



Town of Newmarket
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175 Deerfield Road – Zoning By-law Amendment Application Staff Report

Report Number: 2018-62

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: September 17, 2018

Recommendations

1. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1;
2. That staff be authorized and directed to do all things necessary to give effect to this report;
3. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
4. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

Purpose

On August 27, 2018 Committee approved in principle the Zoning By-law amendment application for 175 Deerfield Road, file number D14-NP17-20. This report is a companion to Report 2018-61, titled Incentives for Affordable and Rental Housing on this agenda, in which incentives for the development are proposed.

This matter has been presented to Committee at the August and September 2018 meetings through two sets of reports in order to divide (1) the question of the application on its merits to be decided in light of the requirements of the *Planning Act* from (2) the question of incentives as a corporate strategic decision to secure community benefits as supported by the Urban Centres Secondary Plan (“UCSP”).

Background

Committee of the Whole adopted preliminary Planning and Building Services Report 2018-17 on March 19, 2018, to refer the Zoning By-law Amendment for 175 Deerfield Road (the “subject lands”) to a statutory public meeting. On August 27, Committee adopted the recommendations of Report 2018-52 regarding Incentives for Affordable and Rental Housing, approving the application, and directed staff to prepare a by-law to enact the approval. Report 2018-52 also discussed incentives that were requested by the applicant in order for the Town to secure community benefits as part of the development.

As Committee has approved the overall application, this report presents the By-law to enact the approval and in particular provides the list of community benefits that will be secured as a condition of approval if Committee grants the requested incentives.

Other relevant reports

- [Preliminary Report \(Item 7\)](#)
- [Recommendation Report](#)

Discussion

Section 37 of the *Planning Act* authorizes municipalities to permit increases in height and density in exchange for certain community benefits or cash-in-lieu of the same. The benefits that are eligible for such bonusing are set out in Section 14.2.9 of the UCSP.

The applicant has proposed to employ Section 37 to increase the height and density of the development as is permitted by the UCSP. As particular community benefits to justify the increase in height and density the applicant has proposed the benefits discussed in Report 2018-61.

This report presents only the Amending Zoning By-law to enact the approved development. The development standards, use, and holding provisions are in line with those presented Report 2018-52. The recommendation for Committee is to enact the By-law with the Section 37 (required community benefits) provisions. The rationale for these incentives is discussed in Report 2018-52 and Report 2018-61 and this report provides only the By-law for Committee to consider.

This By-law includes Section 37 community benefits that will be secured as a condition of the increased height and density, and in exchange for this increase and the financial incentives. These benefits include:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium

- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area

Conclusion

The application acceptably meets the policies of the Urban Centres Secondary Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

The application has been sufficiently improved from the initial submission that staff recommend its approval, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

The community benefits listed in the By-law will be secured through the use of Section 37 agreement and other agreements, as required.

Business Plan and Strategic Plan Linkages

Well Balanced

- Meeting the needs of all life-cycle stages

Well-equipped & managed

- Varied housing types, affordability and densities

Consultation

The zoning by-law amendment application has been provided to the Town's review partners per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the *Planning Act*.

A statutory public meeting was held in April of 2018. Following this meeting a revised submission was provided to the Town in May of 2018, which was also circulated for review and provided for comment to members of the public who had provided comments.

This report has been provided for review to the Senior Leadership Team and to staff from Legal Services and Financial Services.

Human Resource Considerations

None.

Budget Impact

The adoption of one of the attached By-laws will have no direct financial impact. The financial impact of the requested incentives is discussed in Report 2018-61.

Attachments

- Attachment 1: Amending Zoning By-law

Approval

Ted Horton, Planner

Richard Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

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