



Town of Newmarket
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Official Plan Amendment and Rezoning – 615 Davis Drive, Fernbrook Core (Davis Drive) Construction Ltd Staff Report to Council

Report Number: 2024-41

Department(s): Planning & Building Services

Author(s): Aida Hosseinzadeh, Intermediate Planner - Development

Meeting Date: June 17, 2024

Recommendations

1. That the report entitled Official Plan Amendment and Rezoning – 615 Davis Drive, Fernbrook Core (Davis Drive) Construction Ltd dated June 17, 2024 be received; and,
2. That the application for an Official Plan Amendment be approved; 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 Angela Sciberras 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 to permit the development of one 6-storey residential building with 287 units and one 15-storey mixed-use building with 480 units and 1540 square metres of commercial space (767 residential condominium units in total) at 615, 625, 631 Davis Drive and 23, 29, 33, 39 Bolton Avenue.

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 housing options, prioritizing intensification to make efficient use of land and infrastructure, and supporting transit. A statutory public meeting was held on April 29, 2024, 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 Amendment By-laws will be brought to Council for approval at a subsequent Council meeting.

Purpose

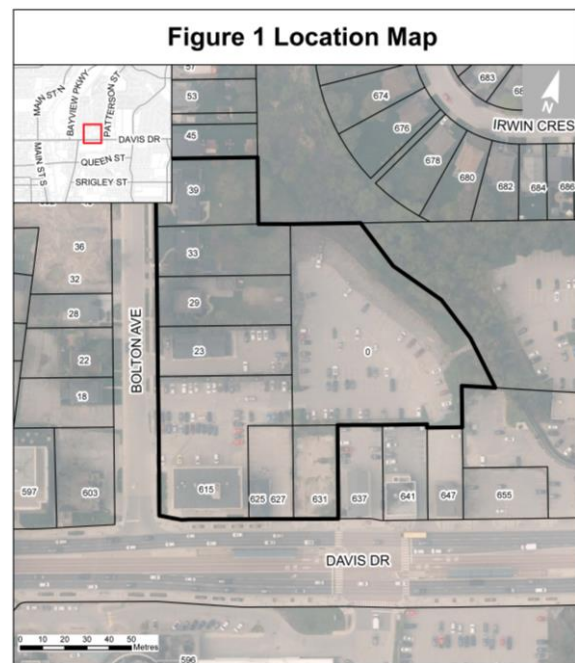
The report provides recommendations to Council on the application for an Official Plan and a Zoning By-law Amendment for 615, 625, 631 Davis Drive and 23, 29, 33, 39 Bolton Avenue (collectively known as the subject land).

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 municipally known as 615, 625, 631 Davis Drive and 0, 23, 29, 33, 39 Bolton Avenue. The parcels are located on the north side of Davis Drive and east side of Bolton Avenue, see figure 1. The subject site has frontages onto Davis Drive and Bolton Avenue, and a portion of the northeast property line abuts a creek. There is currently one 3-storey office building, one 2-storey dwelling, and two 1-storey dwellings on the subject land, and the remaining land is either vacant or is used as a commercial parking lot. There is a nearby VIVA Rapidway Station on Davis Drive, close to the Bolton Ave and Davis Drive intersection. The surrounding land uses are residential to the north, medical offices and commercial uses to



the east, Davis Drive Rapid Transit Corridor and Southlake Regional Healthcare to the south, and medical, residential uses to the west.

The Proposal

The redevelopment proposal consists of two buildings as described in the chart below.

| | North Building | South Building | Total |
|-----------------------------------|----------------|----------------|------------|
| One-bedroom units | 35 | 105 | 140 |
| One-bedroom units plus den | 119 | 140 | 259 |
| Two-bedroom units | 121 | 223 | 344 |
| Two-bedroom units plus den | 12 | 12 | 24 |
| Total number of units | 287 | 480 | 767 |
| Number of stories | 6 | 15 | - |
| Commercial use area | - | 1540 | 1540 |
| Gross Floor Area (GFA) | 21,809.8 | 36,323.3 | 58,133.1 |
| Floor Space Index (FSI) | 2.19 | 5.69 | 3.56 |
| Parking Spaces | | | 841 |

A total of 841 parking spaces will be provided in three levels of underground parking comprised of 687 spaces for residents, 115 visitor parking and 39 parking spaces for commercial uses. There are 4 short term surface parking spaces provided.

Overall, the proposal aims to transition from the low-rise residential development from the north to higher density and a taller building at Davis Drive, with tiered buildings. The northern 6-storey building is proposed to be separated from the existing single detached dwelling by a 12-metre wide landscaped area (containing a pedestrian connection into the development). The building is three storeys adjacent to the landscaped area and then steps back to 6 storeys, with each storey being further setback to the south; creating a distance of 21 metres from the closest single detached dwelling to the 6th storey.

The southern building is proposed at the corner of Davis Drive and Bolton Avenue. This is a 15-storey midrise building that is situated close to the street in an effort to frame the streetscape. The building steps backs slightly, by 1.2 metres, at the 6th floor. Stepping back from the 6th floor maintains the urban scale of the development and helps to decrease the building mass preventing overdevelopment of the site. The Davis Drive frontage includes ground floor commercial uses with residential units above.

Both buildings propose rooftop amenity areas (indoor and outdoor) and green roofs. A public trail connection is proposed connecting to a planned the trail system to the north. This is further described later in this report.

Access to the underground parking garage for both buildings is located internal to the site and will not face the street. The entrance is gained via the driveway access on Bolton Avenue. There will be a 10.5-metre wide internal road and it is proposed to be a “Privately Owned Publicly Accessible Road” (POPAR). Eventually, this road will connect to Davis

Drive and the intersection with the hospital entrance. The proposed road will be further discussed below in “Future Local Road” section of this report.

Figures 2a and 2b below show a conceptual rendering of the buildings.



Figure 2a View looking south-east from Bolton Avenue.



Figure 2b View looking northwest from Davis Drive.

Amendments

The proposal requires the following amendments:

1. An amendment to the Urban Centres Secondary Plan to amend the land use designation from Major Institutional to Mixed Use (for south building) and to allow an increase density for both buildings.
2. An amendment to the Urban Centres Zoning By-law 2019-06 to rezone the properties to allow for increased height for both buildings and to establish site specific standards for the height requirement for mechanical penthouse, angular plane, number of loading spaces and encroachments into required yard.

Discussion

Planning Policy Context

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, along a Priority Transit Corridor, 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 in the Urban Centre Secondary Plan (UCSP) area.

Land Use

The subject land is designated “Mixed Use” and “Major Institutional” on Schedule 3 of the Urban Centres Secondary Plan. Residential uses, other than long term care and palliative care facilities are not permitted within the Major Institutional designation. Therefore, the applicant is requesting to amend the designation on the southern portion of the lands from Major Institutional to Mixed Use. Residential apartments and mixed-use buildings (ground floor commercial and residential units above) are permitted in the Mixed-use Designation.

A small portion of the subject land will be redesignated to Open Space on Schedule 6 of the Urban Centres Secondary Plan. This will recognize the portion of the subject land that will be used as trail connection.

The subject land is also identified as Priority Commercial Areas as per Section 3 of UCSP. The intent of the Priority Commercial Areas is to ensure that an at-grade commercial presence is provided, and retail goods and services remain available within close proximity to the people that live and work in the area and contribute to an active street and boulevard condition. The applicant is proposing ground floor commercial uses for the south building with frontage on Davis Drive.

| Building | Current Designation | Proposed Designation |
|-----------------|----------------------------|-----------------------------|
| North | Mixed Use | No Change |
| South | Major Institutional | Mixed Use |

The change from “Major Institutional” to “Mixed Use” is appropriate for the following reasons:

- Mixed Use designation allows for a broad range of uses including residential, commercial and institutional and it will contribute to the establishment of the Urban Centres.
- The subject land is located within the Major Transit Station Area, and a Mixed-Use designation allows to create a diverse and vibrant urban community along with a more efficient use of transit within the Urban Centres.
- The proposed development is located along the Regional Corridor (Davis Drive) and the Major Transit Station Area and is in line with the York Region Official Plan intensification policies.
- The permitted uses within the Mixed Use designation are also applicable to the Priority Commercial Areas and will encourage an animated and active streetscape along Davis Drive.

Density

The requested increase in FSI is described in the chart below. The applicant is not seeking an increase in the height permitted in the UCSP, which is measured in storeys. They have requested an adjustment to the height in the zoning by-law, as it is measure more precisely in metres.

| Building | Designation | Permitted Height | Permitted FSI | Request |
|-----------------|---------------------|-------------------------|----------------------|----------------|
| North | Low Density | 2-6 storeys | 1.5 to 2.0 | FSI of 2.19 |
| South | Medium-High Density | 4-15 storeys | 2.0 to 3.0 | FSI of 5.69 |

Located within the Urban Centres Secondary Plan boundaries and a Major Transit Station Area, this land consolidation represents an opportunity for appropriate infill and

intensification to reflect the Town's vision for this area as expressed in the Urban Centres Secondary Plan. Therefore, the increase in density for both buildings is appropriate for the following reasons:

- It is not uncommon to exceed maximum FSI, especially when the lands are located within Urban Centres Secondary Plan and Major Transit Station Areas.
- The north building provides for a transition in density from the low density residential on north side of the development to the medium-high density at Davis Drive.
- The greater FSI creates opportunity to provide greater variety in the unit mix than is currently available in Newmarket.
- The proposal provides an appropriate amount of on-site indoor and outdoor amenity areas.
- The proposed FSI is not considered an over development of the site as the proposed building heights are generally accommodated within the building envelope outlined by the Zoning By-law, including providing for sufficient parking, and complies with the maximum number of stories for both buildings.

Angular Plane and Shadow Study

The Secondary Plan requires that applications in the Urban Centres Secondary Plan to demonstrate that the proposed development allows for a minimum of 50% of daily sunlight (measured from 1.5 hours after sunrise and 1.5 hours before sunset) onto public spaces during the summer solstice (June 21). In this case there is also a low residential unit immediately to the north of the subject site. The USCP requires a 45-degree angular plane from the property lot line on north side of the development. The purpose of the angular plane is to achieve a height transition to adjacent uses, minimize overlook and shadow impacts.

The 45-degree angular plane has met almost all across north side of the north building which is adjacent to the open space and low-density residential. A small portion of this building intrudes into the required 45-degree angular plane. The Shadow Study notes that the shadows from the proposed development pose minimal impacts on neighbouring streets and adjacent properties. Specifically, on June 21 the shadow impacts of the 6-storey building fall largely to the east and west of the building. No impact is found on the properties to the north and little impact is found to the south building of this development, see figure 3. Therefore, the shadow study conforms with the general policies of the Urban Centres Secondary Plan.

The Secondary Plan Angular Plane policies do not apply to the frontage of Davis Drive. Therefore, angular plane is not applicable to the south building.



June 21, 7:36 AM



June 21, 6:36 PM

Figure 3 Shadow Study

Affordable Housing

Section 6.4.3 of the Secondary Plan requires a minimum of 25% of new housing units in the USCP area outside of the Provincial Urban Growth Centre to be affordable to low- and moderate-income households. This is comprehensive of all development applications within the USCP area and may not necessarily be achieved by each individual application.

The proposal will add one-, and two-bedroom apartments plus den to the mix of available housing forms in Newmarket.

Staff continues to review the affordable housing requirements with the applicant and recommends that a holding provision be applied to the zoning by-law until such time as staff is satisfied that the affordable housing policies are achieved.

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 through the site plan approval process.

Town of Newmarket Zoning By-law 2019-06

All of the properties but one are subjected to Zoning By-law 2019-06. Despite being located within the Urban Centres Secondary Plan, 39 Bolton Avenue is regulated by Zoning By-law 2010-40. Through this application, the property will be brought into Zoning By-law 2019-06.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site-specific zone to reflect the intended land use, increase the FSI,

increase the building heights and reflect site specific development standards regarding angular plane, loading spaces, and encroachments for balconies.

| Building | Standard | From | To |
|-----------------|-----------------|-----------------------|--------------------|
| North | Permitted Use | Site Specific 9, R1-D | 6 storey apartment |
| | Height | 20 metres | 21.5 metres |
| | FSI | 2.0 | 2.19 |
| South | Height | 38 metres | 50.5 |
| | FSI | 3.0 | 5.69 |

Two of the properties within the north block are zoned Mixed Use (MU-1) by Zoning By-law 2019-06 and the other two properties are zoned R1-D and Site Specific (9). The proposed residential use is permitted in the Mixed Use zone, and the applicant is proposing to rezone the R1-D and SS(9) to MU-1.

The properties within the southern area of the subject land are zoned Mixed Use (MU-2) by Zoning By-law 2019-06. The proposed mixed use building (commercial and residential) is permitted in this zone, therefore, an amendment is not required in this area for the land use.

The applicant is proposing a portion of the property to be amended to OS zone in order to be connected to the proposed Open Space as per Schedule 6 of the Urban Centres Secondary Plan.

Servicing Allocation

To date, servicing capacity 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 that 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;
- Clean Record of Site Condition to be acknowledged by the Ministry;

- Completion of a Noise and Vibration Study and a Zone of Vibration Influence Report;
- Addressing the affordable housing policy to the satisfaction of Town staff;
- Design of the proposed cross section of the POPAR to the satisfaction of the Director, Engineering Services; and,
- Addressing the erosion comments to the satisfactory of the Lake Simcoe Region Conservation Authority.

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 specific zoning for the site, if approved. An application to remove the Holding Provision would also be required. A Draft Plan of Condominium or Condominium Exemption application will be required, if the buildings are to be condominium in tenure.

Development Considerations

Parking

The Zoning By-law requires a total of 841 parking spaces, including 687 for the residents 115 for visitors and 39 for commercial uses. This section of the Zoning By-law has not been requested to be amended; therefore, the applicant will be required to demonstrate compliance with parking requirements of the Zoning By-law 2019-06 at the Site Plan stage. The applicant has committed to meeting the requirements of the Zoning By-law through three levels of underground parking.

Pedestrian connectivity

The Town has long term plans to build a trail on the west side of the creek (Active Transportation Plan). The applicant has proposed two pedestrian connections to this future trail. One path comes from Bolton Avenue and one from Davis Drive. Ultimately, the trail will connect to the existing path along East Holland River and Red Deer Street Open Space. Schedule 5 of the Urban Centres Secondary Plan proposes an intersection with the hospital on Davis Drive. When the road connection is achieved, further pedestrian connection will be created. These multiple pedestrian connections into the site will help achieve the walkable community envisioned by the UCSP.

Future Local Road

As per Schedule 5 of the UCSP, developments in the Urban Centres will contribute to the completion of the street network which shall be integrated into the existing street and block

network to facilitate a balanced movement system for pedestrians, cyclists, transit riders and motorists.

The street network within the Urban Centres, where feasible, will be planned to create walkable blocks that provide direct pedestrian and vehicular access to Davis Drive by providing a street network that ensure connectivity. The UCSP also allows for the alignment of new streets within existing property boundaries to optimize development potential.

A future local road (on Schedule 5 – Street Network) is identified on the subject land and the location is proposed to be amended to optimize the development and feasibility of the road due to grading constraints. After discussions with staff, the applicant is proposing a 10.5 metre wide right of way for vehicular access to the subject land from Bolton Avenue. Ultimately, this access will be connected to Davis Drive through potential redevelopment of the parcels along Davis Drive (mainly 637 and 641 Davis Drive). An easement in favour of the Town will be provided over the 10.5 metre wide right of way and will serve as a POPAR (Privately Owned Publicly Accessible Road).

A few concerns were raised during the Public Meeting that was held on April 29, 2024 regarding the proposed future road that connects Bolton Avenue to Davis Drive and the necessity of the road was questioned. Two different views were discussed: one being that the road will increase the volume of vehicular traffic in the area (concern about infiltration) and the other referred to the importance of the road to reduce the traffic volume (importance of connectivity).

Planning and Engineering Services are of the opinion that this road is required to properly connect the new blocks within the UCSP to the existing blocks (north of Davis Drive). The proposed road is a result of background traffic studies for the Urban Centres Secondary Plan and was proposed as a traffic operations improvement to provide continuous, alternative routes in the area.

Staff believe the road serves the interest of the existing community to have another full move intersection at Davis Drive. This provides an additional full moves access at Davis Drive for those who already live in the neighbourhood as well as an alternative access to the future residents of 615 Davis Drive.

Parkland Dedication

The Parkland Dedication By-law allows the parkland requirement to be satisfied primarily through cash-in-lieu provisions, however, for properties over 1,000 square metres within the Urban Centres, such as the subject land, the By-law also requires a contribution of physical land as well (either 7.5% of the developable site area, or a 75 square metres along a public street). Pedestrian connections and trails can also satisfy this requirement. The applicant is proposing a trail to be dedicated to the Town and pedestrian connections. The configuration of the trail and pedestrian connections will be determined at Site Plan

stage. The remaining Parkland Dedication will be satisfied by cash in lieu, 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 there are no concerns with the approval of the applications.

The applications support the goals of the Official Plan and Urban Centres Secondary 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 the Holding provisions.

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.

York Region

York Region reviewed this application and defer to the LSRCA regarding natural hazard and natural heritage matters. Otherwise, they have no objection to the application. York Region continues to encourage the applicant to consider including affordable housing and rental units that contributes towards achieving York Region's and Newmarket's affordable housing and rental targets. In accordance with York Region Official Plan 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.

LSRCA

Lake Simcoe Region Conservation Authority has reviewed the application and has advised the applicant to update the slope stability analysis. Staff recommend that Holding Provision (H) be placed on the Zoning By-law Amendment to satisfy the LSRCA comments.

Effect of Public Input

A Statutory Public Meeting was held on April 29, 2024. This meeting provided the public and interested persons an opportunity to comment on the application.

Staff received comments from the public before, during and after the public meeting. The majority of the comments from the public were regarding traffic issues arising from this development and the existence of the future road. Some residents expressed concern over the presence of the road and perceived a negative impact to the neighbourhood, while other residents supported the road and envisioned greater connectivity to Davis Drive. The necessity of the proposed road has been further explained in the “Future Local Road” section of this report. Moreover, the applicant has proposed an interim solution to address the traffic concerns raised by the residents. The interim solution to be put in place until the connection to Davis Drive is made is to restrict egress traffic from traveling north on Bolton Avenue. Southbound and northbound traffic could still enter the site from Bolton Avenue. When the connection to Davis Drive is made, a traffic study will be conducted to determine if the restriction on turning north while exiting the site is still appropriate. It is important to note that the public seems to be of two opinions when it comes to the local road contemplated by the Urban Centres Secondary Plan. Some residents were of the opinion that this future road will help alleviate traffic, while others believed it will worsen the traffic situation in the area.

There were other concerns regarding future developments on Davis Drive and Bolton Avenue. 43 Lundy’s Lane (76-unit apartment building) and 603 Davis Drive (assisted living and memory care building) are two other applications in the area. The former has an approved zoning by-law amendment and is currently finalizing the Site Plan application. The latter’s Site Plan application was approved. Residents of the neighbourhood are concerned that these three developments (including the proposal in the subject land) will adversely affect the traffic flow. Engineering Services staff have reviewed the submitted documents and are of the opinion that the traffic modelling properly forecasts traffic generated from all three of the applications. Staff believe the existing road network and the signalized intersection at Davis Drive, Lundy’s Lane and Prospect Street would continue to have acceptable traffic operations, however, the Future Local Road connection identified in the Secondary Plan at the signalized intersection at the hospital would benefit the overall network.

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

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 – Proposed Official Plan Amendment

Appendix 4 – Proposed Zoning By-law Amendment

Submitted by

Aida Hosseinzadeh, Intermediate Planner, Development, Planning & Building Services

Approved for Submission

Adrian Cammaert, MCIP, RPP, Manager, Planning Services

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

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Contact

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