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## **Official Plan Amendment and Rezoning – 315 Davis Drive, Format Davis Group Incorporated Staff Report to Council**

Report Number: 2023-81

Department(s): Planning & Building Services

Author(s): Meghan White, RPP, Senior Planner - Development

Meeting Date: November 13, 2023

### **Recommendations**

1. That the report entitled Official Plan Amendment and Zoning By-law Amendment – 315 Davis Drive - Format Davis Group Incorporated dated November 13, 2023 be received; and,
2. That the application for an Official Plan Amendment be adopted; and,
3. That the application for a Zoning By-law Amendment be approved; and,
4. That staff be directed to bring forward the By-laws, including the necessary Holding provisions, to Council for approval; and,
5. That Nick Pileggi of Macaulay Shiomi Howson Ltd, 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**

An application was submitted to amend the Urban Centres Secondary Plan and Zoning By-law 2019-06 to permit the development of an 8-storey apartment building at 299-315 Davis Drive.

Staff have reviewed the 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 residential dwellings, prioritizing intensification to make efficient use of land and infrastructure, supporting transit, supporting a range of Official Plan Amendment and Zoning By-law Amendment – 315 Davis Drive, Format Davis Group Incorporated

housing options to serve all sizes, incomes, and ages of households, and creating complete communities. A statutory public meeting was held on October 2, 2023 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 Amendment by-laws will be brought to Council for approval at a subsequent Council meeting.

## **Purpose**

The report provides recommendations to Council on the application for an Official Plan and a Zoning By-law Amendment for the subject land.

The recommendations of the report, if adopted, would result in amendments to the Official Plan and Zoning By-law to permit the proposed development, and apply the necessary holding provisions.

## Background

### Subject Land

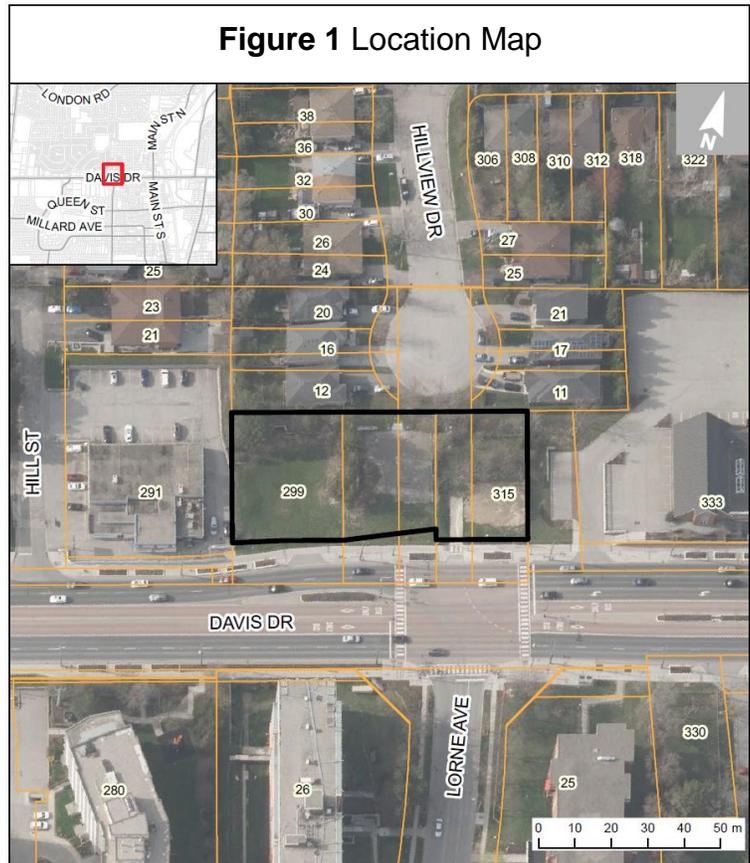
The subject land is comprised of several parcels municipal known as 299 and 315 Davis Drive. The parcels are located on the north side of Davis Drive at the terminus of Lorne Avenue, see Figure 1. The subject site fronts onto Davis Drive and has a portion of the rear lot abutting the Hillview Drive cul-de-sac. The subject lands are currently vacant. There is a nearby Viva Rapidway Station at Davis Drive and Main Street. The surrounding land uses are residential to the north, institutional to the east, residential to the south and commercial to the west. The properties to the south, east and west are within the Urban Centers Secondary Plan.

### The Proposal

The applicant is proposing a mid-rise residential apartment building with:

- 170 apartment units, comprised of: 29 one-bedroom units, 77 one-bedroom plus den units, 57 two-bedroom units and 7 two-bedroom plus den units;
- a gross floor area of approximately 11,767.8 m<sup>2</sup> (126,667.4 ft<sup>2</sup>);
- a floor space index (FSI) of 4.23; and
- 150 resident parking spaces on three levels of an underground structure and 26 visitor parking spaces that are located on the ground floor of the structure.

Figures 2a, 2b, and 2c below show the concept renderings of the building.





**FIGURE 2a** Concept Rendering looking north-west from Davis Drive.



**FIGURE 2b** Concept Rendering looking north-east from Davis Drive.



**FIGURE 2c** Concept Rendering looking south from Hillview Drive.

The upper floors are stepped back, providing a transition to the neighbourhood to the north, with the roof of the 7<sup>th</sup> floor being used as a terrace for the 8<sup>th</sup> floor units. The lower level (which is included as a storey) is exposed on Davis Drive, due to site grading, but does not contain any residential units.

Access to the subject site is proposed from a full moves access on Davis Drive that leads directly to the ramp for the underground resident and visitor parking. The main public entrance to the building is from the south, with the lobby opening onto Davis Drive.

## Amendments

The proposal needs two amendments:

1. An Amendment to the Secondary Plan to allow for increased height (from 6 storeys to 8 storeys), increased density (from 2.0 to 4.23) and to amend the angular plane policies.
2. An Amendment to the Urban Centres Zoning By-law to rezone the site from the existing Mixed Use 1 (MU-1) with 8-20m height to a site specific Mixed-Use 1 zone with a height of 25m (MU-1-XX).

## Discussion

The following sections outline the relevant Planning Policy Context and the development considerations that have been analyzed during the review process. The comments from the various commenting agencies and the public are also outlined.

## Planning Policy Context

Planning decisions must be reviewed in terms of the relevant planning policies and legislation. The high-level policy documents which are applicable to this development review are:

- **The Provincial Policy Statement 2020 (PPS):** The proposed development is consistent with the PPS by providing a mix of housing types within an existing settlement area, along a transit corridor, allowing for efficient use of existing infrastructure, and promoting supportive densities to facilitate a compact urban form.
- **The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe:** As the proposal provides for growth through intensification within the existing built-up area of Newmarket using infill and redevelopment, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.
- **The York Region Official Plan:** The proposed development supports and is consistent with the York Region Official Plan policies as the proposal is intensification and redevelopment on a Regional Corridor within a Major Transit Station Area (MTSA).

## Town of Newmarket Official Plan / Urban Centres Secondary Plan

The subject lands are located in the Urban Centre Secondary Plan (UCSP) area.

### Land Use

The subject land is designated “Mixed Use” on Schedule 3 of the Urban Centres Secondary Plan. Residential apartment buildings are permitted in the mixed-use designation.

### 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 proposed building will be 8 storeys at Davis Drive and 7 storeys at Hillview Drive. The proposed FSI is 4.23.

The subject site is currently vacant and represents an opportunity for appropriate infill and intensification. The site is an underutilized piece of land that should be redeveloped in a way that reflects the vision the Town has established through the Urban Centres Secondary Plan.

The increase in height and density is appropriate for the following reasons:

- Even when combined, the properties are relatively small and narrow. It is not uncommon to exceed maximum FSIs on smaller sites;
- The proposal is in close proximity to a higher order transit station;
- The proposal 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 proposal 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 applicant is proposing a mid-rise building, which is permitted. The rear of the building (Hillview Drive) is stepped at the upper floors to generally meet the policies of the Secondary Plan. Due to the substantial grade change between the north end of the site at Hillview Drive and the south end of the site at Davis Drive, the building appears as an 8-storey building along Davis Drive and appears as a 7-storey building from Hillview Drive, thereby minimizing the height impact to the Hillview Drive neighbourhood. The first few floors are set back approximately 7.4 metres from the property line. The fifth to seventh floors are setback approximately 9 metres from the property line. The top floor is set back approximately 12 metres from the property line. These step backs create a tiered building which provides a transition to the neighbourhood to the north.

### **Angular Plane and Shadow Study**

The Secondary Plan requires that applications for development adjacent to low density residential areas and open space areas provide a 45-degree angular plane from the rear lot line. The purpose of the angular plane is to achieve a height transition to adjacent uses, minimize overlook and shadow impacts.

Due to the narrowness of the subject lands, the 45-degree angular plane cannot be met while still allowing for useable internal layouts. As a result, the Secondary Plan policies requiring the angular plane are proposed to be amended, by replacing the 45-degree angular plane with a site specific 60-degree angular plane. Staff have assessed the submitted shadow study to see the extent of the shadow impacts on the surrounding lands under a 60-degree angular plane scenario. The Shadow Study notes that the shadows from the proposed development pose minimal impacts on neighbouring streets, parks, and other shadow sensitive properties such as open spaces or natural areas. Specifically, the Secondary Plan requires that 50% of daily sunlight is available on public spaces on June 21. The submitted Shadow Study shows that the shadow impacts of the 8-storey building on June 21 fall largely to the east and west of the building. Little to no impact is found on the properties to the north or south. There are no shadow impacts on Davis Drive.

The applicant has completed an additional shadow impact analysis and provided a report which demonstrates the different impacts from a) the proposed 8-storey building and b) a building having the as-of-right height of 6-storeys at Hillview Drive. It was found that the additional height does not drastically increase the shadow impacts of the building.

### **Affordable Housing**

Section 6.4.3 of the Secondary Plan requires a minimum of 25% of new housing units in the UCSP area outside of the Urban Growth Centre to be affordable to low and

moderate income households. This minimum is comprehensive of all development applications within the UCSP area and may not necessarily be achieved by each individual application.

In order to contribute to that target, the applicant has committed that 17 units (out of the 170 units proposed), will meet the Region-wide affordable ownership or rental threshold in the year that the units are marketed and/or sold.

The applicant is also considering having this building be a rental apartment as opposed to condominium in tenure. The proposal will add one- and two-bedroom apartments to the mix of available housing forms in Newmarket.

Staff are recommending that a condition of the holding provision be that the Owner agree in the Site Plan Agreement that 17 units (out of the 170 units proposed), will meet the Region-wide affordable ownership or rental threshold in the year that the units are marketed and/or sold.

### **Sustainability**

Section 7.3.7 of the Secondary Plan encourages development to mitigate the urban heat island effect, increase the energy efficiency of buildings, and reduce stormwater run-off by implementing sustainable design measures. This section of the Plan has not been requested to be amended; therefore, the applicant will be required to demonstrate conformity with these policies at the Site Plan stage.

### **Town of Newmarket Zoning By-law 2019-06**

The property is zoned Mixed Use (MU-1) by Zoning By-law 2019-06. The proposed residential uses are permitted in the Mixed Use zone.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site-specific zone that would permit the proposed increase to the permitted FSI and building height and some site-specific zone standards. The maximum height permitted by the By-law is 20 metres and the maximum floor space index (FSI) is 2.0. The applicant is proposing a maximum building height of 25 metres and FSI of 4.23.

Section 16.1.1, Policy 3 of the Town's Official Plan sets out the criteria for considering Zoning By-law Amendments. It is the opinion of staff that the proposed development meets the criteria for considering a zoning by-law amendment and the proposed site-specific provisions are appropriate for the proposed development on the subject land.

### **Servicing Allocation**

To date, servicing has not been allocated to this development. Servicing allocation will be considered in the annual servicing allocation report. A Holding provision in the By-law is 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 conditions to remove the holding provisions have been met. In this application, the proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement;
- Servicing Allocation;
- Compensation for tree removal, if any;
- Completion of a Noise and Vibration Study and a Zone of Vibration Influence Report; and
- That the Owner agree in the Site Plan Agreement that 17 units, will meet the Region-wide affordable ownership or rental threshold in the year that the units are marketed and/or sold.

In order to meet the new legislated timeframes for Site Plan Applications, holding provisions will allow for the consideration of Conditional Building Permits prior to the Holding Provision being lifted.

## **Future Applications**

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). Further refinement of the proposal may take place through detailed design as part of the Site Plan Application, within the parameters of the proposed zoning. An application to remove the Holding Provision would also be required. If the applicant does not keep the building as a rental property, a Draft Plan of Condominium or Condominium Exemption application will be required.

## **Development Considerations**

During the review and processing of this application, the following items have been highlighted and considered. How they have been incorporated or mitigated, as appropriate, is discussed below.

### **Pedestrian Connection**

The Secondary Plan requires a pedestrian mews at this location. The pedestrian connection was inserted in place of the original vehicle connection that had been previously indicated during a housekeeping amendment to the Secondary Plan. The applicant has proposed an accessible connection through an elevator available to the public but inaccessible to and from the building, as well as stairs, along the east side of the building. Through the detailed design of the building at Site Plan stage, Crime Prevention Through Environmental Design (CPTED) principles will be applied to ensure the space is safe for public use and will not cause a security problem for the building and neighbourhood to the north.

## **Parking**

The Zoning By-law requires a total of 175 parking spaces, including 26 for visitor and 149 for the residents. The development provides 176 parking spaces, including 26 visitor spaces. The majority of parking spaces are proposed to be within two and a half levels of underground parking, with visitor and delivery spaces in the at grade level of the building, accessible from Davis Drive.

The parking for this development meets the Zoning By-law requirements and no amendments to the parking requirements are being sought.

## **Parkland Dedication**

The applicant is proposing to meet this requirement primarily through cash-in-lieu provisions in accordance with the Parkland Dedication By-law. For properties over 1,000 sq.m within the Urban Centres, such as this site, the By-law requires that some land be dedicated to the Town for park purposes, in addition to any cash-in-lieu contribution. The By-law allows for this land contribution to be a pedestrian mews. The proposed accessible pedestrian connection of a public elevator and stairs satisfies the requirement for land dedication. The amount of cash-in-lieu is calculated at the Building Permit stage.

## **Conclusion**

The proposed Official Plan and Zoning By-law Amendments have been circulated to the Town's internal departments and external agencies and they have provided comments indicating that there are no concerns with the approval of the applications.

The applications support the goals of the Official Plan, conform to or do not conflict with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, York Region Official Plan, and the Town's Official Plan.

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

Staff recommend approval of the applications, subject to a Holding provision.

## **Business Plan and Strategic Plan Linkages**

- Community and economic vibrancy
- Extraordinary places and spaces

## **Consultation**

### **Agency and Department Comments**

The application and associated technical reports were circulated to all internal departments and external review agencies. Comments received indicate there is no Official Plan Amendment and Zoning By-law Amendment – 315 Davis Drive, Format Davis Group Incorporated

objection to the proposed Official Plan Amendment and Zoning By-law Amendment, with the inclusion of a 'Holding' provision.

## **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.

### **Effect of Public Input**

A Statutory Public Meeting was held on October 2, 2023. This meeting provided the public and interested persons an opportunity to comment on the application.

Notice of the Committee of the Whole meeting has been provided to persons and public bodies under the *Planning Act*.

No comments were received from the public at the statutory Public Meeting. Several emails were received prior to the meeting, including one letter in support of the proposed development. The other two emails noted concerns with the pedestrian connection and traffic impacts on Hillview Drive.

In response to the comments received from Council at the Public Meeting and the written correspondence from residents, there will be a detailed review of the pedestrian connection to ensure CPTED principles are applied at the site plan stage.

As the applicant's architect explained at the Public Meeting, the main entrance to the building is from Davis Drive. There is no public access to the building from the north/rear side of the building. This indicates that it is unlikely visitors and especially deliveries will access the building from Hillview as they would have to walk the packages down to the main entrance at Davis Drive.

As discussed above, two shadow studies were submitted and impacts were found to be acceptable.

### **Human Resource Considerations**

None.

### **Budget Impact**

The appropriate planning application fees have been received for the application. The Town will also receive revenue from development charges associated with this development.

## **Attachments**

Appendix 1 – Applicant’s Concept Site Plan

Appendix 2 – Proposed Official Plan Amendment

Appendix 3 – Proposed Zoning By-law Amendment

## **Submitted by**

Meghan White, MCIP, RPP, Senior Planner, Development, Planning & Building Services

## **Approved for Submission**

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

Peter Noehammer, P. Eng. Commissioner, Development & Infrastructure Services

## **Contact**

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