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## **Official Plan Amendment and Zoning By-law Amendment – 16756 and 16764 Bayview Avenue (2570245 Ontario Inc.) Staff Report to Council**

Report Number: 2024-30

Department(s): Planning and Building Services

Author(s): Joyce Tsui, Intermediate Planner

Meeting Date: May 27, 2024

### **Recommendations**

1. That the report entitled Official Plan Amendment and Zoning By-law Amendment – 16756 and 16764 Bayview Avenue dated May 27, 2024, be received; and,
2. That the application for Official Plan Amendment be adopted; and,
3. That the application for Zoning By-law Amendment be approved; and,
4. That staff be directed to bring forward the By-law, including the necessary Holding provisions, to Council for approval; and,
5. That 2570245 Ontario Inc. and Weston Consulting 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 Official Plan and Zoning By-law 2010-40 to permit the development of a five-storey apartment building consisting of 70 units for the subject lands municipally known as 16756 and 16764 Bayview Avenue.

The Official Plan Amendment proposes a site-specific amendment to the Residential Areas designation to add an apartment building up to five storeys as a permitted use on

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

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. A statutory Public Meeting was held on June 27, 2022, 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, describes the feedback received as well as the next steps in the 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 regarding Official Plan Amendment and Zoning By-law Amendment applications for 16756 and 16764 Bayview Avenue (the “subject lands”).

The recommendations of the report, if adopted, would result in an amendment to the Official Plan and Zoning By-law 2010-40 to permit the proposed development and apply necessary holding provisions to ensure the orderly development of the site.

## **Background**

### **Subject Lands**

The subject lands are municipally known as 16756 and 16764 Bayview Avenue. The parcels have a land area of approximately 0.28 hectares (0.69 acres) and are located on the west side of Bayview Avenue, north of Mulock Drive (refer to Appendix 1).

Surrounding land uses include:

- single detached dwellings to the north;
- townhouse dwellings to the east; and,
- commercial uses to the south and west.

The subject lands consist of two parcels. Each property is currently occupied by a single detached dwelling.

## The Proposal

The applicant is proposing to amend the Official Plan and rezone the subject lands to permit the development of a five-storey apartment building.

The proposed development would be comprised of 70 residential units with two levels of underground parking and surface parking at the rear of the building. The proposed apartment building would be oriented towards Bayview Avenue with one driveway access located on the north portion of the subject land that would provide access to both the underground and surface parking lot. The development would also include indoor and outdoor amenity space for the development's residents.

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 Provincial and Regional 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, near 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:** The proposal provides for growth through intensification within the existing built-up area of Newmarket using infill and redevelopment, assisting in building complete communities and improving the diversity of housing stock in Newmarket. 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 lands are within the area designated "Residential Area" on Schedule A – Land Use of the Town of Newmarket Official Plan.

The objectives of the Residential Area policies 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.

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 supports the goal of the Official Plan as it is situated within an existing residential neighborhood and would contribute to the achievement of a mix of housing types. The proposal would provide a compact built form that would allow for the efficient use of land and infrastructure and promote the use of existing active transportation and public transit infrastructure. The subject lands are located near to a major intersection where a Regional primary collector road meets a Regional arterial road, which would provide the development direct access to the existing active and vehicular transportation network.

### **Compatibility**

As outlined in Section 12.4 (Compatibility) of the Official Plan, any new development is required to demonstrate how its design fits with the existing character of the surrounding area.

The proposed development would provide a transition to the existing residential dwellings to the north by applying a 45-degree angular plane and stepping back the terraces on the upper floors. The applicant has submitted a cross section showing the 45-degree angular plane and the interface of the proposed apartment building with the existing single detached dwelling to the north (refer to Appendix 3).

The proposed setbacks of the apartment building along the north, east, and south property boundaries provide adequate separation from existing buildings on adjacent properties and further mitigates overlook into neighbouring properties.

In addition, the applicant is proposing landscape screening and a 1.8 metre privacy fence on all shared lot lines.

Based on feedback received through the consultation process, the applicant has incorporated the following revisions:

- the proposed height of the apartment building has been reduced from 6 storeys to 5 storeys;
- the balconies along the north elevation have been removed; and
- the size of the mechanical penthouse has been reduced to less than 10% of the aggregated area of the roof to reduce visual and shadow impact.

Additionally, a Shadow Impact Analysis was submitted demonstrating that the proposed building would not result in significant shadow impacts to adjacent properties and would allow adequate sunlight to adjacent lands, streets, and open spaces.

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

- The building would be oriented parallel to Bayview Avenue with the proposed building located close to the sidewalk which would define the street edge and provide a pedestrian-friendly environment for direct access onto Bayview Avenue;
- Upper storeys would be setback to minimise visual impact and shadows on adjacent low density residential properties;
- Parking is proposed underground and at the rear to minimise vehicle presence in the public realm;
- The proposed building includes a neutral colour palette to be compatible with the surrounding traditional housing styles.

The concept has been revised throughout the review process and it is now the opinion of staff that this application supports and is consistent with the policies of the Official Plan. The development is compatible and provides a supportable transition to the existing lower density residential area.

Should the Official Plan and Zoning By-law Amendments be approved, the site details would continue to be reviewed through the subsequent site plan application process.

### **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 proposed Zoning By-law Amendment expands the range of built form permitted on the subject lands to include apartment building. This will increase the affordability in the area as apartment units typically sell at a lower price point than single detached units. A Holding Provision (H) has been included in the draft Zoning By-law which requires that affordable housing policies are to be 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. Physical land and/or the cash-in-lieu value is acceptable. The applicant has indicated that they will be providing cash-in-lieu of parkland. The total value will be determined at building permit stage.

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

The subject land is zoned Residential Detached Dwelling (R1-D) by Zoning By-law 2010-40. This zoning permits single detached dwellings. Apartment buildings are not permitted in this zone.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site-specific zone that would permit apartment buildings. 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**

Developments are typically considered for servicing allocation once they are further advanced in the planning process, and as such servicing has not been allocated to this development. Servicing allocation would 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 has been allocated 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 includes Holding provisions for:

- Execution of a Site Plan Agreement;
- Addressing affordable housing policies;
- Tree security and compensation (if required);
- Offsite improvement for site access (if required) and,
- Servicing Allocation.

## Future Applications

The applicant would be required to enter into a Site Plan Agreement for the redevelopment of this site, as required through the holding provision. Further refinement of the plans may take place through detailed design as part of the Site Plan Application, within the parameters of the new zoning. An application to remove the Holding (H) 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, are 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.

Parking Type	Required Parking Rate by Zoning By-law 2010-40	Proposed	Conclusion
Apartment Building resident parking (70 units)	1.5 parking spaces per dwelling unit for a total of 105 spaces	105 resident spaces	Meets Zoning By-law 2010-40
Apartment Building visitor parking (70 units)	0.25 parking spaces per dwelling unit for a total of 18 spaces	18 visitor parking spaces	Meets Zoning By-law 2010-40

In summary, 105 parking spaces are provided for residents, plus 18 visitor parking spaces (11 surface spaces and 7 underground spaces), for a total of 123 parking spaces including 5 barrier free 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 Mobility Plan Study was submitted as part of the application. The report concluded that the traffic impacts from the trips generated by the proposed development will be minor. The Transportation Mobility Plan Study also recommended changes to the signalisation and the size of the left and right turning lane to improve traffic flow at Bayview Avenue and Mulock Drive. The application is also proposing a northbound left turn lane at Bayview Avenue to access the site. Any required offsite improvements will be explored through the site plan application stage and the developer will be responsible for any associated cost. Engineering Services and York Region have no objection to the approval of the application. Site details will be reviewed further through the site plan application stage.

## **Functional Servicing**

The applicant has submitted a Functional Servicing and Stormwater Management Report. The applicant is proposing a green roof which is designed to lower the runoff coefficient and reduce the required stormwater management storage requirement. The report demonstrates that adequate domestic and fire servicing water supply is available for the proposed development. The submitted report and associated plans have been reviewed by Engineering Services. Engineering Services has no objection to the approval of the application and would continue to review site details through the site plan application process.

## **Shadow Impact**

Comments were received from the public regarding the building height and shadow impacts of the proposed development. In response to the concerns received, the applicant has reduced the building height from six to five storeys and apply a 45-degree angular plane on the north property line that abuts the existing low density dwelling. The applicant has submitted conceptual elevations (refer to Appendix 4). A Shadow Impact Analysis has also been submitted that demonstrates that the proposed apartment building would not result in significant shadow impacts to abutting properties.

## **Amenity Space**

Common indoor and outdoor amenity spaces for residents are proposed on the first level. Private amenity spaces are proposed in the form of private patios and balconies for most units. There are no balconies on the north side of the building on levels 2 and 3, and the terraces on levels 4 and 5 are stepped back and maintain a size that would not impact the privacy or result in overlook to adjacent properties. Privacy fences and vegetation screening are also proposed along the shared property lines.

## **Tree Removals**

An Arborist Report has been submitted as part of the application. Of the 83 trees inventoried, it was determined that 70 trees require removal and 13 would be preserved to accommodate the proposed development. Compensation in the form of planting or cash-in-lieu would be provided for the trees to be removed that are subject to the Town's Tree Preservation, Protection and Enhancement Policy. Prior to tree removal, written consent would be required from adjacent property owners for the removal of boundary trees. Securities and tree protection fencing would 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 Official Plan and Zoning By-law Amendment applications. Landscape details and technical comments would 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 be provided in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

## **Conclusion**

The Official Plan Amendment and Zoning By-law Amendment applications are consistent with Provincial policy and are in conformity with the York Region Official Plan and is considered an appropriate development for the site as it supports the objectives of 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.

The 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 the Official Plan Amendment and Zoning By-law Amendment applications.

Staff recommend approval of the application, 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 that 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 June 27, 2022. 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, shadow impact, and servicing 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 2 – Applicant's Concept Site Plan  
Appendix 3 – Applicant's Concept Cross Section  
Appendix 4 – Applicant's Concept Elevations  
Appendix 5 – Proposed Zoning By-law Amendment  
Appendix 6 – Proposed Official Plan Amendment

## **Submitted by**

Joyce Tsui, Intermediate Planner, Planning and Building Services

## **Approved for Submission**

Official Plan Amendment and Zoning By-law Amendment – 16756 and 16764 Bayview Avenue  
(2570245 Ontario Inc.)

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

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