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## **Zoning By-law Amendment – 849 Gorham Street (Gorham Development 849 Inc.) Staff Report to Council**

Report Number: 2024-03

Department(s): Planning & Building Services

Author(s): Joyce Tsui, Intermediate Planner - Development

Meeting Date: February 5, 2024

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 849 Gorham Street (Gorham Development 849 Inc.) dated February 5, 2024 be received; and,
2. That the application for Zoning By-law Amendment be approved; and,
3. That staff be directed to bring forward the By-law, including the necessary Holding provisions, to Council for approval; and,
4. That Gorham Development 849 Inc. and LARKIN+ Land Use Planners Inc. be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

A Zoning By-law Amendment application has been received to amend Zoning By-law 2010-40 to permit the development of 20 townhouse units for the subject land municipally addressed as 849 Gorham Street.

The Zoning By-law Amendment proposes to rezone the subject land to a site-specific zone to implement the proposed development. 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.

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 August 31, 2020, as required by the *Planning Act*.

Should Committee adopt the recommendations of this report, the Zoning By-law Amendment will be presented to Council for approval at a subsequent Council meeting.

## **Purpose**

This report provides recommendations to Council on the application for a Zoning By-law Amendment for 849 Gorham Street (the “subject land”).

The recommendations of the report, if adopted, will result in an amendment to the Zoning By-law to permit the proposed development, and apply necessary holding provisions to ensure the orderly development of the site.

## **Background**

### **Subject Land**

The subject land is municipally known as 849 Gorham Street. The parcel has a land area of approximately 0.42 hectares (1.04 acres) and is located on the north side of Gorham Street, east of Alexander Road (refer to **Appendix 1**).

Surrounding land uses include:

- single detached residential dwellings to the north; and,
- single detached residential dwellings to the east;
- single detached dwellings, a commercial use, and a place of worship to the south;
- single detached residential dwellings and a youth shelter to the west.

The property is currently occupied by a two-storey commercial building that was once a single detached dwelling and was converted to an office space. The site gradually slopes down from the north end of the property to Gorham Street at the south end.

### **The Proposal**

The applicant is proposing to redevelop the subject land with 20 three-storey townhouse units configured in three blocks.

The proposed development would have a T-shaped internal private road, with 6 townhouse units on the east side of the internal road (Building 1, Units 15-20), 7 townhouse units on the north (Building 2, Units 8-14) and 7 townhouse units on the west

(Building 3, Units 1-7). The proposed townhouse units would be oriented towards the private lane, with vehicular and pedestrian access from Gorham Street.

Driveway parking is proposed in front of all townhouse units as well as one level of underground parking beneath Building 2. Shared, visitor and barrier free parking spaces are proposed at grade.

A private outdoor amenity space for residents is proposed internal to the development.

The proposal is illustrated on the concept site plan, attached as **Appendix 2**.

## **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, in close proximity to public transit, 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 represents intensification and redevelopment that diversifies the housing mix that exists in the area.

### **Town of Newmarket Official Plan**

#### **Land Use**

The subject land is within the area designated “Residential Area” on Schedule A – Land Use of the Town of Newmarket Official Plan.

The objectives of the Official Plan Residential policies (amended by the Established Neighbourhood Study in 2020) are to provide for a range of residential housing types while maintaining the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.

Townhouses are permitted in the Residential Area designation where it is demonstrated that they are compatible with the existing neighbourhood.

The Town's Official Plan recognizes the desirability of gradual ongoing change by allowing for contextually sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.

The proposed development conforms to the Official Plan by adding to the mix of housing types within this area of the Town of Newmarket. The proposal provides a compact built form allowing for the efficient use of land and infrastructure and promotes the use of existing active transportation and public transit infrastructure.

### **Compatibility**

The subject land has a higher elevation on the north property line and gradually slopes down towards Gorham Street on the south. The applicant has submitted a cross section showing the interface of the proposed townhouse development with the existing neighbouring properties (refer to **Appendix 3**). Due to grading, the proposed three-storey townhouses on the north side (Building 2) will appear as a two-storeys at the rear and maintain a similar building height with existing dwellings located to the north of the subject land. Building 1 and 3 will also be of similar height to the neighbouring properties on the east and west side of the property. The proposed setbacks of the townhouses along the north, east and west property boundaries provide adequate separation between the existing proposed buildings and impact is further mitigated through the use of vegetation and privacy fencing.

The applicant has submitted a Planning Justification Report that outlines how the development would be compatible and complement the existing neighbourhood, including:

- Due to existing grading, the proposed building heights will be similar to the surrounding residential dwellings;
- The design of the townhouses adopts a traditional architectural style with hip roofs similar to the adjacent dwellings;
- The proposed building façade, roofline articulation, and building materials are of similar nature to the neighborhood, including stone and brick;
- The development will be screened from adjacent uses with proposed treed buffers and privacy fences along the north, east, and west side of the subject land; and,
- The proposed buildings front onto the internal private lane and maintain a backyard-to-backyard interface with adjacent residential dwellings to the north, east, and west.

The applicant has submitted a Transportation Impact Study as part of the application and has concluded that the site access will operate within the acceptable levels of service and allows for safe site circulation of emergency vehicles. Engineering Services has confirmed that no transportation improvement works are warranted.

Lighting, fencing, and vegetation screening will be reviewed further through the site plan application process to mitigate any potential impacts of new neighbours.

It is the opinion of staff that the proposed development will not have a negative impact on traffic in the area and is compatible with the existing neighbourhood.

### **Affordable Housing**

Section 3.9.2 of the Town's Official Plan requires a minimum of 25% of new housing development outside of the Urban Centres Secondary Plan area to be affordable to low- and moderate-income households. This 25% minimum is comprehensive of all development applications outside of the Urban Centres and may not necessarily be achieved by each individual application.

The developer is willing to provide a financial contribution to support affordable housing projects. The specific contribution amount will be determined during the site plan application process. A Holding Provision (H) has been included in the draft Zoning By-law which requires that affordable housing policies are addressed to the Town's satisfaction through the site plan process.

### **Parkland Dedication**

Parkland Dedication is required in accordance with the Planning Act, as expressed locally through the Town's Parkland Dedication By-law. Cash-in-lieu of parkland will be determined at site plan stage.

### **Official Plan Policy for Zoning By-law Amendments**

Section 16.1.1, Policy 3 of the Town's Official Plan sets out the criteria for considering Zoning By-law Amendments. Staff are satisfied that the criteria for considering and approving a Zoning By-law Amendment have been met.

### **Town of Newmarket Zoning By-law 2010-40**

The subject land is zoned Residential Detached Dwelling Exception 113 (R1-B-113) by Zoning By-law 2010-40. This zoning permits Detached Dwellings and the site-specific exception also permits a personal service shop within the existing building. Townhouses are not permitted in the current zone.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site-specific zone that would permit townhouse dwellings. The site-specific zone standards are provided in full within the attached draft Zoning By-law (**Appendix 5**). It is the opinion of staff that the proposed zoning by-law amendment and 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;
- Addressing affordable housing policies;
- Servicing Allocation; and,
- Compensation for tree removal (if applicable).

## **Future Applications**

The applicant will be required to enter into a Site Plan Agreement for the redevelopment of this site, as required through a holding provision (as per the above section). Further refinement may take place through detailed design as part of the Site Plan Application, within the parameters of the new zoning, if approved.

Creation of lots through removal of Part Lot Control will be required. Following site plan approval, applications for a Plan of Condominium and to remove the Holding (H) provision will 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 initial concept presented at the Public Meeting included a request for a parking reduction. The applicant has since revised the application to reduce the number of units and increase the number of parking spaces to be consistent with the requirements of the zoning by-law, for both residents and visitors.

For ease of comparison, the required and proposed parking provisions are outlined below.

<b>Parking Type</b>	<b>Required Parking Rate by Zoning By-law 2010-40</b>	<b>Proposed</b>	<b>Conclusion</b>
Townhouse resident parking (20 units)	1.5 parking spaces per dwelling unit	30 resident spaces	Meets Zoning By-law 2010-40
Townhouse visitor parking (20 units)	0.25 parking spaces per dwelling unit	5 visitor parking spaces (including 2 barrier-free parking spaces)	Meets Zoning By-law 2010-40

In summary, 30 parking spaces are provided for residents (16 surface spaces and 14 underground spaces), plus 5 visitor parking spaces, for a total of 35 parking spaces. The number of parking spaces provided on site for residents and visitors complies with the Zoning By-law and no revisions to the parking requirements are being sought.

### **Traffic**

A Transportation Impact Study and Transportation Demand Management Study was submitted as part of the application. The reports conclude that the site access onto Gorham Street will operate within the acceptable levels of service and allows for safe site circulation of emergency vehicles. The proposed development is not anticipated to create major impacts to the existing transportation system.

### **Functional Servicing**

The applicant has submitted a Functional Servicing and Stormwater Management Report. The report demonstrates the ability of the site to be adequately serviced and confirms that the subject land can be designed to support the proposed development with minimal impacts on surrounding properties. The submitted report and associated plans have been reviewed by Engineering Services. Engineering Services has no objection to the approval of the Zoning By-law Amendment and will continue to review site details through the site plan application process.

### **Urban Design**

The applicant has submitted conceptual elevations for the Zoning By-law Amendment application (refer to **Appendix 4**). Comments were received from the public regarding the design of the proposed development.

In response to concerns received from the public related to noise and privacy, the applicant has removed the previously proposed rooftop amenity spaces and revised the

roof design from flat roofs to hip roofs. The proposed architectural style has been revised to be more reflective of the predominant pitched roof style found in the Historic Core Character Neighborhood.

In addition, a Shadow Study was submitted by the applicant. The Study shows that the proposed townhouses would not result in significant shadow impacts to abutting properties.

Additional site details will be considered through the site plan application stage.

### **Amenity Space**

Each dwelling unit includes private amenity space in the form of private rear yard and patio at grade and/or deck on the second storey. The proposed second storey decks maintain a size that would not impact the privacy or result in overlook to adjacent properties. Additional measures such as privacy planting and fencing are proposed along the backyards and will be reviewed in further detail at the site plan application stage.

A common amenity space for residents is proposed north of Building 1 and adjacent to the visitor parking on the east side of the subject land. The area is proposed to be accessible to the residents and would include amenities such as benches. Vegetative plantings have been proposed to buffer the amenity area from residential units.

### **Snow Storage**

Snow storage areas has been provided internal to the development and are located beside the visitor and shared parking spaces. The proposed snow storage area meets the minimum Zoning By-law requirements.

### **Environment**

Phase One and Two Environmental Site Assessment, in conjunction with a Hydrogeological Investigation and Geotechnical Investigation have been provided as part of the application. The Assessments indicated that there are no contaminants of potential concern in excess of the site condition standards for residential land uses. A Record of Site Condition has been filed with the Ministry of the Environment, Conservation, and Parks.

### **Noise and Construction**

Approval of an Environmental Noise Assessment and Zone of Vibration influence Report will be required as part of the site plan stage, along with a Construction Management Report.



## **Tree Removals**

An Arborist Report has been submitted in support of the application. Of the 44 trees inventoried, it was determined that 37 trees require removal to accommodate the proposed development. Of the 37 trees, 23 trees are subject to the Town's Tree Preservation, Protection and Enhancement Policy, because they are over 20 cm diameter at breast height (measured at 1.4 metres above ground level). Compensation in the form of planting or cash-in-lieu will be provided for the trees to be removed. Prior to tree removal, written consent will be required from adjacent property owners for the removal of 2 boundary trees, and confirmation on conformance with the Migratory Bird Convention Act shall be provided to the Town. Securities and tree protection fencing will be required for the trees that are to be preserved.

The submitted Arborist Report and Tree Survey and Preservation Plan have been reviewed by the Town's peer review arborist and have been found to be acceptable for the purpose of the Zoning By-law Amendment application. Landscape details and technical comments will continue to be reviewed through the site plan application process. A Holding Provision (H) has been included in the draft Zoning By-law which requires that tree compensation has been provided in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

## **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 that there are no concerns with the approval of the zoning by-law application.

The Zoning By-law Amendment application is consistent with Provincial policy and is in conformity with the York Region Official Plan and the Town of Newmarket 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 application, subject to a Holding provision.

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

- Community and economic vibrancy

## **Consultation**

### **Agency and Department Comments**

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

## **Effect of Public Input**

A Statutory Public Meeting was held on August 31, 2020. 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. Comments received included concerns related to traffic, parking, urban design, and environmental contamination concerns and have been responded to in detail in the development considerations section of this report.

## **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 – Location Map  
Appendix 2a – Applicant’s Concept Site Plan  
Appendix 2b – Applicant’s Concept Site Plan – Building 2 Parking  
Appendix 3 – Applicant’s Concept Cross Section  
Appendix 4 – Applicant’s Concept Elevations  
Appendix 5 – Proposed Zoning By-law Amendment

## **Submitted by**

Joyce Tsui, Intermediate 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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