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## **Official Plan Amendment and Rezoning - 17175 Yonge Street, St. Maurice and St. Verena Coptic Orthodox Church Staff Report to Council**

Report Number: 2023-87

Department(s): Planning & Building Services

Author(s): Kaitlin McKay, Senior Planner - Development

Meeting Date: December 4, 2023

### **Recommendations**

1. That the report entitled Official Plan Amendment and Rezoning – 17175 Yonge Street, St. Maurice and St. Verena Coptic Orthodox Church dated December 4 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 Malone Given Parsons Ltd. and St. Maurice and St. Verena Coptic Orthodox Church 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 has been submitted to amend the Urban Centres Secondary Plan and Zoning By-law 2019-06 to permit the development of a 10-storey mixed-use building, to be comprised of 201 residential units and 954 square metres of ground floor commercial space. The residential units are proposed to be rental in tenure and would include both market-rate and affordable units, and barrier-free units.

The Official Plan Amendment is required to permit an increase in density and the Zoning By-law Amendment is required to recognize the increase in height and density and prepare site specific development standards.

Staff have reviewed the development proposal against the relevant Provincial, Regional, and local policy documents and have concluded that the proposal is in conformity with the policy framework as it relates to prioritizing intensification to make efficient use of land and infrastructure, supporting a range and mix of housing options to serve all sizes, incomes, and ages of households. A statutory Public Meeting was held on September 18, 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 process.

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

## **Purpose**

This report provides recommendations to Council on the applications for an Official Plan Amendment and Zoning By-law Amendment for 17175 Yonge Street (the “subject land”).

The recommendations, if adopted, would result in amendments to the Urban Centres Secondary Plan and Zoning By-law 2019-06, and apply a ‘Holding’ provision to ensure the orderly development of the site.

## **Background**

### **Subject Land**

The subject land is located on the east side of Yonge Street, north of Eagle Street and is municipally known as 17175 Yonge Street. The entire parcel has a land area of approximately 0.86 ha (2.12 acres).

The properties to the north, west, and south of the subject land are also within the Urban Centres Secondary Plan area. The surrounding land uses include:

- Commercial uses to the north and south;
- Vacant land proposed for residential development and a woodlot to the east; and,
- York Region administrative buildings to the west.

The subject land was previously used for commercial purposes and is currently vacant.

## The Proposal

The applicant is proposing to amend the Secondary Plan and rezone the subject land to permit the construction of a 10-storey mixed use building. The development would be comprised of the following:

Unit Type	Number of Units
Affordable Rental Units	47
Barrier-Free Affordable Rental Units	13
Total Affordable Units	60
Market Rental Units	111
Barrier-Free Market Rental Units	30
Total Market Rental Units	141
<b>Total Units</b>	<b>201 Residential Units</b>

There are several unit types and sizes in the proposed building, including one, two, and three-bedroom units. The proposed building would include 954 square metres of gross floor area at grade for commercial uses. Resident and visitor parking is proposed within two levels of underground parking and carpool spaces and parking for the proposed medical office would be at grade. The proposal is illustrated by the concept site plan in Appendix B and concept elevations in Appendix C.

## Discussion

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 land is located within the Urban Centres Secondary Plan and is also located within the Provincial Urban Growth Centre. The Provincial Urban Growth Centre is planned to accommodate a significant share of Newmarket's and the Urban Centres' overall population and growth.

### **Land Use**

The subject land is designated "Mixed Use" on Schedule 3 of the Urban Centres Secondary Plan and is also located within the "Priority Commercial" overlay. Mixed Use areas are intended to provide a range of uses including commercial, office, residential, employment, recreational, and institutional and will contribute to the establishment of the Urban Centres as a complete community.

Priority commercial areas are intended to provide an at-grade commercial presence and ensure retail goods and services are available within proximity to the people that live and work in the area. Priority Commercial Areas are also intended to contribute to an active streetscape and boulevard condition.

The applicant is proposing a mixed-use building, comprised of both residential and commercial uses. Commercial floor area is proposed at-grade along the Yonge Street frontage. The proposed development supports and is consistent with these policies.

### **Height and Density**

The subject land is within the area identified as "Medium Density" on Schedule 4 – Height and Density. This designation requires building heights ranging from 3 to 10-storeys. The Medium Density designation allows for a floor space index (FSI) ranging from 1.5 to 2.5.

The proposal fits within the maximum permitted height of 10-storeys; however, to facilitate the development of the proposed concept, an amendment is required to increase the maximum permitted density from 2.5 to 3.7.

The Urban Centres Secondary Plan requires that density is calculated on the net developable area, which must exclude any lands within the Natural Heritage System, within the floodplain, or other natural heritage area. As the east portion of the subject land includes these features, the density is calculated on the developable area only. If the FSI was calculated on the entire subject land, the FSI would be approximately 1.86.

### **Affordable Housing**

Section 6.4.3 of the Secondary Plan requires a minimum of 35% of new housing units in the Provincial Urban Growth Centre to be affordable to low and moderate income households. This minimum is comprehensive of all development applications within the Provincial Urban Growth Centre and may not necessarily be achieved by each individual application.

The applicant is proposing 201 residential units, 60 of which will be affordable housing units. The remaining units will be market rental units. The affordable rental rates have been determined by the applicant in consultation with the Canadian Mortgage and Housing Corporation (CMHC) and York Region Housing.

### **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. The applicant is proposing several sustainable development measures including a green roof, strategic tree planting to provide shade, and building finishes such as low flow fixtures and energy star appliances. Electric vehicle charging stations are also proposed.

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

The Secondary Plan requires that applications for development adjacent to low density residential areas and open space areas demonstrate a 45-degree angular plane is provided and that buildings are sited and designed to mitigate shadow and skyview impacts on surrounding neighbourhoods. The purpose of the angular plane policy is to demonstrate that a building provides appropriate height transition to adjacent uses and does not result in overlook or undue shadow impacts. The applicant has submitted an angular plane analysis and shadow study that demonstrates that the proposed building complies with these policies.

### **Natural Heritage**

The Town's Official Plan requires minimum buffers between natural heritage features (woodlots, watercourses, etc.) and any proposed development. An Environmental Impact Study (EIS) was prepared and concludes, "that the highly disturbed nature of the site up to and within portions of the woodlot, coupled with the dominance of non-native invasive tree species and ongoing dumping in the woodlot, it is appropriate to continue to allow development within small portions of the dripline which represents an existing condition". An amendment to the Official Plan has been proposed to reflect this. The proposed vegetation protection zone has been reviewed and accepted by the Town's Natural Heritage consultant and York Region.

The applicant will be required to submit a Woodland Enhancement Plan at the site plan application stage to review opportunities for enhancement plantings and identify suitable locations for on site restoration works. The significant natural heritage features, vegetation protection zones, and areas for restoration and enhancement would be designated as Natural Heritage System and zoned as Open Space (OS-3), requiring the lands to be preserved and protected.

The proposed development has been designed to protect for a future trail on the north side of the property, which would provide an important connection from the existing

residential areas to the east through the woodlot and across the subject land to Yonge Street.

### **Parkland Dedication**

Parkland Dedication is required in accordance with the Planning Act, as expressed locally through the Town's Parkland Dedication By-law. The proposed development includes a 75 square metre privately owned publicly accessible space ("POPS"), which satisfies the requirements for properties within the Urban Centres Secondary Plan, where a physical land contribution is required to the Urban Park System. The remaining parkland dedication contributions will be determined through the site plan application process.

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

The property is zoned Mixed Use (MU-1) by Zoning By-law 2019-06. There is also a Holding (H) symbol on the subject land, where an application to lift the H is required. The proposed residential and commercial 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 26 metres and the maximum floor space index (FSI) is 2.5. The applicant is proposing a maximum building height of 36.0 metres and FSI of 3.7. It is noted that the proposed development complies with the maximum building height in storeys that is permitted by the Secondary Plan and the zoning amendment for height is only required for the proposed building height measurement in metres. The draft amendment also includes site-specific provisions to implement the proposed development. A draft By-law is attached to this report (refer to Appendix E).

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, scheduled for a future Committee of the Whole Meeting. 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 'H'

provisions are removed. In this application, the proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement;
- Servicing Allocation; and,
- Noise Study to the satisfaction of the Town.

## **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. There remain some comments to be addressed and at least one additional submission of the site plan drawings will be required. Further refinement 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.

## **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.

### **Parking**

The development includes 224 vehicular parking spaces, including 10 accessible spaces and 3 car share spaces. The majority of parking spaces are proposed to be within two levels of underground parking, with some surface parking spaces for the medical office use.

The Urban Centres Zoning By-law allows developments providing affordable housing units to reduce the required parking space rate by 30% of the standard minimum and maximum rate without amendment to the Zoning By-law. The parking for this development meets the Zoning By-law requirements and no revisions to the parking requirements are being sought.

### **Traffic**

The development would have access from the existing driveway location on Yonge Street. A Transportation Impact Study was submitted in support of the proposed application. The report concludes that the development is anticipated to have a minor impact on the adjacent road network and no changes to the existing conditions are required to accommodate the proposed development.

## **Environment**

An Environmental Impact Study (EIS) was submitted in support of the proposed development. The development is proposed to remain within the footprint of the former building and existing paved parking area. The study concludes that development will have no negative impacts on the natural heritage and hydrologic features. The Zoning By-law Amendment and Official Plan Amendment propose to zone the natural heritage features, restoration and enhancement areas, and vegetation protection zones with an environmental zone code and designation.

## **Servicing**

The applicant has submitted a Functional Servicing and Stormwater Management Report in support of the applications. The applicant is proposing to waterproof the basement to eliminate the need for permanent ground water drainage. The report concludes that the development can be serviced with existing and proposed infrastructure and complies with the applicable policies and guidelines.

## **Conclusion**

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



## **Effect of Public Input**

A Statutory Public Meeting was held on September 18, 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*.

Comments were received from the public at the statutory Public Meeting and through email. Two letters were received from residents in support of the proposed development, specifically regarding the proposed affordable housing and rental units.

Additional correspondence requested information regarding the energy saving and sustainability measures that are proposed for the development. The proposed sustainability measures are outlined in the Official Plan section of this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

The appropriate planning application fees have been received for the application.

## **Attachments**

Appendix A – Location Map  
Appendix B – Applicant's Concept Site Plan  
Appendix C – Applicant's Concept Elevations  
Appendix D – Proposed Official Plan Amendment  
Appendix E – Proposed Zoning By-law Amendment

## **Submitted by**

Kaitlin Friesen, Senior Planner, Planning and Building Services

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

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