



Planning and Building Services
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October 18, 2016

**Development and Infrastructure Services
Planning & Building Services Report 2016-42**

To: Committee of the Whole

Subject: **Application for Official Plan and Zoning By-law Amendment
751-757 Gorham Street
Town of Newmarket
2439107 Ontario Inc.
File No.: D9 NP16 09 (OPA) D14 NP16 09 (ZBA)**

Origin: Planning and Building Services

Recommendations

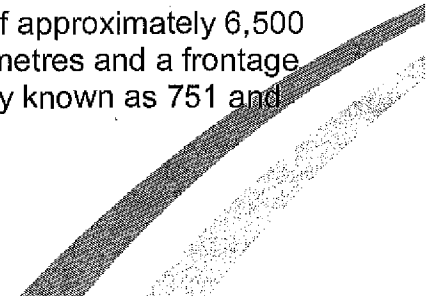
THAT Development and Infrastructure Services/Planning and Building Services Report 2016-42 dated October 18, 2016 regarding Application for Official Plan Amendment, Zoning By-law Amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 2439107 Ontario Inc. for lands being composed of Part of Lydia Street (Not Open) and Part of Lots 7, 8, and 9 (North side of Gorham Street) and Part of Lot 10, and all of Lots 11, 12, 13, and 14 (south side of Lydia Street) Registered Plan 23, Municipally known as 751 and 757 Gorham Street, Newmarket 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 Howard Friedman, of HBR Planning Inc., 66 Prospect Street, Unit A, Newmarket, Ontario, L3Y 3S9 be notified of this action.

Comments

Location and Surrounding Land Uses

The Subject Lands are located on the north side of Gorham Street between Muriel Street and Alexander Road (See Location Map attached). The property has an area of approximately 6,500 square metres and has a frontage on Gorham Street of approximately 21 metres and a frontage on Muriel Street of approximately 15 metres. The properties are municipally known as 751 and 757 Gorham Street.



The subject property currently contains two residential structures. It is proposed that all existing structures on the property would be removed.

The property is recessed behind the surrounding houses that front onto Gorham Street and Muriel Street. The property is surrounded on all sides by residential land uses, save across Muriel Street to the northwest are the fairgrounds and curling rink.

Proposal

The applicant is proposing a 4 storey residential apartment building accommodating 82 dwelling units with rental tenure on the subject lands. The proposed building is to be comprised of 22 one-bedroom units and 62 two-bedroom units, with a small children's playground included outdoors. The proposed building has been positioned on the northeast corner of the lot, giving it the greatest possible separation from the homes fronting onto Gorham Street and Muriel Street. The proposed development includes 103 parking spaces, of which 21 are visitor parking spaces and 2 are barrier-free spaces. The proposed layout of the parking includes 30 spaces underground and 73 surface parking spaces. The proposal also includes 22 bicycle parking spaces, of which 17 are to be underground. One principal point of access is proposed at onto Muriel Street with an emergency-only vehicle access that will be typically blocked by bollards onto Gorham Street.

Preliminary Review

Official Plan Considerations: Land Use

The subject property is designated Stable Residential on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted built forms include single and semi-detached dwellings, but would preclude apartment 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 four 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. The Official Plan expects that redevelopment in stable residential areas 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, the Stable Residential area only anticipates single detached and semi-detached dwellings as the form of new infill development.

Emerging Residential areas anticipate single detached and semi-detached dwellings, however townhomes are also permitted provided the use is appropriately justified. The policies of the Plan encourage new developments of higher density residential development in the Urban Centres in order to manage change and maintain existing neighbourhoods.

The focus of future intensification is directed by the Official Plan primarily to the Urban Centres. Limited intensification is anticipated in Stable and Emerging Residential Areas, and is intended to be in a form and location that will be compatible with those of the existing areas.

Official Plan Considerations: Compatibility

The existing neighbourhood is predominantly low density with a majority of dwellings being single detached. There are recreation uses to the northwest in the form of the fairgrounds and curling club, and Gorham Street further east includes institutional uses such as a Central York Fire Services facility as well as places of worship. The surrounding properties are predominantly single detached dwellings.

The proposal for a 4 storey 82 unit apartment building represents a Floor Space Index (FSI) of approximately 1 and would have a residential density of 126 dwelling units per hectare. This density is encouraged in the urban centres, although not specifically precluded outside of them.

While staff have a concern with elements of the building massing, site layout, and landscaping to minimize impact on adjacent existing low density residential neighbouring properties, in principle a low-rise apartment building is not incompatible with adjacent single-detached residential neighbours. The Town's practice has historically been that new development adjacent to existing development should be of a similar built form, notwithstanding that throughout Newmarket and in new development there are adjacent different residential built forms. The Official Plan and sound planning principles require the consideration of compatibility to ensure that any development minimizes any impacts on the surrounding area.

The Planning Justification Report (PJR) submitted with the proposal notes that efforts have been made to create a visual and spatial distance between the proposed building and the existing adjacent residential that front onto Gorham Street by siting the building as close as possible to the northeast corner of the lot.

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being principally the Yonge Street and Davis Drive corridors. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

A shadow study has also been submitted in support of this proposal. The PJR asserts that this study demonstrates limited impact from shadows on neighbouring properties, with no more than an hour of shadow being cast on any adjacent house and no more than two hours of shadow being cast on any adjacent rear yards.

Official Plan Considerations: Physical Suitability

The subject lands slope down to the north. The proposal is sited on the subject lands with setbacks similar to those required for apartment buildings in Newmarket. There are 73 proposed surface parking and 30 below grade parking spaces which represent a parking ratio of 1.25 spaces per unit compared to the 1.75 spaces per unit required by the zoning by-law. The below

grade parking only encompasses the north section of the building. Staff are recommending that the full floorplate of the building be used for an underground parking structure to reduce surface parking and impact on adjacent properties.

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

Official Plan Considerations: Availability of services and road access

As noted below under the Engineering Services Department review, there remain outstanding issues related to stormwater management and the age and standard of the provided ESA, among other matters. These will be required to be addressed by the applicant either in advance of staff making a recommendation to Council or as a condition of approval if Council should decide to approve the application.

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 a Residential Apartment Dwelling (R5) Zone to implement the plan. The application will require site-specific performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will use 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*.

Site Plan Control

The proposal is subject to Site Plan Control. Following the statutory public meeting recommended by this report, and a final recommendation report that will follow, if Council determines to approve the Official Plan Amendment and Zoning By-law Amendment applications, a further application for Site Plan Control will be required.

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 policies are to be applied to each situation.

The relevant sections of the PPS as they relate to this application 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" policies of the PPS 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 is to support active transportation and public transit, minimize impacts to climate change, and support intensification in appropriate areas.

The "Housing" policies of the PPS further direct municipalities to provide for a range and mix of housing types and densities, including implementing minimum targets for affordable housing and facilitating diverse forms of housing and residential intensification. Planning authorities are to promote densities for new housing which supports the use of active transportation and transit while minimizing the cost of housing and facilitating a compact built form.

Initial Concerns

Without prejudicing the final recommendation from Planning staff to Council, it is important to provide feedback on the proposal in order to ensure that the public and Council can consider the best possible version of the proposal. With this in mind, Planning staff have the following initial comments and concerns.

1. The number of barrier-free parking spaces is insufficient.
2. The pedestrian/cycling connection from the more major street (Gorham Street) is principally a parking lot, and can benefit from a more pedestrian-oriented streetscape design.
3. The entrance from Gorham Street is heavily shielded and opaque. It should rather be a visible entrance feature that contributes to the streetscape and pedestrians. Setting back the parking lot and including streetscape features on the southern property edge such as a seating area and trees should be considered.
4. Continuing the underground parking throughout the entire footprint of the building would allow for the reduction of additional surface parking and additional landscaping and buffering for adjacent properties.
5. Some dwelling units should be barrier-free and located on the ground floor.
6. The angular plane should not exceed 45 degrees, and building height reductions, relocations, or step-backs should be used to ensure that this is not exceeded.
7. Indoor ground-floor bike parking is preferable to bike parking in the underground parking garage.
8. If bike parking is to be located in the underground garage, a physically protected path for cyclists to ascend/descend the ramp should be provided.
9. Shelter for the outdoor bike parking area should be provided.
10. The southernmost windows of the ground floor units face directly onto the parking lot and entranceway, and the southwestern unit lacks amenity space.
11. The exterior path of travel for pedestrians narrows in some areas. It should maintain at least 1.5m at all points.
12. A dedicated pedestrian walkway connection is required from the building to the sidewalks. It appears that the pedestrian connection stops at the parking ramp. It should be carried in a safe and visually distinct way across the ramp such that pedestrians can reach the principal entrance from Gorham Street.
13. The pedestrian entrance from Muriel Street terminates in an accessible parking space. The pedestrian entrance should continue uninterrupted from the sidewalk to the door, with a distinct visual and material type where it must cross parking areas.

14. The design of amenity space for the ground-floor units should be clarified as to whether outdoor private space is intended beneath the balconies of the upper-level units. Private amenity space at grade should be appropriately screened to ensure privacy.
15. Where possible parking areas should be reduced and placed underground to provide greater buffers to adjacent properties.
16. The 'tot lot' landscaping appears to create a secluded 'lawn area' at the farthest northeast corner that lacks visibility and function.
17. The pedestrian access way from the Muriel Street building entrance to the 'tot lot' area includes steps. The design should afford universal access for people with disabilities.
18. The preservation of mature trees is possible and desirable with parking lot reconfigurations.
19. Section 3.10.1 of the Town's Official Plan requires 25% of new housing development outside of the Urban Centres Secondary Plan area to be affordable to low and moderate income households.
20. Section 12.2.7 of the Town's Official Plan requires public art contributions according to the Town's Public Art Policy.
21. If the property is to be considered as meeting the Town's objectives of promoting rental development, guarantees should be obtained that the property will remain rental for a determined period of time.

Departmental and Agency Comments

Engineering Services

Engineering Services has reviewed the provided studies and offered preliminary comments on the application. Further review will continue as the applicant provides additional information.

Roads and Traffic

Engineering Services is in the process of reviewing the application as it relates to traffic, parking, and transportation. Comments will be provided to as part of the review process and form part of the recommendation from Planning Staff to Council.

Stormwater Management

Stormwater from the proposed development will be controlled on site with quantity controls provided by way of a 210 m³ open bottom underground detention chamber, catchbasins, and infiltration trenches. Proposed quality control measures include strainers, infiltration trenches, an oil/grit separator, and clear stone base filtration from the underground storage to target 80% removal of total suspended solids. Engineering Services has reviewed the proposed stormwater management report and has noted that the overall stormwater management concept is

acceptable, but has provided comments requiring additional information and coordination with the applicant.

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. Engineering Services has reviewed the provided plans and reports and noted additional information related to water demand calculations and hydrant flow tests, among other matters, to be provided and confirmed.

Sanitary Sewage

While the applicant's FSR proposes that the development be connected to the 250mm diameter sanitary sewer on Muriel Street, a peer review provided through Engineering Services has confirmed that the existing sanitary sewage system under Gorham Street has sufficient capacity to accommodate flows from the proposed development.

Grading

The submitted Functional Servicing Report addresses grading, explaining the significant difference in ground elevation across the property and notes a fall of 3.4 metres and an approximate slope of 5.3%. The proposed development would retain the existing perimeter elevations while altering the on-site grading to provide for a consistent elevation for the development. Engineering Services has reviewed the provided plans and reports and noted additional information that is required during this review process and changes that would be required as part of the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment applications.

Environmental

Engineering Services have reviewed the submitted Phase One Environmental Site Assessment (ESA). They note that the ESA is to be completed as per Ontario Regulation 153/04 and be completed no more than 18 months before this application was deemed complete. The applicant will be required to address this either in advance of staff making a recommendation to Council or as a condition of approval if Council should decide to approve the application.

Agency Comments

Lake Simcoe Region Conservation Authority:

The LSRCA is satisfied from a watershed management perspective that these applications are consistent with the intent of the Provincial Policy Statement (PPS), and conforms with the requirements of the Lake Simcoe Protection Plan (LSPP) the Greenbelt Plan. As the development is considered to be a "major development" as defined by the LSPSS, the LSRCA will also provide comments with respect to engineering and hydrogeology in the context of the policies of the LSPP

and the South Georgian Bay Lake Simcoe Source Protection Plan as part of the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment applications.

The Regional Municipality of York

The Regional Municipality of York has reviewed the application and expressed no objection. Certain matters related to water and wastewater will be addressed through the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment applications. The Region notes that the proposed development would assist in the Region meeting its requirements of 40% of all residential development occurring in the built-up area; would help to enable development that is accessible to people of all ages, cultures, and abilities; and would that intensification assists in the efficient use of existing infrastructure and encourages walking, cycling, and transit usage. The Region will require a Transportation Demand Management (TDM) plan from the applicant as part of the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment.

The Region also notes that this development would assist in the Region's Official Plan objectives of promoting an appropriate mix and range of acceptable housing to meet the needs of residents and workers.

Planning Staff requested and obtained an exemption from the Regional Municipality of York for the need for Regional approval of this application. This request was made due to eligibility for exemption under criteria in Section 8.3.8 of the York Region Official Plan, recognizing the local rather than regional nature of the application. Exemption was granted by the Region, which leaves final approval of the application – notwithstanding appeal opportunities to the Ontario Municipal Board – to Council.

The Town has also received comments from various agencies that will be addressed throughout the planning process. These include letters expressing no objection to the proposal from Central York Fire Services, the York Region Catholic District School Board, Enbridge, and Canada Post.

Business plan and strategic plan linkages

This report has linkages to the Strategic Plan through the Community Engagement theme by providing the community with detailed information and review on planning proposals.

Community consultation policy

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

Budget impact

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and Zoning By-law amendment. The Town will also receive revenue from development charges as

required by the Town's development charges by-law. Increased property tax assessment revenue would be collected from 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: Ted Horton, Planner, at 905-953-5321, ext 2458; thorton@newmarket.ca

Attachments

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



Commissioner Development and Infrastructure
Services

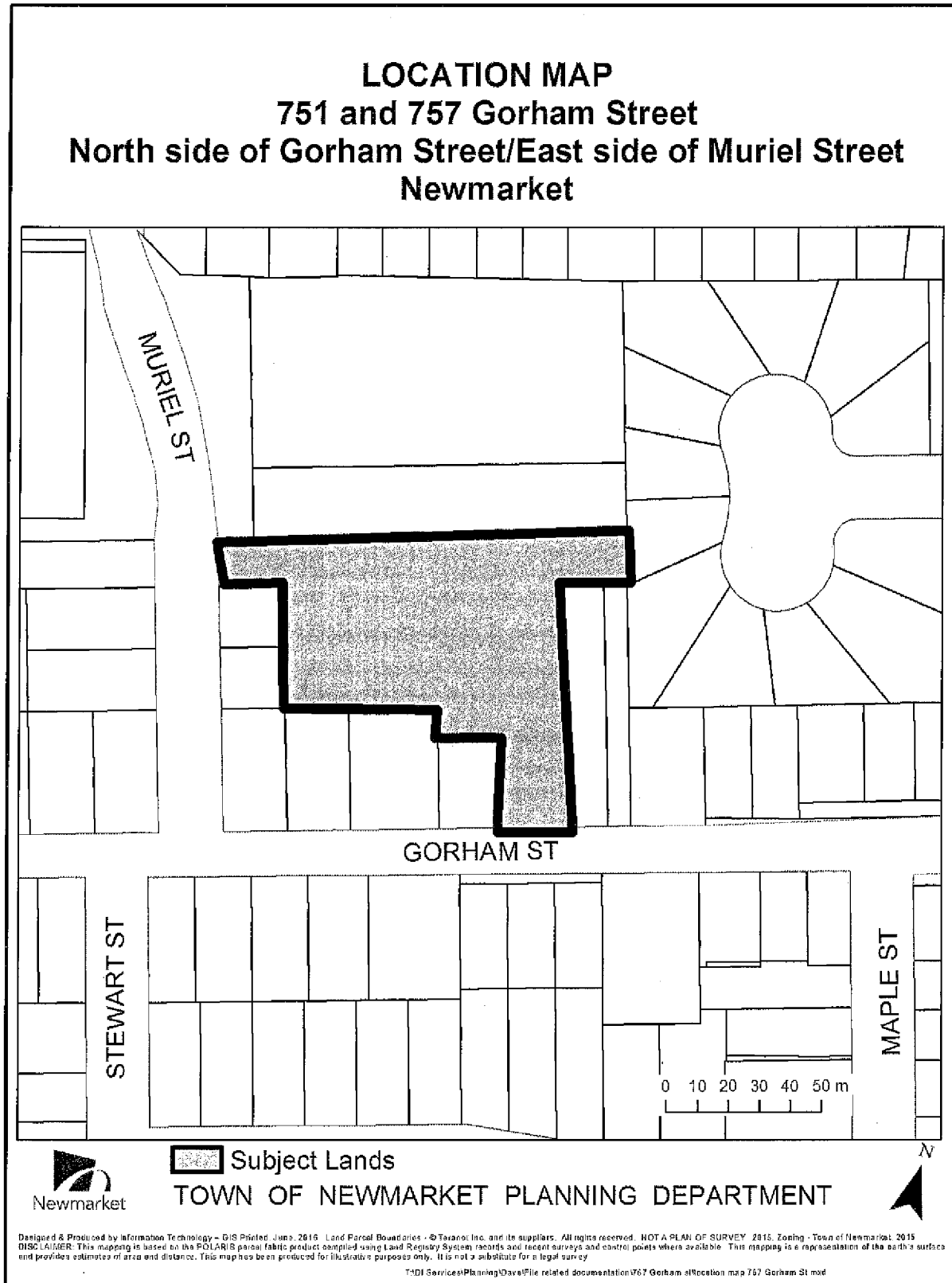


Director of Planning and Building Services



Planner

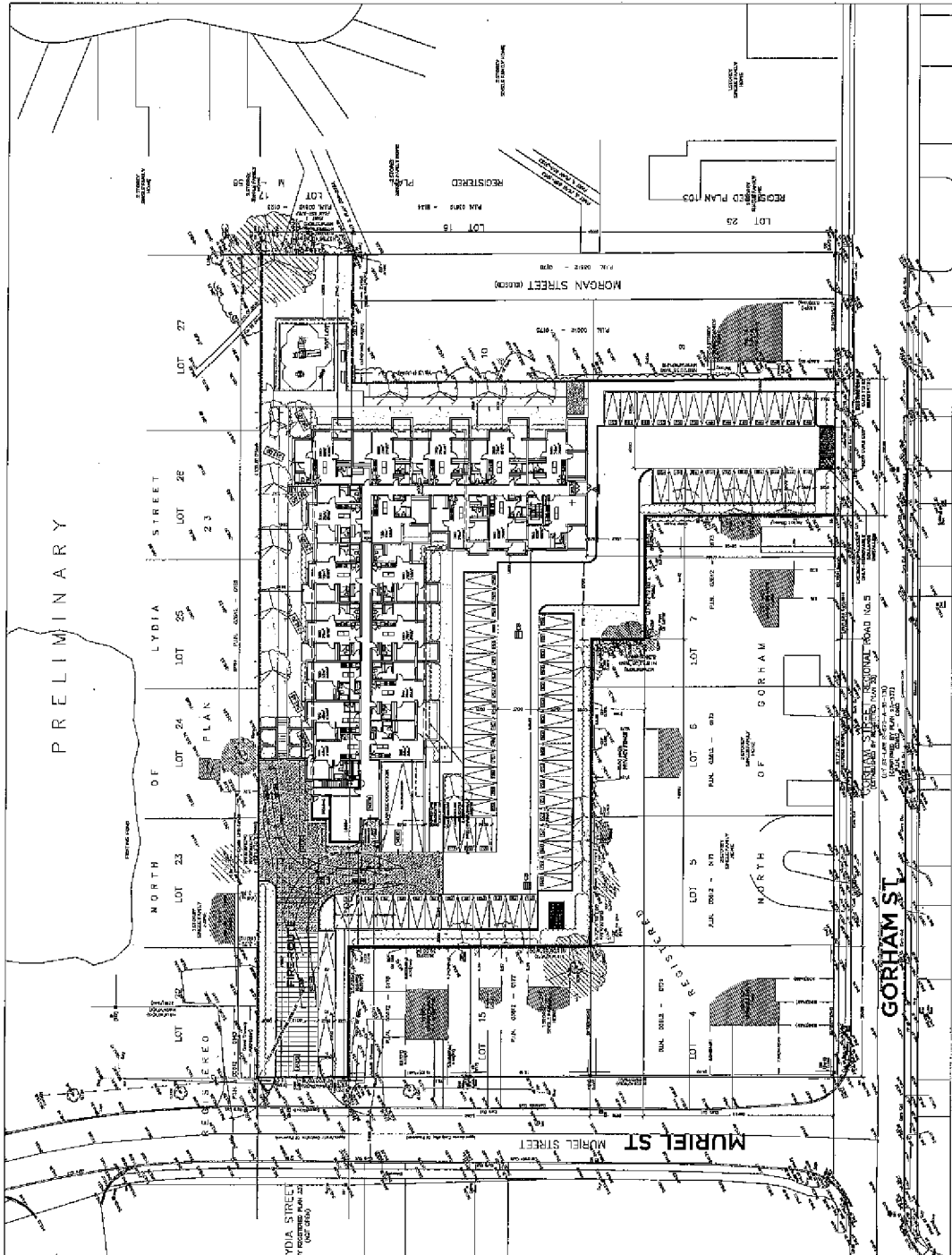
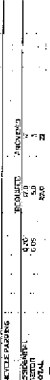
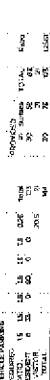
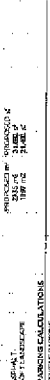
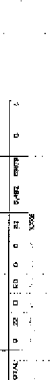
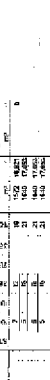
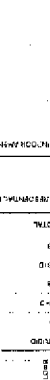
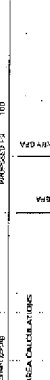
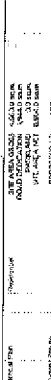
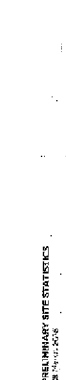
Attachment 1: Location Map

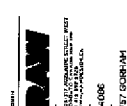


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