



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Zoning By-law Amendment – 49, 55 & 59 Charles Street & 52 Prospect Street Staff Report to Council

Report Number: 2022-17

Department(s): Planning & Building Services

Author(s): Casey Blakely, Senior Planner, Development Services

Meeting Date: February 28, 2022

Recommendations

1. That the report entitled Zoning By-law Amendment – 49, 55 & 59 Charles Street & 52 Prospect Street, dated February 28, 2022 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by Matera Developments be approved; and,
3. That Council approve the recommendations for Development Charge deferral as outlined in this report; and,
3. That Matera Developments and Armstrong Planning 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

Staff have reviewed the application to amend the Zoning By-law to permit 42 apartment units within two 4-storey buildings on 49 Charles Street and 52 Prospect Street and 11 stacked townhouse units on 55 and 59 Charles Street for a total of 53 units. The Zoning By-law Amendment proposes to rezone the lands to Mixed Use 1 (MU-1) Exception Zones with holding provisions (MU-1-8 (H), MU-1-9 (H) and MU-1-10 (H)), incorporating certain exceptions relating to setbacks and parking. A large portion of the site is proposed to be zoned Open Space Zone 2 (OS-2) to provide for a public park area.

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.

A statutory public meeting was held on June 29, 2020 as required by the *Planning Act*.

Purpose

This report provides recommendations to Council on the subject application for a Zoning By-law Amendment for 49, 55 & 59 Charles Street & 52 Prospect Street under Section 34 of the *Planning Act*.

The recommendations, if adopted, would result in an amendment to Zoning By-law 2010-40 and 2019-06, to permit the proposed development and apply a 'Holding' provision to ensure the orderly development of the site.

The applicant has also submitted a Site Plan application, which is currently under review.

Staff are also seeking Council approval to enter into an agreement with the applicant for financial incentives in line with the Town and Region's DC Deferral Incentives, in order to provide affordable rental housing as part of this development.

Background

Subject Land

The subject lands are comprised of 4 parcels, municipally known as 49, 55 & 59 Charles Street and 52 Prospect Street. The parcels have a combined area of 0.37 hectares (0.92 acres) and are located south of Davis Drive and bounded by Prospect Street to the east, Charles Street to the west and Granby Place to the south (Schedule A – Subject Lands).

The application was deemed complete in January 2020. The submission material was circulated to internal departments and external agencies for their review and comment.

Following the Public Meeting, revised submissions were received with updated technical studies to address planning, engineering and LSRCA comments.

Discussion

The applicant is proposing to rezone the subject lands to site specific Mixed Use -1 Exception Zones with holding provisions (MU-1-8 (H), MU-1-9 (H) & MU-1-10 (H)) and Open Space for the parkland. The proposal is for 42 rental apartments located within two 4-storey buildings (on 49 Charles Street and 52 Prospect Street) and 11 stacked townhouses in one 3-storey building (on 55 and 59 Charles Street), for a total of 53 units.

A total Floor Space Index (FSI) of 1.98 is proposed. The current zoning of the property permits a FSI range of 1.5 to 2.0 and as such the proposed FSI is within the permitted range. The proposal falls within and slightly below the Davis Drive corridor which permits a FSI range of 1.5 to 2.5.

The southwestern portion of the site at 55 and 59 Charles Street is located within the floodplain. None of the proposed buildings are located within the floodplain, however the proposed parkland is within the floodplain limit and is to be conveyed to the Town. Section 9.1 of the Town's Parkland Dedication By-law indicates that floodplain lands may only be deemed acceptable for parkland conveyance if the Lake Simcoe Region Conservation Authority (LSRCA) is satisfied and if the Town deems them as suitable. The LSRCA has indicated they have no objection to the parkland dedication and Town staff are agreeable in this situation, given the distant location from these lands to the watercourse and lack of steep slope. In addition, section 10 of the Urban Centres Secondary Plan indicates that "although additional Neighbourhood Parks and Urban Squares may be added through future development applications, it is anticipated that there will remain a significant shortfall of parkland from what is identified on Schedule 6 within the Urban Centres to serve future residents. Therefore, improvement of existing parks and/or acquisition of new parks both within and in proximity to but outside the Urban Centres will be critical to achieving the vision for the Urban Centres." The additional parkland proposed through this development will help to meet a shortfall of parks within the Urban Centres.

As shown in Schedule A, the parcels are divided by two unnamed gravel lanes owned by the Town. The laneways will be named through the Town's Street Naming Committee in consultation with the Region of York.

The laneways are proposed to be reconstructed and upgraded to provide for infrastructure under the lanes to service the proposed development. They will still function as laneways which will facilitate one-way traffic with no parking permitted on either side of the lane. The current north-south laneway will permit north-bound traffic and the current east-west laneway will permit west-bound traffic. The one-way traffic, and no parking will be implemented through a by-law by Transportation staff (Schedule B, attached).

Resident parking spaces are proposed at 47 surface spaces, plus 5 shared visitor spaces across the site, for a total of 52 parking spaces (visitor and resident combined).

Section 5.3.1.5 of Zoning By-law 2019-06 speaks to car-share parking for certain residential uses, including apartment buildings, and permits the minimum parking space requirement to be reduced by up to 3 parking spaces for each dedicated car-share parking space. The By-law provides a calculation to determine the maximum number of car-share spaces permitted ($4 \times (\text{total number of units}/60)$). For this site 3 car-share spaces are permitted and the applicant is proposing 3 car-share spaces.

The total number of parking spaces proposed is 52 and the number of spaces required is 55, resulting in a deficiency of 3 visitor parking spaces (50 resident spaces + 8 visitor parking spaces – 3 for the car-share reduction = 55 spaces), as outlined in Table 1 below. The applicant meets the parking standards for resident spaces, but is proposing a reduction in visitor spaces. The current by-law requires 8 visitor parking spaces and the applicant is proposing to vary the required visitor parking spaces through the site specific by-law, in order to permit 5 shared visitor spaces. The applicant has submitted a parking justification brief and transportation study to support the parking reduction. In addition, Transportation staff have advised that on-street parking is permitted on Charles Street and Prospect Street.

Table 1 - Parking

Parking Type	Required Spaces Zoning By-law 2019-06	Proposed Spaces	Conclusion
Resident Parking	18 - 1 bedroom apartment units $(18 \times 0.80) = 15$ spaces required 24 – 2 bedroom apartment units $(24 \times 1) = 24$ spaces required 11 Townhouse units $(11 \times 1) = 11$ spaces required 50 Resident Spaces required	47 Resident Spaces Proposed, (Parking Spaces can be reduced by 3 spaces as per Section 5.3.1.5 of Zoning By-law 2019-06)	Meets Zoning By-law 2019-06
Visitor Parking	$53 \text{ units} \times 0.15 =$ 8 Visitor Spaces Required	5 Visitor Spaces Proposed (shared across the development)	Visitor Parking is deficient by 3 spaces
Car-Share	Maximum car-share spaces permitted for this site $4 \times (53 \text{ units} / 60) =$ 3 spaces	Car-Share Spaces proposed 2 car-share spaces are proposed for each apartment building	Resident Parking Spaces can be reduced by 3 spaces as per Section 5.3.1.5 of Zoning By-law 2019-06

Bicycle spots are proposed and exceed the number required in Zoning By-law 2019-06. The site plan proposes 35 long-term spaces (27 spaces are required) and 19 short-term spaces (6 spaces are required).

Snow is proposed to be removed from the site and the site plan agreement and a separate agreement specifically addressing the removal of snow, will speak to this matter.

The lands are zoned under By-law 2010-40 (49 Charles Street) and under By-law 2019-06 (55 and 59 Charles Street and 52 Prospect Street). The 49 Charles Street lands will be brought into the 2019-06 Urban Centres by-law, which was the Town's intent when these lands developed. The lands will be rezoned to three site specific MU-1 Exceptions and the parkland will be rezoned to Open Space.

The specific proposed zoning exceptions are outlined in Schedule B attached.

Rendering



Provincial Policy Statement (PPS)

The *Planning Act* requires planning decisions to 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. The current policy statement is the Provincial Policy Statement 2020 (the “PPS”).

This application supports and is consistent with the Provincial Policy Statement's (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing intensification on an underutilized site and will assist in

building complete communities, located along a Regional Corridor served by transit and within the Province's Built Boundary.

Region of York Official Plan

The subject property is located along a Regional Corridor and is designated Urban Area in the Region of York Official Plan. The Regional Plan is clear that the Region's Centres and Corridors are to be the primary locations for the most intensive and greatest mix of development within the Region, and that development within Regional Centres and Corridors are to be of an urban form and design that is compact, mixed use, oriented to the street, pedestrian and cyclist friendly, and transit supportive. This application supports and is consistent with these policies.

Urban Centres Secondary Plan

The subject property is located within the Urban Centres Secondary Plan area. The site is designated Mixed Use and it located partially within the floodplain.

The Secondary Plan's main objective is to support the redevelopment and intensification of the Yonge and Davis Urban Centres. The Plan permits a mix of uses across the majority of the Plan area in an effort to support walkability and the development of a complete community, and sets out minimum and maximum building heights and densities throughout the Plan area.

This application satisfies the Secondary Plan's policies in terms of the intensification of the Urban Centres through the redevelopment of underutilized properties and adds a residential land use component which is permitted as an element of a mixed use community. Using the Town's persons per unit number of 1.95 for apartments units and 2.63 for townhouses, as provided by the Region of York, the development would introduce 109 new residents to the Town's Urban Centres.

It is the opinion of staff that this application supports and is consistent with the policies of the Secondary Plan, and will help provide a housing mix, including rental apartments. In particular, the Secondary Plan permits heights up to 6 storeys (Low Density) and 8 storeys (Medium Density), with bonusing up to 10 storeys and a Floor Space Index (FSI) up to 2.0 in this area. The proposed development meets the height and FSI with the proposed 4 storey apartments and proposed FSI of 1.98.

It is the opinion of staff that this application supports and is consistent with the policies of the Secondary Plan.

DC Deferral

The applicant is seeking DC deferrals for the apartment rental units through the Town and Region's programs. The applicant is proposing all of the 42 apartments (1 and 2 bedroom units) will meet the affordable rental criteria through the Region's 5 year Deferral Program.

The owner has been working with Canada Mortgage and Housing Corporation (CMHC) to obtain construction funding for the rental portion of the development. The applicant has advised the Town that the rental portion of the development has been conditionally approved by CMHC for their Affordable Rental Construction Program (RCFi). CMHC requires 20% of the units to be affordable with rents at or below 30% of the median household income in the subject market.

This will help achieve Newmarket and York Region's goals for affordable rental housing within our community.

Staff will ensure that we have the necessary documentation from the Region and CMHC before entering into a DC Deferral Agreement.

Tree Removals

The applicant removed trees from the site without authorization from the Town. Staff have advised the applicant that compensation will be required in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy (TPPRP). The compensation will be required prior to Site Plan approval through a proposed Holding provision.

Servicing Allocation

To date, servicing has not been allocated to this development. Servicing allocation will be considered in the annual servicing allocation report, tentatively scheduled for the May 2, 2022 Committee of the Whole Meeting. A Holding provision in the By-law is also proposed to ensure servicing is in place prior to the development proceeding.

Holding Provision

In accordance with Section 36 of the *Planning Act*, Council may impose Holding provisions ('H') on a Zoning By-law Amendment to limit the use of land until the 'H' provisions are removed. The proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement
- Servicing Allocation
- Clean Record of Site Condition to be acknowledged by the Ministry
- Compensation for tree removal

Conclusion

The proposed Zoning By-law Amendment has been circulated to the Town's internal departments and external agencies and they have provided comments indicating there are no concerns with the approval of the subject application.

Notice has been provided to persons and public bodies under the *Planning Act* and a statutory public meeting was held on June 29, 2020.

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

Further refinement may take place through detailed design as part of the Site Plan Application, within the parameters of the proposed zoning.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces
- Safe Transportation (Streets)
- Vibrancy on Yonge, Davis and Mulock

Consultation

The application and associated technical reports were circulated to all internal departments and external review agencies. Comments provided back indicate there is no objection to the proposed Zoning By-law Amendment, with the inclusion of a 'Holding' provision.

Technical comments will be addressed through the Site Plan Application that is currently under review.

Human Resource Considerations

There are no Human Resource requirements as a result of the recommendations in this Report.

Budget Impact

The appropriate planning application fees have been received for a zoning by-law amendment application. The Town will also receive revenue from development charges and assessment revenue associated with this development.

Attachments

Schedule A – Location Map

Schedule B – Chart of Proposed Zoning Exceptions

Schedule C – Proposed By-laws

Submitted by

Casey Blakely, Senior Planner, Development Services

Zoning By-law Amendment – 49, 55 & 59 Charles Street & 52 Prospect Street

Approved for Submission

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Contact

Casey Blakely, MCIP, RPP

cblakely@newmarket.ca