12 storeys	2.0	2.5	15 storeys 18 storeys	3.0 3.5
Medium Density	3 storeys	8 storeys	1.5 1.0	2.0	10 storeys	2.5 3.0
Low Density	2 storeys	6 storeys	1.5 1.0	2.0		

The image to the right shows the layout of the proposed designations from the table above. The green areas are proposed parks and POPS.



The increases in discretionary maximum FSI with bonusing (and height in one designation) are justified as it has been demonstrated that the infrastructure can support the increased density. The increased density will also contribute to the overall build-out goals of the character area. The increased density is also supported as the property falls within the Yonge-Davis Major Transit Station Area (MTSA).

The new Regional Shopping Center policies propose an increase to the affordable housing target from 25% to 35%. The proposed policies require that each phase of the development aim to achieve 35% affordable housing; however, if that target is not achievable, each phase will be required to achieve 25% at a minimum. The increased density will also contribute to making the affordable housing targets achievable.

- c) the detailed design for an iconic park space to Town standards in conjunction with the redesign of the existing private stormwater management ponds located at the south-east corner of the Study Area, and including the implementation of Low Impact Development (LID) standards;

The new Regional Shopping Centre policies require that the Iconic Park be fully designed in Phase 1 of the redevelopment. However, its construction will be phased in as the whole property redevelops. The policies require a first phase of the park be constructed with an interim solution addressing the existing stormwater management pond. The second phase of the Iconic Park will be where the storm pond is currently located. The removal of the pond to facilitate redevelopment is not currently planned until the final phase of the redevelopment. The new policies require that a partial park be constructed early but that the ultimate design won't be realized until the stormponds are relocated or removed. It is suggested that the overall design minimizes throw away costs by having a design that can be constructed in two phases. The first phase and interim solution will include the existing ponds by perhaps having trails around the pond(s). The ponds are being adjusted to permit the realignment of main Yonge Street entrance which is being done in conjunction with the Region's work on Yonge Street and as such an opportunity to incorporate trails is available.

The new policies continue to require that LID is incorporated into the detailed design of the redevelopment and will be considered as each block/phase is reviewed.

- d) the incorporation of a gateway feature(s);

The Regional Shopping Centre policies require the incorporation of gateway features both within the design of the Iconic Park and at the primary entrance from Yonge Street.

- e) findings and recommendations in the mobility hub study including, but not limited to, integration of transit into the site and/or between this site and the Yonge-Davis Drive Rapidway, the Bus Terminal and GO-train Station in accordance with the Metrolinx Mobility Hub Guidelines;

The 2011 Metrolinx Mobility Hub Guidelines, which are now being updated by Metrolinx, identified two mobility hubs in Newmarket: the “Newmarket Centre Mobility Hub” and the “Newmarket GO Mobility Hub”. The “Newmarket GO Mobility Hub” is centred on the Tannery Mall property where the rapidway busses meet the GO Train, and was the subject of a Mobility Hub Study that has been incorporated into the Town’s Urban Centres Secondary Plan. Conversely, a study has not been completed by Metrolinx, the Region or Town for the “Newmarket Centre Mobility Hub”. Since the “Newmarket Centre Mobility Hub” was identified in 2011, Metrolinx has moved its GO Bus service out of the bus terminal at Davis Drive and Eagle Street. This bus station now only serves York Region Transit (YRT) and the two Viva lines. Because this location lacks a second high order transit mode, it cannot be considered a true “mobility hub” without two intersecting transit modes.

The potential for a mobility hub, as well as the idea of moving the current bus station onto the mall property, was discussed with Metrolinx, York Region, the Town, and the property owner in early discussions during the development of the master plan. At that time, neither Metrolinx nor the Region supported the idea and the plan and policies began to take shape accordingly. Notwithstanding this, the property owner has worked with the Region to ensure that YRT buses can access the site and provide connections from the site to other areas of Town. It’s proximity to a Viva Station (on Yonge St south of Davis Dr) provides transit connections to many other parts of the Region. Specifically, the applicant has designed the roads and intersections such that buses are able to travel north and south of the future public road with a stop for layby pickup. This allows for buses to travel throughout the mall site in the future, should a decision be made to further incorporate transit integration into the site.

The Regional Shopping Centre policies will require the owner to consider and revisit the strengthening of transit integration and transit connections onto the site at each phase of the development. The owner, Region and Town, will re-examine transit integration with every rezoning and/or site plan application as the redevelopment progresses. This will ensure the redevelopment of the property focuses on transit-oriented design, and ensures direct, efficient, safe, pedestrian connections to transit.

- f) a Traffic Impact Report including a detailed Transportation Demand Management Strategy consistent with Policy 9.3.5;

A Transportation Demand Management Strategy has been submitted and the findings will be incorporated into the detailed design of each phase/block as the redevelopment progresses.

- g) how development will minimize the need for surface parking on the site, and maximize the integration of required parking into above or below-ground parking structures;

The Regional Shopping Centre policies requires that surface parking be minimized, and the concept plan demonstrates that the current surface parking areas will be transformed into buildings and parks. A parking structure has been incorporated into the future expansion of the Mall. The new buildings will be primarily serviced by underground parking. All of the Secondary Plan policies regarding cladding and hiding parking structures will be adhered to.

- h) the phased integration of non-commercial uses into the site;

The Regional Shopping Centre policies allow for a mixture of uses, including residential uses, being integrated on to the site. The building currently proposed for the first phase is a mixed use residential rental apartment building with commercial at-grade along Yonge Street. Each subsequent redevelopment will add additional non-commercial uses into the site, while maintaining and expanding the main commercial function of the Mall.

- i) the phasing of development, including the location and design of any single storey and/or single use buildings, and how these may be redeveloped over time to achieve the longer term vision for the area;

No single story or single use buildings are proposed. The Regional Shopping Centre policies require at least a two storey, or more, minimum height for all buildings.

- j) the final location and design of both public and private roads and how these will achieve the intended circulation and connectivity of the Street Network conceptually identified on Schedule 5; and

The new street network achieves the intended circulation while maintaining the existing entrances and exits and meeting the Town and Region's transportation design requirements.

- k) the required elements of a Concept Site Plan and Streetscape and Landscape Plan in accordance with Policy 14.2.8(i).

The Concept Site Plan and Streetscape and Landscape Plans were submitted. They generally meet the requirements of Policy 14.2.8(i). They are attached as Appendix 1 and 3 respectively. These types of plans will also be required for each phase of the redevelopment.

It is staff's opinion that the OPA implementing the proposed Master Plan for the subject lands represent good planning and is in keeping with the Town's policies as well as all higher level Regional and Provincial Plans.

Community Benefits

The eventual redevelopment of the Mall will provide for benefits to the broader Newmarket community. As the Secondary Plan calls for, adding additional residential units and jobs in an area already fully serviced by roads and infrastructure benefits Newmarket and the Region by curbing urban sprawl. Part of Newmarket's contribution to mitigating climate change and responding to Council's declaration of a Climate Emergency is to allow for increased densities and for building complete and compact communities. Having the primarily commercial mall property evolve into a mixed-use community with the provisions of places to live, places to work and places to play will benefit all of Newmarket.

In addition, the new Regional Shopping Center policies state that consideration will be given to incorporating public community uses into the redevelopment the property. If the applicant chooses to bring forward applications for densities and heights at the discretionary maximums set out in the Secondary Plan, the community benefits will be in accordance with Section 14.2.9 of the Secondary Plan, which lists all of the possible community benefits. The Town's Implementation Guidelines for Height and/or Density Bonusing in the Urban Centres provide further details. Or, applications will have to be consistent with a new Community Benefits Charge By-law, if it is in place at the time of application.

The new policies speak to an aspirational target of 35% affordable housing throughout the community. This increase in the target is supported by a general intent to have more affordable housing in Newmarket. However, it is acknowledged that without incentive programs, achieving 1/3 of all units to meet the Region's affordability targets might not be possible. Therefore, the policies state that if 35% affordability cannot be achieved, that the redevelopment must meet the standard 25% required by the Secondary Plan. These affordability targets require that 25% of the new units are sold or rented at a threshold that is deemed to be affordable by the Region. The affordability targets aim to increase the variety and diversity of housing stock in this community and Newmarket more broadly. The applicant has advised that the majority of the new dwelling units in this property are proposed to be rental units, thereby greatly expanding the availability of rental units in Newmarket over the coming decades.

The proposal allows for the creation of 3.3 hectares of parkland over the whole site where it is currently only commercial space and an asphalt parking lot. The 3.3 hectares includes two large public parks: an Iconic Park of 1 ha at Yonge and Davis and a 0.5 ha park at Eagle and Davis. There is also a small public park at the north end of the site of 0.3 ha. The remainder of the parkland is provided through Privately Owned Public Spaces (POPS) scattered over the whole site. The Secondary Plan originally envisioned

a single park of about 1.6ha at the corner of Yonge and Davis. The proposal provides for more parkland than the Secondary Plan originally called for and distributing the parkland throughout the community leads to better urban spaces and an enhanced pedestrian experience.

The new OP policies also allow for the provision of new community uses on the subject lands, thus providing for new community services in the highest density part of Town and benefiting all Newmarket residents. The exact nature of any future community uses will be determined through each rezoning and site plan phase.

Zoning By-law and Site Plan Approvals

The existing zoning only permits commercial uses associated with the Mall. In order to implement the new Regional Shopping Centre policies, rezoning applications will be required. Each phase, which is generally one block shown on the Concept Plan, will require a rezoning and site plan approval. At the time of the rezoning a Holding Provision may be placed on the subject lands for servicing allocation and other requirements.

With each rezoning and site plan application the standard parkland (or cash-in-lieu) calculations will be undertaken in accordance with the Parkland Dedication By-law in place at that time. This will analyse if the lands provided are enough to satisfy the requirements of the By-law. If not, additional lands, or cash-in-lieu, will be required and can be secured through the rezoning and site plan agreement.

Site Plan Approval is required for each block to ensure all of the detailed technical design requirements are met based on the specific buildings proposed.

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

The Region does not object to the adoption of this Official Plan Amendment and continues to recommend that a higher affordable housing percentage (35%) be pursued. Staff agree that this target is desirable as there is an affordable housing crisis in Newmarket and York Region. As such, staff has written the OPA policies such that an attempt is made to reach 35% affordable housing over the whole development. However, as mentioned, it is acknowledged that achieving this target may not be achievable, depending on which incentive programs are available at the time of site plan approval and construction. Therefore the policies require that if 35% cannot be achieved that 25% must be achieved. This would require that each phase achieve a minimum of 25% affordable housing based on the Region's definition of affordability at the time of rezoning and site plan approval.

Engineering Services

The Engineering Department has reviewed the proposal and there remain some outstanding matters to be addressed. Most of the servicing and stormwater management matters will be addressed through the detailed design of the blocks as each phase is brought forward for a rezoning and site plan approval.

In order to provide the applicant with some certainty with respect to land uses and the park spaces, staff are recommending that the amendment be approved with policies that require an Engineering Master Plan be completed in the first phase of the redevelopment. This is to allow the matter of land use to be decided and the detailed design work can continue based on that information.

Town Arborist

If Council deems to approve the amendment, staff will ensure compliance with the Tree Preservation, Protection, Replacement, and Enhancement Policy through the future rezoning and site plan applications.

Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application as a “Major Development” under the Lake Simcoe Protection Plan (LSPP) and the South Georgian Bay Lake Simcoe Source Protection Plan, as exempt from Ontario Regulation 179/06 under the *Conservation Authorities Act* and as part of the Recharge Management Area (WHPA Q2) of the South Georgian Bay Lake Simcoe Source Protection Plan, and in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS) and the Greenbelt Plan.

The LSRCA is satisfied that, from a watershed management perspective, that the application is consistent with the applicable policies. Consequently, the LSRCA has no objection to the approval of this OPA application. They further note that more detailed comments will be provided at the site plan application stage in order to ensure compliance with applicable policies related to stormwater management and hydrogeology.

Other Review Partners

- Building Services has been advised of the application and has no comments on the application.
- Legal Services has been advised of the application and they have noted various comments pertaining to the ownership and conveyance of land/easements, etc. that can be dealt with at future rezoning and site plan approval stages.

- The York Region District School Board has been advised of the application and has advised that a public elementary school site is not required within the proposed development.
- 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.
- Enbridge Gas has been advised of the application and they have noted no objection and the right to reserve their development conditions.

Conclusion

The proposal conforms to, meets the intent of, and supports the goals of the PPS, the Growth Plan, the York Region Official Plan and the Town's Official Plan. The Secondary Plan required the creation of a master plan for the redevelopment of the subject lands. This amendment fulfills this requirement of the Secondary Plan.

The new policies created by this amendment aim to create a new community surrounding the mall which will benefit future residents and the broader Newmarket community. The policies will achieve a community that is walkable and provides for amenities both public and private for Newmarket residents.

Business Plan and Strategic Plan Linkages

The Master Plan OPA is in accordance with the Town's Official Plan and supports the following of Council's Strategic Priorities as noted below:

- Extraordinary Places and Spaces
- Economic Leadership and Job Creation
- Vibrancy on Yonge, Davis and Mulock.

Consultation

The applicant hosted their own Public Information Centre (PIC) on April 7, 2021. The Statutory Public Meeting was held June 21 2021.

There were residents who attended each meeting. The Planning Department has also received comments via email before and after these meetings. In general the public comments received focus around the following concerns. Responses are also provided below.

Parking

Residents have expressed concern that there won't be parking available for visitors to the Mall. The parking for the Mall will be incorporated into a future parking garage. The future parking garage will have to be appropriately screened in accordance with the

design policies in the Secondary Plan. The parking for the new mixed-use buildings residents will be primarily located underground. There maybe some surface parking for visitors, but it is the intention of the new policies that surface parking is minimized.

Compatibility with existing residential uses

Residents expressed concern that the proposed location of the ring road will not be compatible with the existing residential uses, specifically those on Knapton Drive. The new policies require that buffering be implemented between existing residents and new uses. Buffering can take the form of privacy fencing, landscape buffers, retention of mature trees, or other methods that are deemed appropriate through the rezoning and site plan approval processes. There is also currently a grade difference, with the mall property being lower than the backyards of the houses on Knapton. This grade difference, which is substantial in some places, will further assist in buffering any impacts of the ring road.

The new policies also require enhanced public engagement as each phase redevelops. This will ensure that residents are aware of the phases and can participate in the detailed design of the redevelopment.

Pedestrian Connectivity

Residents have expressed a desire for better pedestrian connectivity to the mall from surrounding neighbourhoods. As discussed above, the new policies acknowledge increased pedestrian connectivity between the mall property and the surrounding neighbourhoods offer benefits to both communities. Details on the connections will be established at the rezoning and site plan stage for each phase/block.

Internal departments and external agencies have also been consulted through this process. Their comments have been addressed above.

Human Resource Considerations

None.

Budget Impact

The appropriate planning application fee has been received for the Official Plan Amendment application. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal over the coming years, in the event the application is approved.

Attachments

Appendix 1 – Concept Plan with development blocks

Appendix 2 – Phasing Plan

Appendix 3 - Streetscape and Landscape Plan

Appendix 4 - Draft Official Plan Amendment

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