PLANNING AND BUILDING SERVICES
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7
www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

January 21, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-04

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning By-law Amendment**
260 Eagle Street
Town of Newmarket
711371 Ontario Corp. (Oxford homes)
File No.:D09NP1515, D14NP1515

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-04 dated January 21, 2016 regarding Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

a) **THAT the Application for Official Plan Amendment and zoning by-law amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, Municipally known as 260 Eagle Street be referred to a public meeting.**

b) **AND THAT following the public meeting, issues identified in this Report, together with comments of 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.**

c) **AND THAT Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.**

COMMENTS

Location and Surrounding Land Uses

The Subject Lands are located at the southeast corner of Eagle Street and Cawthra Boulevard (See Location Map attached). The property has an area of approximately 0.55 hectares and has a frontage on Eagle Street of approximately 115 metres and a frontage on Cawthra Boulevard of approximately 46 metres. The properties are municipally known as 260 Eagle Street.

The subject property is currently vacant. The following are the adjacent land uses:

North: Convenience and Service Commercial uses

South: Single Detached Dwellings

East: Retail Commercial (the Arts Music Store)

West: Convenience Commercial uses and Townhouse Dwellings

Proposal

The applicant is proposing a 6 storey residential apartment building accommodating 124 dwelling units with rental tenure on the subject lands. The proposed building is positioned towards Eagle Street with surface parking south of the building and one level of underground parking. Two points of access are proposed at the existing access points on Eagle Street and on Cawthra Boulevard.

Preliminary Review

Official Plan Considerations

The subject property is dually designated. The westerly two thirds of the site is designated Stable Residential and the easterly one third is designated Commercial on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude apartment uses. The Commercial designation contemplates a number of commercial uses but precludes residential uses. The applicant is applying to amend/replace the existing designation on the subject lands to Stable Residential with special provisions to permit the proposed six storey apartment.

As noted in Section 2.1 of the Official Plan, a key principle reinforced throughout the Plan is the commitment to protect and strengthen existing neighbourhoods. Any development or redevelopment in stable residential areas must respect the existing character of the area.

The "Residential Areas" policies of the Official Plan found in Section 3.0 describe the two residential designations, being Stable Residential and Emerging Residential. Stable Residential Areas currently have a mix of housing forms including rowhouses, townhouses, duplexes, fourplexes, apartments and other multi-unit buildings however, only permit single detached and semi detached dwellings through new infill development. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified. The policies of the Plan direct new developments of non-ground related residential to the Urban Centres in order to manage change in a manner that will maintain neighbourhood character. Should opportunities for intensification occur in the Stable Residential Areas in accordance with Section 3.9, the policies of this Plan will ensure that the character of these neighbourhoods is preserved in accordance with the policies of the Plan.

The focus of future intensification is directed by this Plan primarily to the Urban Centres. Limited intensification is permitted in Stable and Emerging Residential Areas in a form and location that will maintain the residential character and amenities.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with

the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements. While these applications do not propose the creation of a new lot, they remain applicable to any proposed intensification in the stable residential designation.

Compatibility with the scale of the surrounding neighbourhood

The existing neighbourhood is predominantly low density with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the Regionally owned and operated building to the west and the pioneer cemetery to the north. The properties containing detached dwellings to the south and southeast of the proposal are the most impacted.

The proposal for a 6 storey 124 unit apartment building represents a Floor Space Index (FSI) of 1.81 and 225 units per hectare. The Official Plan would encourage and contemplate this type of development within the Low and Medium density areas of the urban centres.

Staff have a concern with the height and density being compatible with the existing low density residential immediately south and southeast of the site. The Emerging Residential designation, which can consider uses more dense then the detached and semi-detached dwellings permitted in the Stable Residential Area, includes a policy that addresses compatibility indicating that new housing directly abutting existing homes in the Stable Residential Areas should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights, and minimum setbacks.

The Planning Justification Report (PJR) submitted with the proposal acknowledges that the proposal is a significant increase in height, massing, and density when reviewed along with the existing low-density residential housing in the area and that every effort has been made to create a visual and spatial distance between the proposed building and the existing adjacent residential by siting the building as close as possible to Eagle Street.

Stating that this site is one of the larger vacant sites in the area, the PJR suggests that every opportunity should be made to review the development potential of the site as a whole rather than to assume that a division through lot creation is the more efficient method to implement development in order to be consistent with adjacent homes. Justifying this approach, the PJR goes on to indicate that there are a range of existing uses and lot sizes along Eagle Street; this is an area that is experiencing some transition. The PJR continues to suggest that development of this site should be considered not just with respect to the existing lots to the immediate south of the property (in accordance with Section 3.9) but also with regard to the changing nature of the overall area. The PJR concludes that the property's large size should lend itself to be considered in terms of its significant potential for the area, not just its potential limitations due to some older homes nearby that may not always remain in their current form and lot fabric.

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification. While

acknowledging this is a fairly large vacant site on an arterial road, it would appear that the proposal is not in keeping with the Official Plan policy to preserve the character of existing neighbourhoods due to the significant height and density of the proposal.

A shadow study has also been submitted in support of this proposal. The study indicates that the rear yards of the residential lots to the south are the most impacted with significant shadows over the rear yards in the evenings of the summer months. The PJR indicates that the shadow impact of this proposal is no greater than that of the existing hedgerow along the property interface with the low density residential to the south. We are requesting a shadow impact of the existing trees to confirm this assertion.

Physical Suitability of the site to accommodate the proposal
The subject lands are relatively flat with no significant grades to take into account. The proposal is sited on the subject lands with setbacks appropriate to the proposed zone category. There are 51 proposed surface parking and 115 below grade parking spaces which represent a parking ratio of 1.3 spaces per unit compared to the 1.75 spaces per unit required by the zoning by-law. The below grade parking extends to the lot limits. Staff are unsure how, if the parking reduction request is not supported, additional parking could be accommodated on site.

The Town's Greenspace Development coordinator has noted insufficient landscape buffers to appropriately accommodate plantings on site.

Availability of hard services and road access requirements
As noted below under the Engineering Services Department review, there remain some outstanding issues related to the provision of hard services and traffic impact that the applicant will have to address.

Zoning Bylaw Consideration
The Subject Property is currently zoned Residential Detached Dwelling 15m zone (R1-D-119) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Apartment Dwelling 2 (R5-T) Zone to implement the plan. The applicant will also require relief from the R4-R performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

"3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
   a. the proposed change is in conformity with this Plan;
   b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
   c. potential nuisance effects upon adjacent uses are mitigated;
   d. adequate municipal services are available;
   e. the size of the lot is appropriate for the proposed use;
   f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

g. the on-site parking, loading and circulation facilities are adequate; and,
h. public notice has been given in accordance with the *Planning Act*."

Servicing Allocation

Servicing allocation has not been granted for this proposal. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Provincial Policy Statement

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

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

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

The relevant sections of the PPS as they relate to Newmarket are found in the "Building Strong Communities" policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs. The "Settlement Areas" and "Housing" policies of the PPS further direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. Finally, planning authorities are directed to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.

Departmental and Agency Comments

Engineering Services have provided comments on the submitted reports outlined below:

Roads and Traffic

Engineering Services have reviewed the Traffic Impact Study which requires some further analysis related to the parking justification and the left hand turn movements from Cawthra

Boulevard on to Eagle Street. They also note a daylighting triangle has not been accommodated for at the intersection of Eagle St. and Cawthra Blvd.

Stormwater Management
Stormwater from the proposed development will be controlled on site to pre-development levels with quantity and quality controls provided by way of on-site storage tanks and quality control unit. Low impact development measures were considered by the Owners Engineer. A rainwater harvesting tank and small green roof is proposed. The information will be required at the detailed design stage if this proposal is approved. Engineering Services are satisfied that the stormwater management system proposed can adequately service the proposed development.

Water Distribution
Calculations have been provided in the Functional Servicing Report (FSR) which demonstrate that adequate water flow and pressure is available in the existing municipal watermains to service the proposed development. A booster pump may be required in the building to provide adequate pressure to the upper floors of the building. This is a typical practice.

Sanitary Sewage
Engineering Services have reviewed the FSR and note additional work is required related to the flow analysis within the existing sanitary sewage system to confirm that the system can accommodate flows from the proposed development.

Grading
Engineering Services note that the grading plan included with the submission demonstrates that the site can be adequately graded for the proposed development. Some modifications to the grading plan will be required if this proposal is approved to preserve the trees located at the south side of the property.

An underground parking structure is proposed which spans across the entire site with zero setback from the north, east, and west property lines, and has an approximate 3.0 metre setback from the south property line. If this proposal is approved, the owner will be required to demonstrate that the parking structure can be constructed without encroaching on any neighbouring properties including road allowances.

Environmental
Engineering Services have reviewed the submitted Phase One and Phase Two Environmental Site Assessments. They note that a Letter of Acknowledgement of the filing of a Record of Site Condition for residential land use from the Ministry of Environment and Climate Change (MOECC) for the property is required. The property is not legally approved for residential land use in accordance with Ontario Regulation 153/04, as amended. Engineering Services suggest the zoning on this property should not be approved until this issue has been resolved. The holding provision under the Planning Act could be considered with the conditions that it not be removed until a Letter of Acknowledgement of Filing of a Record of Site Condition for residential land use from the MOECC is provided for the property.

Agency Comments

Lake Simcoe Region Conservation Authority: are satisfied from a watershed management perspective that these applications are consistent with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the Conservation Authorities Act. As a result, the LSRCA has no further requirements as they relate to these official plan and zoning amendment applications.

The Regional Municipality of York have no objection to the proposed Official Plan Amendment application; however, they do note minor comments related to source water protection and traffic impact.

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

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of these lands in the event the applications are approved.

Capital Budget

There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

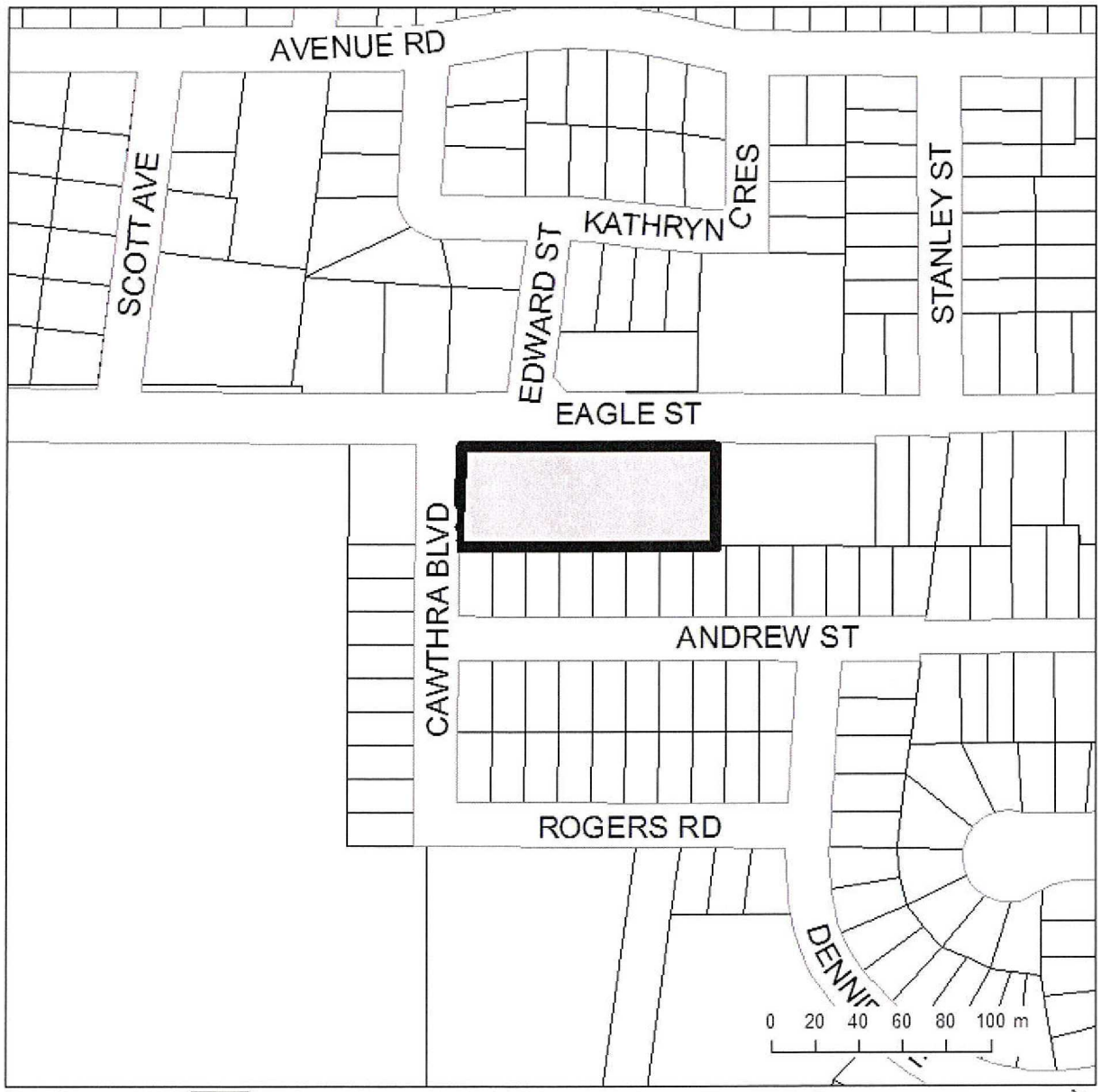
1 - Location Map
2 - Proposed site plan
3 – Proposed Elevations

Commissioner Development and Infrastructure Services

Director of Planning and Building Services

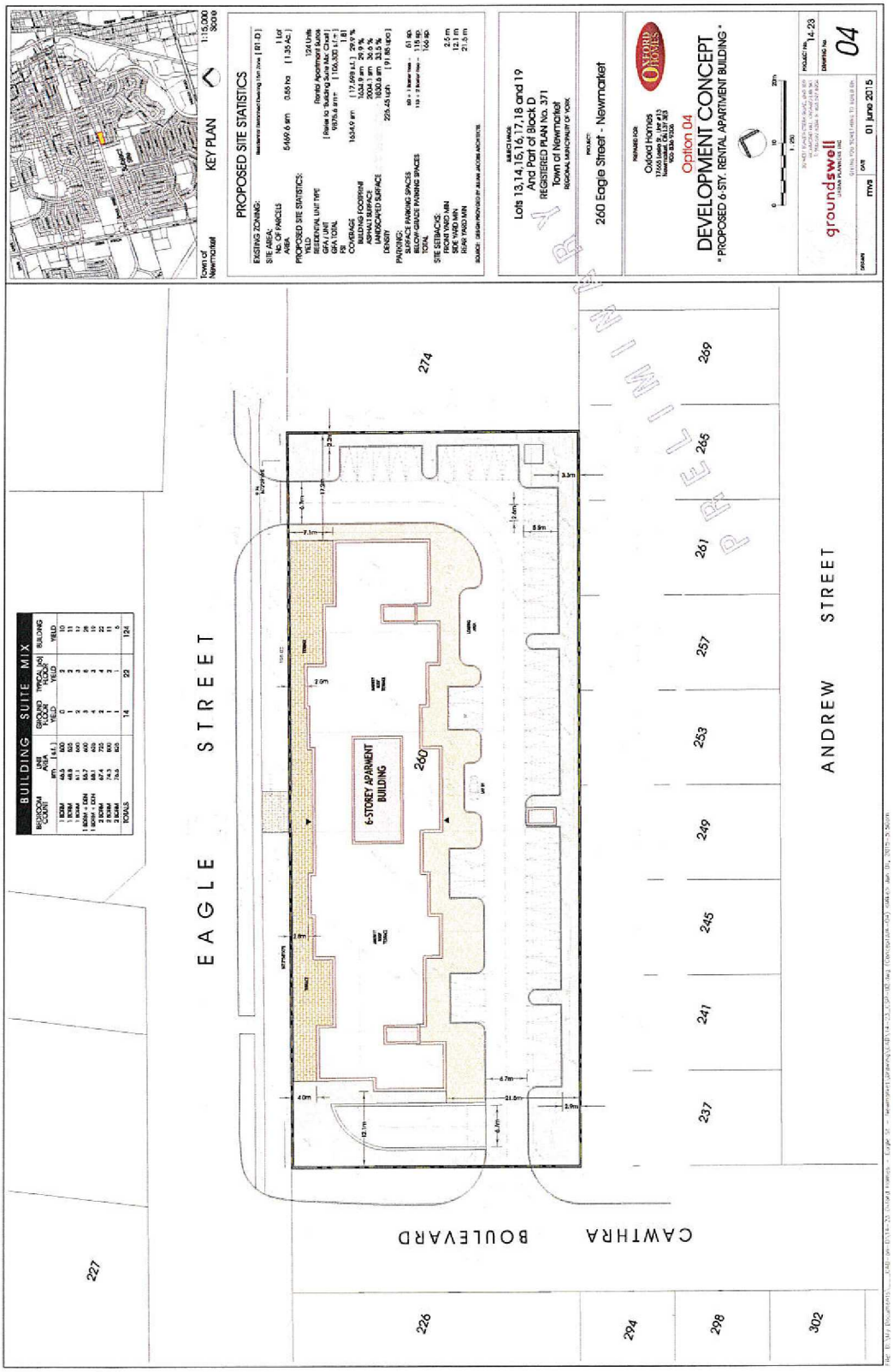
Senior Planner – Community Planning

LOCATION MAP
260 Eagle Street
Town of Newmarket
Regional Municipality of York



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DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

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KEY PLAN
PROPOSED SITE STATISTICS
Lots 13,14,15,16,17,18 and 19
And Part of Block D
REGISTERED PLAN No. 371
Town of Newmarket
260 Eagle Street - Newmarket
Oxford Homes
Option 04
DEVELOPMENT CONCEPT
" PROPOSED 6 STY. RENTAL APARTMENT BUILDING "
groundswell
01 June 2015
BUILDING SUITE MIX
EAGLE STREET
ANDREW STREET
CAWTHRA BOULEVARD
6-STOREY APARTMENT BUILDING
260
274
269
265
261
257
253
249
245
241
237
227
226
294
298
302

JULIAN JACOBS ARCHITECTS

260 EAGLE STREET APARTMENT BUILDING

7 PERSPECTIVES
JUNE 01, 2015