



Planning and Building Services

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November 28, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT
2016-25**

TO: Committee of the Whole

SUBJECT: **Application for Zoning By-Law Amendment,
178, 180, 184, 188, 190 and 194 Main Street
Main Street Clock Inc.
Files: D14 NP 13-19**

ORIGIN: Application Submitted to the Planning Department

RECOMMENDATIONS

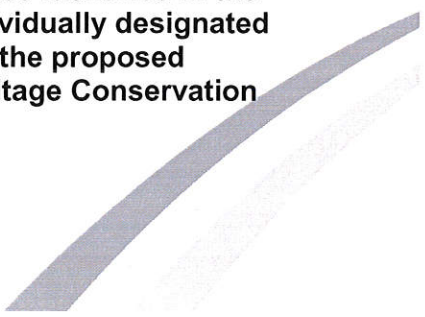
THAT Development and Infrastructure Services – Planning and Building Services Report 2016-25 dated November 28, 2016 regarding application for Zoning By-law amendment be received and the following recommendation(s) be adopted:

1. THAT the application for Zoning By-law amendment, as re-submitted by Main Street Clock Inc. for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be approved subject to the following recommendation;
2. AND THAT the implementing by-law restrict the height of development fronting on Main Street to 5 storeys including step backs and restrict the height of development on Park Avenue to 7 storeys including step backs.
3. AND THAT Chris Bobyk, The Forrest Group 590 Alden Road, Suite 211, Markham, ON L3R 8N2 be notified of this action.

Executive Summary

Staff have reviewed the development proposal for the subject lands against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy framework as it relates to providing desirable residential dwellings in the downtown core, creating complete communities, revitalizing commercial storefronts, preservation and restoration of the designated Post Office building and conservation of the historic facades on Main Street in accordance with accepted heritage conservation practices.

It is the position of staff that this proposal does not fully meet the intent of the Provincial, Regional and local policy framework as it relates to the protection of heritage resources identified in the Lower Main Street South Heritage Conservation District (HCD) Plan and individually designated under the Ontario Heritage Act. In particular, it is the massing and height of the proposed development that would be in conflict with the heritage attributes of the Heritage Conservation

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District and individually designated structures. The building, as proposed, would appear to dominate the streetscape, in particular from distant views identified in the HCD Plan.

As discussed in the body of this report, it is staff's opinion that 4 storeys on the Main Street frontage and 6 storeys on the Park Avenue frontage (including step backs) could be appropriately accommodated on the subject lands and would meet the intent of the HCD plan by generally keeping the height on Main Street consistent with the roof of the Post Office and providing the majority of the massing on Park Avenue distanced away from Main Street and the Post Office clock tower.

However, recognizing competing interests, the positive attributes of the proposal and comments from the professional heritage planners, staff support greater development at a scale that would not negatively impact the heritage attributes of the district. It is staff's opinion that an additional fully glazed storey above the 4th storey on Main Street and an additional fully glazed storey above the 6th storey on Park Avenue can be accommodated while not negatively impacting the heritage attributes of the HCD. Therefore, staff recommend Council pass a by-law that imposes a height maximum of 5 storeys on Main Street and 7 storeys on Park Avenue including the discussed step backs and design materials.

COMMENTS

Introduction

Application for zoning bylaw amendment had been submitted for lands municipally known as 178, 180, 184, 188, 190 and 194 Main Street South in September 2013. A number of reports have been submitted to Council outlining the proposal and referring the application to public sessions. As with most applications to change or modify a land use, there are a number of competing interests that need to be identified and considered to ensure any recommendations made are in the public interest. This comprehensive report intends to address all outstanding comments and issues and reviews the application against all relevant local, Regional and Provincial policy. Some sections of this report are reiterated from earlier reports to ensure Council have one comprehensive report containing all relevant information.

Location

The subject lands are located on the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street (See Location Map attached).

Proposal

In April 2016, Main Street Clock Inc. re-submitted materials in support of the zoning by-law amendment to amend the existing Historic Downtown Urban Centre (UC-D1) zone to permit a mixed use development on the subject lands. This is the second formal revision to the original plan submitted. The original submission contemplated a 6 storey mixed use building consisting of 150 Residential units above 10 units of ground floor commercial and two levels of underground parking (173 spaces) while retaining the historic Post Office/Clock Tower building. Prior to the statutory public meeting being held, in part to address the concerns of heights in excess of three storeys on Main Street, a revised plan was submitted that proposed

three storeys on Main Street and increased the proposed height along Park Avenue to 9 storeys. The number of units and proposed parking remained the same.

This most recent resubmission in April 2016 proposes to develop the property for a 7 storey mixed use building with a total of 165 apartment units and 5 retail units along Main Street. Underground parking continues to be proposed extending under the existing library parking and a portion of the Market Square parking lot and provides for 199 parking spaces (1.2 spaces per unit). The plan has also increased step-backs on upper levels to assist in mitigating the massing. The proposed design is discussed further below in this report.

In all cases, the three buildings south of the Clock Tower (184, 188, 190 and 194 Main Street South) are proposed to be demolished and redeveloped however opportunities to preserve the façades in situ as well as dismantling and rebuilding have also been considered though the Heritage Impact Assessment. The proposal also contemplates the conveyance of a parcel of Town owned land in the northeast corner of Market Square. This parcel is currently grassed and used for utility boxes. The proposal also contemplates the conveyance of private lands within the Market Square Parking lot to the Town to be continued as public parking.

Documents included in the resubmission include a revised drawing set (including site plans, floor plans elevations and perspective drawings), updated Heritage Impact Assessment, updated Planning Justification Report, shadow studies, traffic and parking update as well as a response to a number of comments that have been proffered.

The Town held a further public meeting on May 9, 2016. The public comments are discussed below under Community Consultation.

Places to Grow

The Growth Plan for the Greater Golden Horseshoe 2006 (“Growth Plan”) provides a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Directions for where and how to grow, the provision of infrastructure to support growth and protect natural systems as well as cultivate a culture of conservation are matters of provincial importance and are identified in this plan. Regional and municipal plans are required to conform with the Growth Plan.

The Growth Plan conceptually locates an Urban Growth Centre in Newmarket Centre, the boundaries of which are delineated in the local Official Plan. The Growth Plan sets a target of 200 residents and jobs per hectare for the Newmarket Centre Urban Growth Centre.

Intensification areas, such as urban growth centres, intensification corridors and major transit station areas will become the focus of cumulative growth for both population and employment as identified in the Newmarket Urban Centres Secondary Plan. While this proposed development is not required for the Town to meet the intensification targets set, the proposal conforms to the Provincial Growth Plan.

Provincial Policy Statement (2014)

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 PPS is meant to be read in its entirety and no one section of the PPS overrides others.

The first section of the PPS (Policy 1.0) relates to building strong communities. The preamble to this policy provides "Ontario's long-term prosperity, environmental and social well-being depend on wisely managing change and promoting efficient land use and development patterns".

Policy 1.1.1 sets out how "healthy, liveable and safe communities are to be sustained". This includes "promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term" and "accommodating an appropriate range and mix of residential...employment...recreation, park and open space and other uses to meet long term goals".

Policy 1.1.2 provides "sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years." And that this land shall be made available "through intensification and redevelopment, and, if necessary, designated growth areas".

Policy 1.1.3.1 provides "settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted". "Settlement areas" are defined as "urban areas...within municipalities... that are (a) built up areas where development is concentrated and which have a mix of land uses; and b) land which have been designated in an official plan for development over the long term planning horizon...".

Policy 1.1.3.2 provides land use patterns within settlement areas shall be based on (a) densities and a mix of land uses which efficiently use land and resources (b) are appropriate for and efficiently use the infrastructure which are planned and available (c) minimize negative impacts to air quality and climate change, and promote energy efficiency (d) support active transportation (e) are transit-supportive where transit is planned, exists or may be developed.

Policy 1.7.1 provides that long term economic prosperity should be supported by ...maintaining, and where possible, enhancing the vitality of viability of downtowns and mainstreets; encourage a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character including built heritage and cultural heritage landscapes;

The application for redevelopment of the subject land is consistent with the Building Strong Communities Section of the Provincial policy Statement. While the redevelopment of the subject lands are not required for the Town to meet growth targets, the proposal would contribute to providing a range of housing options in the downtown area and could efficiently utilize existing services and is transit supportive. The proposal

could enhance the vitality and viability of downtown by providing residential units in close proximity to the amenities offered as well as enhanced retail space. The proposal intends to conserve the heritage defining attributes of the designated Clock Tower building and the facades of the 19th century commercial buildings. Some concerns remain on the impact of the proposal on the Cultural Heritage Landscape which is further discussed under “Heritage Impact”.

Policy 2.6 – titled “Cultural Heritage and Archaeology” relate to the conservation of cultural heritage and in particular the following policies relate to built heritage.

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved.

To understand the above policies better, the related definitions are provide below.

“Built heritage resource” means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

“Conserved” means the identification, protection, management and use of *built heritage resources, cultural heritage landscapes and archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

“Cultural heritage landscape” means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

“Heritage attributes” means the principal features or elements that contribute to a *protected heritage property’s* cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

“Protected heritage property” means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the

Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

“Significant” means, in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

The PPS would consider the Lower Main Street South Heritage Conservation District a Significant Cultural Heritage Landscape that must be conserved. By definition, conservation includes the identification, protection, management of the cultural resource in a manner that ensures their cultural heritage value or interest is retained. To ensure consistency with the PPS Council must consider the impacts the proposed development will have on the protected heritage properties within the District as well as the individually designated Clock Tower building at 178 and 180 Main St South. It is staffs opinion that the development as proposed would have negative impacts on the significant Cultural Heritage Landscape being the Lower Main Street South Heritage Conservation District. This is discussed below under the heading “Heritage Impact”.

In reviewing the PPS there are a number of overall goals with no one policy taking precedence over another and that the PPS is to be reviewed in its entirety. What this report and Council must consider is: Can the provincial goal of intensification be achieved while meeting the provincial goal of heritage conservation? It is staff’s position that both can be suitably achieved however modifications to the heights and massing of the proposed development need to be implemented to ensure appropriate conservation of the district heritage attributes.

York Region Official Plan

York Region Council adopted the current York Region Official Plan (YROP-2010) in 2009; the Minister of Municipal Affairs and Housing approved the Plan in 2010. The Official Plan has been appealed to the Ontario Municipal Board, and is partially in effect. While appeals are still outstanding, the relevant policies for the Subject Lands are in effect, and therefore this plan is applicable to the Subject Lands.

The lands subject to this application are designated Urban Area on Map number 1 of the YROP.

Section 3 of the YROP discusses Healthy Communities indicating that Healthy Communities are places where people can live, work, play and learn in an accessible and safe environment.

This section encourages a community design that reduces the amount of automobile dependency to combat obesity and promote active lifestyles. The Plan encourages a high quality urban design and pedestrian friendly communities that provides safety, comfort and mobility so that residents can walk to meet their daily needs.

Section 3.4 of the YROP titled Cultural Heritage promotes cultural heritage activities and the conservation of cultural heritage resources. The Region encourages local municipalities to adopt official plan policies to conserve significant cultural heritage resources and ensure that development and site alteration on adjacent lands to protected heritage properties will conserve the heritage attributes of the protected heritage property.

Section 3.5 discusses the housing market and the need and demand for a broader variety of housing types, sizes and tenures to meet the diverse range of needs of the Region's residents and workers. This section also encourages the construction of new rental units with a full mix and range of unit sizes, including family sized and smaller units.

Section 4 of the YROP titled Economic Vitality has the goal of creating a competitive and flexible economic environment that encourages investment and a diversity of employment opportunities. One aspect of this Section discusses retail trade identifying it as an essential component of a healthy economy.

Policy 4.4.1 requires that retail be designed to be walkable, transit-supportive, and integrated into communities and pedestrian and cycling networks, with high-quality urban design.

Policy 4.4.2 requires the Region to work with local municipalities to improve urban design in new retail developments and to identify opportunities for the intensification and revitalization of existing retail.

Policy 4.4.3 requires the Region to work with local municipalities to identify and protect the historical main streets in the Region.

Section 5.0 titled An Urbanizing Region: Building Cities and Complete Communities has the goal of enhancing the Region's urban structure through city building, intensification, and compact and complete communities. In particular, Section 5.3 titled Intensification, has the objective to create vibrant and sustainable urban areas. This can be achieved in part by having transit oriented development and that intensification projects be planned and designed to achieve an appropriate transition of built form to adjacent areas. This section also indicates that retail structures shall include, where appropriate as determined by the local municipality, mixed-use, multi story buildings, and public meeting spaces in order to support the planned urban structure and density targets of the Regional plan.

The York Region Official Plan offers Regional policy direction while providing guidance to local municipalities in their decisions from economic, environmental and community building perspective. The policies of the YROP must be considered together to determine conformity. The Plan is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposal for redevelopment on the subject lands generally conforms to the YROP policies as they relate to creating a complete community through the development of transit oriented apartment units and revitalization of existing retail development. Some conformity concerns relate to the conservation of significant cultural heritage resources and the impact this proposal could have on the heritage attributes of the Lower Main Street South Heritage Conservation District. Impacts to the Heritage Recourses are reviewed in detail further in this report.

Official Plan Considerations

One of the goals and strategic directions of the Plan is the protection and enhancement of the natural and cultural heritage of the Town. Section 1.3.2 indicates that the protection of the Town's cultural heritage will be a priority for the Town and that the preservation, restoration and utilization of the Town's heritage resources is vital for the retention of the Town's cultural identity.

Section 1.3.6 under the strategic directions entitled *Revitalization of the Historic Downtown* indicates that the Historic Downtown is the traditional Central Business District of Newmarket and that there is significant opportunity for growth and change that would facilitate the achievement of the Plan's strategic directions. Additional development in this area would achieve the sustainability goal by providing an opportunity to live close to services without the need to burden the road system. The Official Plan goes on to indicate that with additional development, the rich history of the area will be protected for the enjoyment of residents as the Plan builds on the Newmarket Historic Downtown Community Improvement Plan. The mix and design of retail and service, office, institutional, entertainment, recreational and residential uses located along Main Street will continue to foster a sense of vibrancy and community in the Historic Downtown at an Urban Scale in harmony with the rich heritage of the surrounding residential neighbourhoods.

The Subject Property is designated Historic Downtown Centre on Schedule A - Land Use Plan to the Town's Official Plan.

The Historic Downtown Centre designation permits a number of uses including residential uses up to 80 units per net hectare. The Official Plan allows for greater densities provided background studies demonstrate that the proposed development will not create an unacceptable level of traffic, and will be compatible with the existing surrounding development. To demonstrate this, the Official Plan requires a number of studies to be submitted including a Shadow Impact Study, Traffic Impact Study, Heritage Impact Assessment, Environmental Site Assessment, Functional Servicing Report and Planning Justification Report discussed further in this report.

Section 11 of the OP discusses Cultural Heritage Resources indicating that the Downtown Centre is the focal point of the Town's Cultural Heritage and that the plans policies anticipate additional development that will enhance the rich history of the Historic Downtown Centre. The objectives of this section read:

It is the objective of the cultural heritage resources policies to:

- a. conserve significant built heritage resources and significant cultural heritage landscapes;
- b. ensure that all new development has regard for cultural heritage resources and appropriately accommodates such resources in development and redevelopment proposals;
- c. ensure that cultural heritage resources are appropriately recognized through designation pursuant to the Ontario Heritage Act; and,
- d. ensure that the cultural heritage of the Historic Downtown Centre is protected for the enjoyment and edification of existing and future Town residents and visitors.

The Official Plan policies under this section indicate that where an area is designated as a Heritage Conservation District, partial demolition, alterations, renovations, repairs, or additions may be allowed provided that the proposed changes are compatible and consistent with the building and its heritage attributes. Infill buildings must also be compatible with the surrounding buildings and streetscape. In both cases, compatibility may include building materials, colour, height, scale and design.

Development and site alteration on adjacent lands to a protected heritage property designated under Parts IV, V and VI of the *Ontario Heritage Act* may require, at the discretion of Council, or as provided for in an

approved Heritage District Plan, a Cultural Heritage Impact Assessment to evaluate and demonstrate, to the satisfaction of the Town, in consultation with Heritage Newmarket, that the heritage attributes of the designated heritage property will be conserved.

Development and site alteration adjacent to a protected heritage property shall be designed to conserve, be compatible with, and minimize the impact on the identified heritage attributes of the designated heritage property.

One of the Official Plan's primary goals is to revitalize the Historic Downtown. Policies related to this portion of Main Street encourage improvements in the form of infill development and rehabilitation that is at a scale that retains the historic character of the area and conserves heritage attributes of the protected properties. The plan encourages retail uses at grade along Main Street with residential units on the upper floors and encourages pedestrian activity by providing adequate links to Main Street and landscaped sidewalks.

The Official Plan encourages appropriate residential and commercial redevelopment in scale with the historic character of Main Street South. The appropriateness of the scale of the proposal is further discussed under Heritage Impact below.

Zoning Bylaw Considerations

The subject property is currently zoned Historic Downtown Urban Centre Zone (UC-D1) by comprehensive zoning By-Law 2010-40. The UC-D1 zone includes an apartment building as a permitted use. The performance standards for this zone have a minimum height of 2 storeys and a maximum height of 3 storeys, a minimum floor space index of 0.5 and a maximum floor space index of 1.0. There are no yard setbacks in this zone category as many of the existing buildings are built to the lot lines.

The applicant is proposing to amend the existing zoning on the property to allow for a 7 storey building stepped back from Main Street with a floor space index of 2.9. The Proposal seeks to lessen its height impact on Main Street South and the surrounding community through a series of step-backs. The Proposal includes a 4.0 m step-back of the building façade above the second-storey, and an additional 0.95 m and 2.66 m step-back above the fourth and sixth-storeys respectively along Main Street South. The Proposal also includes a 1.53 m and 2.81 m step-back above the third-storey and sixth-storey respectively along Park Street.

The step-backs as described above are detailed in the elevations and cross sections in the appendix of this report. Significant separation distance has been included around the clock tower itself lessening the impacts on this heritage designated building. The proposed step-backs on Main Street do give some distinction to a Main Street façade of 2 storeys however floors above the second will remain visible and could have impact on the heritage character of the area.

Relief from the parking requirements is also being requested. The current zoning By-law would require 1.75 parking spaces per unit which equals 289 spaces for the proposed 165 apartment units. The applicant is proposing 199 spaces which amounts 1.2 spaces per unit. The parking analysis is provided further in this report.

The proposed commercial units that are replacing existing units will not have parking requirements associated with them, as permitted by the zoning by-law.

If Council were to approve a zoning By-law amendment for this site, it is recommended that the Holding Provision be included in the zoning By-law to be removed once certain conditions are satisfied. Before the Holding provision is removed, the applicant will be required to demonstrate that a site plan agreement has been entered into; a Record of Site Condition has been filed, adequate downstream sanitary sewage capacity is available, servicing allocation has been granted by Council, any necessary land transfers have occurred and any other requirements of the town and agencies have been addressed.

Heritage Impact

Heritage Conservation District

Council passed By-law 2013-51 in October 2013 to implement the Heritage Conservation District Plan for Lower Main Street South. The applicant for this proposal appealed the designation by-law as it relates to the properties under application for development. The Ontario Municipal Board appeal is further discussed below. While the Lower Main Street South Heritage Conservation District Plan (District Plan) is currently not in place for these specific lands, development on these lands impact the district as a whole and necessarily need to be considered when evaluating the proposed development. It should be noted that the former Post Office building is individually designated under the Heritage Act.

Purpose

The purpose of the Heritage District Plan is to establish a framework for assessing and guiding proposals by private property owners and the municipality's proposals for public works to ensure that change contributes to the district character. The Plan also lists the types of proposals requiring heritage review, offers guidance on building conservation, gives guidance on adapting existing buildings and identifies where new compatible construction would be appropriate.

Types of Buildings

The District Plan identifies three types of buildings and provides guidelines for each building type in the proposed district. The building hierarchy are those that are Historic, those that are complementary to the district and other buildings that are neither historic nor complementary. The Clock Tower building at the southwest corner of Main Street South and Park Avenue is identified as a Historic Landmark Building. The remainder of the buildings under this application are designated Historic Commercial buildings with the exception of a small infill building at 190 Main Street filling in what used to be an alley space between 188 and 194 Main Street which is designated as neither historic nor complementary.

Goal of the Plan

The overarching goal of the District Plan is to revitalize the Lower Main Street South District while preserving its historic character. The Plan has a number of objectives and policies to achieve this goal. The policies of the District Plan, specifically as they relate to buildings identified as historic (Historic Landmark buildings and Historic Commercial buildings), supports the retention of historic buildings in the district. If a property owner proposes to demolish a building, a heritage impact assessment may be required to ascertain whether there are alternatives to demolition. The Town is not obligated to issue a demolition permit.

Plan Policies

The District Plan also contains policies in relation to new construction. This section of the Plan indicates that the Town will favour proposals for new construction where:

- building height is not less than two storeys and not more than three storeys and is complementary to adjacent historic buildings and the streetscape;
- there is zero front yard setback and zero side yards;
- the facade shows a vertical orientation (or vertical directional emphasis) by segmenting the mass of the building into units of two or three bays across and by placing windows that are taller than they are wide in the upper floor;
- the ground floor of the facade is mostly taken up by plate glass display windows, the upper floor (or floors) shows a rhythm of windows spaced across the wall, and clay brick of light buff or red colour clads ground-floor piers and the upper-floor wall;
- floors align, or align approximately, with floors of adjacent historic buildings, allowance being made for changes in grade on the Main Street South hill;
- the facade is surmounted by a flat roofline, either a decorative brick cornice or a decorative brick parapet;
- signage is integrated into the ground floor design; and,
- at corner locations, the design addresses the corner and presents two street facades.

The appropriateness of any new design would be demonstrated through a heritage impact assessment in which the impact of the new design on adjacent historic buildings, the streetscape and the district is assessed. A heritage impact assessment has been submitted for this application and discussed further in this report.

Views

The HDC Plan discusses the importance of the protection of views to, from and within the district. Specifically, the Plan indicates the Town will review applications for their potential impact on existing views including views of the district's four landmark buildings, one of which being the Clock Tower.

Guidelines

The HDC Plan also contains a number of Guidelines identifying minor improvements to the Post Office building such as filling in holes in the brick work where flag poles and window shields were once mounted. The Guidelines also provide a four step process for approaching improvements or restoration of Historic Commercial Buildings. Section 5.6 of the Plan identifies guidelines for New Construction which are based on the policies for new construction identified above.

The HDC Plan provides a number of suggestions for buildings within the district which are provided below for the properties that form this application. The applicant has indicated that they will integrate heritage facades as part of the redevelopment where feasible. It is noted that the submitted Heritage Impact Assessment also recommends that some form of integration of the existing heritage structures/facades into the development be considered.

184 Main Street South – The Plan recommends that after the siding is removed from the storefront and upper floor and the roughcast plaster beneath is exposed, restoration based on historic photographs and the fire insurance plans should occur. This is one of the district's few buildings where a plaster finish – authentic roughcast and not synthetic EIFS – is recommended. The restored plaster finish should be left in

its natural state and not tinted with colour, as was typical, unless there is evidence in the underlying roughcast plaster of a colour tint.

188 Main Street South – The Plan recommends that the siding on the ground floor and upper floor should be removed. If the underlying brick veneer is not irretrievably damaged, restoration based on historic photographs should occur.

194-196 Main Street South – Historic photographs show that No. 194 is an identical building to No. 196. The siding covering No. 194 should be removed, and restoration of the upper floor and storefront should proceed if the underlying brick is not irretrievably damaged.

As noted above, the current proposal by the developer for the conservation of the heritage attributes of the buildings under application includes retaining the facades in situ if possible, or removing/dismantling the facades in accordance with heritage conservation practices and rebuilding the facades from the retained material. If this application is approved, a heritage conservation plan will be required which will detail the proposed methods of ensuring the heritage attributes are conserved.

The proposal by the applicant for redevelopment of these buildings on Main Street South would assist in the revitalization of Downtown Newmarket by providing a number of residential units in the core and retention of commercial space on Main Street South as encouraged by the Plan. However, the proposal does not meet policies of the Heritage Conservation District Plan by exceeding the 3 storey height recommendation for new construction within the district. To assist in the on-going review of the application against the HCD Plan, a Heritage Impact Assessment has been submitted and peer reviewed.

Heritage Impact Assessment

A heritage impact assessment is a report prepared by a qualified heritage specialist to assess the impacts demolition, removal, significant alteration or new construction may have on the character of the building, property, its surrounding context and/or a historic area. This recent resubmission includes an updated Heritage Impact Assessment for 180-194 Main Street South prepared by Goldsmith Borgal & Company Architects.

The HIA provides a historical and contextual background and an architectural review for Main Street and specifically the structures under this application. The report provides a review of the Town's Official Plan and the Lower Main Street South Heritage Conservation District Plan and the relevant policies.

The report provides background on the firm's involvement in the process and the two previous iterations of the Impact Assessment to illustrate the ways in which the design has adapted to the comments and concerns. The conclusion of the report indicates that the proposed development, while not meeting the HCD Plan in terms of height restrictions could be mitigated in order to allow the Town to meet a number of other planning goals in the Historic Downtown Core. This HIA includes examples of how architectural design can further enhance the compatibility of new construction in Heritage Conservation Districts. The HIA indicates that the conservation and rehabilitation of four heritage buildings as part of the development is in keeping with the intent of the Lower Main Street South Heritage Conservation District Plan.

The report summarises the current proposal as follows:

- The proposal is a multi-storey, multi-unit residential building with below-grade parking, with commercial units along Main Street South.
- To mitigate the height of the new structure within the two-to-three storey context of the Lower Main Street South Heritage Conservation District, the height has been confined to correspond with the height of the existing Clocktower and remains consistent with the height of the adjacent steeple of Trinity United Church, just north of the site.
- The historic Clocktower remains prominent due to the design that maintains the hipped-roof of the former Post-Office building, setting the new construction well-back of the tower on both sides.
- Also stepped-back are the upper levels of the new building along the Main Street South elevation - the set-back ranges from 4 metres (from the parapets/roof-lines of the existing heritage structures at 184, 188 and 194 Main Street South) to 7 metres (at the top floor of the new building).
- The Clocktower will remain as a landmark in the Heritage Conservation District as it will remain visible/prominent by means of the set-backs of the new building along Main Street South - views from both the north and south will not be affected, nor is the view from the east/from Riverwalk Commons. Approaching from the west along Park Street, the Clocktower will be somewhat blocked from view by the new construction.
- The historic commercial uses along Main Street South will be enhanced by rehabilitating the two-storey structures at 184, 188 and 194. Small-scale commercial spaces will encourage and enable independent commercial ventures as opposed to “big-box” retail, allowing for the type of niche retail envisioned in the Newmarket Historic Downtown Community Improvement Plan.

The report acknowledges that the proposal does not meet the goals of the HCD Plan with regards to providing heights of two to three storeys on Main Street; however, it also notes that there are numerous competing interests that ultimately must be considered by Council. It rightly indicates that it is the Town’s policy to revitalize Lower Main Street South while preserving its historic character. The HIA suggests that this current proposal seeks to balance the complementary interests of increasing density, while preserving heritage character as best as possible.

The Heritage Impact Assessment continues by providing specific details on the proposed development against the policies of the Heritage Conservation District Plan. The report indicates how these policies can be achieved, and where there is conflict, recommendations are made on how to mitigate the impact increased density would have on the heritage aspects of the District.

The Heritage Impact Assessment has been peer reviewed by ERA Architects.

Heritage Impact Assessment Peer Review

ERA Architects have provided a peer review of the proposal that was presented to Council at the first statutory public meeting in February 2014 as well as a peer review of the most recent proposal detailing seven storeys on both Main Street South and Park Avenue.

ERA has provided recommendations on the most recent iteration of the proposal as follows:

1. Decrease the height of the proposed new construction on Main Street South by a minimum one storey so that the overall height does not compete with the height of the former Post Office clock tower. The proposed stepback at the upper level should remain to maintain appropriate views of the clock tower from the south.
2. Clarify the conservation strategy by describing the intended approach to each building being conserved.
3. Consider revising the interface between the proposed new construction and the roof of the former Post Office building to mitigate the negative impact of the proposed new construction on the Landmark Heritage Building.
4. Include dimensions on architectural drawings appended to the GBCA HIA to demonstrate stepback/setbacks from heritage fabric, including the former Post Office clock tower and Main Street South facades.
5. Include a rendered pedestrian-level perspective looking north towards the proposal along Main Street South to match drawing R10.

Staff have asked for some clarification of the recommendations relating to the potential heritage attributes of the rear facades of the existing buildings, clarification of the third recommendation to provide more detail on the interface between the proposed new construction and the Post Office building, and to clarify the first recommendation relating to the step backs and ultimate height of the proposal on Main Street representing compatible development.

ERA Architects has provided the below response:

- The rear elevations of the buildings at 184, 188 and 194 Main Street South are secondary elevations that appear to have been modified over time. It is our opinion that these elevations do not have cultural heritage value; in addition, their removal does not have a significant impact on the heritage value of the Main Street façades.
- As shown on Drawing A9 - East Elevation prepared by Forrest Group, the proposed new building extends north into the east slope of the former Post Office roof and creates a condition that requires the alteration/removal of a portion of the roof. It is recommended that the intersection of new construction with the east slope of the former Post Office roof be revised such that the east slope of the roof is maintained intact up to the roof peak.
- It is our opinion that the height of the proposed new construction on Main Street South be reduced to four storeys so that the overall height is more compatible with existing building heights on Main Street South. A stepback at the upper level (similar to that proposed at the seventh floor/penthouse level on drawing A6a prepared by Forrest Group) should be incorporated to maintain appropriate views of the clock tower from the south.

Significant discussions have occurred between the developer's heritage consultant (GBCA) and the Town's peer review consultant (ERA) and staff to determine if there are options for other forms of the development that could be achieved without negatively impacting the heritage attributes described in the HCD Plan. A number of variations of the development plan were produced by the developer to assist in the review. This included options that contemplate a height reduction on the Main Street frontage to six storeys, moving the massing to Park Avenue for an 8 storey elevation along that frontage.

The ultimate conclusions from the discussions are that ERA can support a six storey structure fronting on Main Street acknowledging the elevation is taller than the four storey height previously recommended as the massing has been mitigated by including a step back for the 3rd and 4th storeys, a further stepback for the 5th and 6th storeys along with a building material change from masonry to a glazed façade at the 5th floor to assist in mitigating the view and reducing the dominance of the building within its context when viewed from Main Street South. They have indicated that this height and massing would not, in their opinion, negatively impact the heritage attributes of the HCD.

With regard to the Park Avenue frontage, ERA have suggested that they are satisfied that a 7 storey structure can be accommodated appropriately and that eight storeys could be considered acceptable if the massing was appropriately stepped back and/or sculpted to mitigate visual impacts along Park Avenue and Main Street South.

ERA continue to identify the views as a concern, noting the views of the four Landmark Buildings are not obstructed by the proposal, however, the proposal alters the current skyline, which is a described heritage attribute in Section 2.3.8 of the HCD Plan reading:

Panoramic views of the district from outside the district boundaries area valuable to the entire Historic Downtown Centre and include...the view from the southwest corner of Water and Prospect streets, looking northwest and featuring the four historic landmark buildings.

ERA's final recommendation is that additional refinements be considered by the applicant team to mitigate the impact on the panoramic view from the southwest corner of Water and Prospect Streets, either through the incorporation of step backs/articulation on the Park Avenue massing and/or a reduction in height. A perspective view from Water and Prospect Streets is included in the appendix of this report.

While staff agree that additional height can be appropriately achieved, it is our opinion that the height on Main Street should be limited to 5 storeys mitigated by glazing and step backs.

It is staff's opinion that an 8 storey massing on Park Avenue is excessive and not appropriate for the Park Avenue frontage. Eight storeys would bring the ultimate height higher than the steeples of the adjacent Trinity United Church and create a massing that could dominate the streetscape and diminish the prominence of the four Heritage Landmark buildings. It is our opinion that the height on Park Avenue should be limited to 7 storeys mitigated by glazing and step backs.

The district's heritage attributes and the conservation of such is further described in the section below including staffs rationalization for the maximum heights recommended by this report.

Heritage Impact Discussion (Built Form)

Excerpt from the statement of **cultural value** in the Lower Main Street South Heritage Conservation District Plan:

Within the diversity of architectural types and styles, patterns among the street's buildings are evident. All buildings are built to the lot line (to the sidewalk) except for a few at, or north of, Park Avenue. The usual height of buildings is two storeys, but there are a few at two-and-a-half storeys and three storeys; (one-storey buildings are anomalous). Four landmarks exceed the norm and dominate the street. The five-storey spire of Christian Baptist Church, the four-storey clock tower on the Old Post Office and the twin steeples of Trinity United Church take full advantage of their prominent location approaching, or at the top of, the hill while the cupola atop Old Town Hall pokes above Main Street stores from its location on Botsford Street. Most buildings have narrow street fronts and deep side walls and are built beside, or close to, one another. Together they form a street wall enclosure only interrupted by east-west streets, a lane or a staircase. Only Timothy Street crosses Lower Main Street South; so the sense of enclosure as one walks north from Water Street is pronounced. The unconventionally narrow roadway (two lanes with parking bays on the east side mostly) heightens the feeling of intimacy.

The Ontario Heritage Act defines “heritage attributes” as, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest. The heritage attributes contributing to the district’s cultural heritage value are described in Section 2.3 of the Plan. The four historic landmark buildings are district landmarks, purposely erected to be prominent in the townscape. These buildings include the Christian Baptist Church, Trinity United Church, the Old Post Office and the Old Town Hall. Historic Commercial Buildings which contribute to the districts historic commercial character are identified and briefly described for both sides of the street. Historic Houses, publicly accessible open spaces and prominent views that contribute the district’s cultural heritage value are also identified. Street panoramics along with historic photographs are provided in the plan.

Together, the landmark buildings, the historic commercial buildings and houses and the public spaces, their setting and the identified views of them make up the heritage attributes of the district which contribute to its cultural heritage value. There is generally a consistent height and massing on the street frontage creating an attractive street wall with pedestrian connections and views created by mid-block lane ways. With few exceptions, there is also a consistent pattern of ground floor retail storefronts which, along with the narrow road width create an intimate scale and sense of enclosure.

The greatest impact of the proposed development on the heritage attributes of the district area is the proposed height of the redevelopment, in particular on the Main Street frontage. The existing mainly 2 to 3 storey heights, accentuated by the historic landmark buildings, contribute greatly to the cultural value of the street and the quality of the pedestrian realm through the intimate scale of the streetscape and amenities provided.

The HCD Plan recommends that new construction on Main Street should not exceed three storeys. The intent of this policy is that the 3 storey height limit enhances the sense of a long walled space where Main Street South is enclosed by the buildings that face it.

It is staffs position that a height of four storeys on the Main Street frontage and a height of six storeys on the Park Avenue frontage, including step backs on both frontages could be appropriately accommodated on the subject lands and meet the intent of the Lower Main Street South Heritage Conservation District as it relates to heritage conservation and appropriate development that respects the historic character of the street.

While the Plan recommends new construction be limited to 3 storeys in height on Main Street, four storeys on the Main Street frontage limit the height to generally the height of the existing roof of the old Post Office leaving the views of the clock tower uninterrupted. Four storeys would have little or no shadow impact on Main Street and would have no negative visual impact on the Main Street views. Having the height maximized at 4 storeys on Main Street could also allow views of the clock tower itself to continue to be partially visible from Old Town Hall and the Market Square. It should be acknowledged that this is not an identified protected view in the HCD plan.

The Park Avenue frontage has a different relationship to the conservation district. Additional heights can be achieved without compromising the Heritage Attributes of the district as the district identified views would not be negatively impacted. As the massing is off of Main Street and stepped back from the clock tower, the pedestrian scaled street wall is not interrupted. Properties adjacent to the subject lands are zoned to allow for a six storey building as of right. Staff are satisfied that six storeys on Park Avenue can be accommodated while meeting the intent of the policies of the Lower Main Street South Heritage Conservation District.

Recognizing competing interests, the positive attributes of the proposal along with comments from the professional heritage planners, staff support development greater than that identified in the HCD plan which would not negatively impact the heritage attributes of the district. It is staffs opinion that an additional fully glazed storey above the 4th storey on Main Street and an additional fully glazed storey above the 6th storey on Park Avenue can be accommodated with little impact to the heritage attributes of the HCD. Maximizing the height on Park Avenue at 7 storeys keeps the height below that of the adjacent steeples of the Trinity United Church.

To that end, staff are recommending that Council pass a by-law that limits the height of development on Main Street to five storeys and limits the height of development on Park Avenue to seven storeys including appropriate design materials and step backs on both facades.

It is staff's opinion that these heights will allow the continuation of the prevalence of the four landmark buildings within the identified views of the district. The additional step back of the top floor on each frontage will mitigate views from Main Street and Park Avenue minimizing its visibility. The glazing on upper floor on each frontage could continue to the top of the elevation which would lighten the top of the building and allow a soft transition to the sky. The differing materials for the top floor create a distinctive transition between the incorporated heritage fabric and new construction above.

Perspective of the proposal as re-submitted



Perspective of the proposal as recommended



Conservation Strategy

The way in which the historic 19th century façades are treated impact the heritage attributes of the buildings themselves, but also the district in general. The Heritage Impact Assessment prepared by Goldsmith Borgal and Company provides details on how the existing heritage facades of the existing buildings can be integrated into the proposal.

Portions of the buildings at 184, 188, and 194 Main Street South will be incorporated into the development thereby maintaining heritage resources within the Heritage Conservation District. 178-180 Main Street South will be partially demolished (that is the non-character defining portion of the 1956 addition) and the retained portion (the original 1914-1915 Post Office and Customs building) will be rehabilitated and adaptively reused.

This development proposal will integrate the existing heritage facades at 184, 188 and 194 into the new construction. The final details of the integration will be determined following further structural investigations and a Conservation Plan will be required to determine the appropriate conservation strategy for each of the three buildings (whether retention in situ, or salvage/reuse) – for example, the frame building at 184 will require different strategies than the brick buildings at 188 and 194. A preliminary on-site investigation was undertaken by GBCA during the preparation of this HIA and the original fabric under the modern facade materials was revealed and appears to be in repairable condition.

In conserving the individual heritage properties on Main Street South, the diversity of the streetscape will also be maintained - indeed the assortment of building forms, types and materials is one of the heritage character defining features of the HCD.

The proposed commercial/rental space along Main Street South will maintain the historic Main Street use of small-scale shops, as opposed to a continuous building base that would disrupt that heritage character defining feature of the HCD.

Staff agree that if this proposal is approved by Council, appropriate mitigative strategies for the heritage attributes of the 19th century historic commercial storefronts can be developed in a conservation strategy plan. This plan will provide clear direction for each individual building subject to the application and will be peer reviewed to ensure appropriateness.

Heritage Newmarket Advisory Committee

Under the Ontario Heritage Act, any applications for removal or demolition of a structure designated under the Heritage Act are to be determined by Council. The Heritage Act also requires Council to consult with the Municipal Heritage Committee prior to making any decisions. While the lands subject to this application are currently not within the Heritage Conservation District due to the outstanding Ontario Municipal Board appeal (further discussed below in this report), the Clock Tower building is individually designated under the Ontario Heritage Act and the remaining buildings under the application (with the exception of the infill at 190 Main Street) are listed on the Municipal Register of Properties of Heritage Interest. The applications for zoning bylaw amendment were circulated to the Newmarket Heritage Advisory Committee for review and comment.

At the April 5, 2016 Heritage Newmarket Advisory Committee meeting, the following recommendation to Council was made.

“WHEREAS the proposed building does not comply with the Town of Newmarket’s Official Plan for Main Street which limits building heights to three stories;

AND WHEREAS the proposed building does not comply with the Development Plan for the Heritage Conservation District;

AND WHEREAS the proposed underground parking consists of three levels and there is an underground watercourse beneath or adjacent to the proposed development and surrounding buildings resulting in the need for the installation of waterproofing and structural pylons and

therefore the construction of the proposed development may cause a change in the natural underground watercourse and may cause damage to other buildings in the Heritage Conservation District;

AND WHEREAS many of the buildings in the surrounding area are built on rubble stone foundations, extensive excavation and construction may result in ancillary damage to other parts of those buildings;

AND WHEREAS currently Park Avenue is a narrow street which is frequently blocked by vehicular traffic, and the proposed main entrance and exit for the underground parking garage, together with the loading dock will add to an already stressed situation on Park Avenue considering that the Trinity United Church which is across the street also has handicapped parking/access onto Park Avenue opposite or in close vicinity to the underground garage entrance/exit and the loading dock and therefore, concerns arise regarding adequate turning radius and potential risks for moving vans and delivery trucks;

AND WHEREAS the proposed construction requires a land swap between the owner and the Town of Newmarket in order that it has the required number of parking spaces;

AND WHEREAS according to the building proposal submission, the facades of the buildings at 184, 188, 190 and 194 Main Street south of the former Post Office have not been preserved in accordance with the Ontario Heritage Act;

AND WHEREAS the streetscape and shadow study provided do not realistically show the potential impact on surrounding buildings such as the Trinity United Church, where the stained glass windows are worthy of protection, and businesses on the east side of Main Street where front windows may also be impacted;

AND WHEREAS the construction of this development may have a long term effect on public parking which may negatively impact the local merchants' ability to carry on business for an extended period of time;

AND WHEREAS the likelihood of precedent setting examples exist with this proposed rezoning application;

THEREFORE we, the members of the Heritage Newmarket Advisory Committee adamantly recommend that the Council of the Town of Newmarket reject this proposal."

Council must take into consideration the recommendations of the Heritage Newmarket Advisory Committee prior to making a decision on the proposal.

Outstanding Ontario Municipal Board Appeal of the Heritage Conservation District Plan

The Town of Newmarket Council passed By-law 2013-51 on October 21, 2013 under Section 41 of the Ontario Heritage Act to designate Lower Main Street South as a Heritage Conservation District. Main Street Clock Inc., the applicant, appealed the designation by-law. The appeal letter indicated that the passing of the bylaw and the inclusion of these lands within the district would create an additional burden

(procedural or substantive) to the redevelopment of the land. The appeal letter also indicated that the applicant's position is that the redevelopment proposal should be judged against the policy regime in place at the time of the applications and that the development proposal should not be subject to Part V of the Ontario Heritage Act. The town was successful in having the appellant agree to limit the appeal to the subject lands and have the Ontario Municipal Board deem the plan in effect, excluding the subject lands until such time as the appeal is dealt with.

While the appeal has not been heard by the OMB, the Clock Tower building at 178-180 Main St South is individually designated under the Heritage Act. In addition, the Lower Main Street South Heritage Conservation District Plan requires that any development proposal adjacent to the district demonstrates that the heritage attributes of the District are conserved.

Economic Development

The Town's Economic Development Officer has provided the following comment in relation to economic activities in the downtown core.

Lower Main Street Newmarket has made impressive visual and economic progress over the past decade, assisted by strategic municipal investments in public infrastructure like Riverwalk Commons and the Old Town Hall, as well as the ongoing financial support for property improvements through the downtown Financial Incentive Program managed by the economic development office. For every dollar invested through the Financial Incentive Program, the private sector is contributing approximately \$3.50, which has resulted in Main Street commercial assessment growing at a rate that is more than double the overall Town assessment growth rate.

Nine new restaurants have opened in the past 5 years, leading to the development of a popular restaurant district for the entire community. Yet, there remains a lack of foot traffic at certain periods during the year to support the growth of retail businesses and shopping experiences to become a true destination for residents and visitors alike. Increasing residential growth in the downtown area can be the catalyst to drive new retail investment while contributing to the economic sustainability of existing businesses.

Statistics Canada 2014 household expenditure information shows that each Ontario household spends on average approximately \$62,000 annually. This includes items such as clothing (\$3,884), food purchased from stores (\$5,779), restaurants (\$2,324), personal care products and services (\$1,317), as well as numerous other common consumer products/services. Businesses offering these products/services provide a convenient intervening opportunity for downtown residents, leading to enhanced overall local consumer spending power to potentially spur new retail business formation, especially as multi-residential developments come onto the market. This, in turn, adds to the economic viability and vibrancy of the Main Street district.

Land Exchange

On April 25, 2016 Council directed that the Town prohibit the sale or transfer of land in relation to the Clock Tower site unless in relation to a Council approved and endorsed development (the "Development") and only after the project has significantly advanced. Staff submits that this process may be effected through the inclusion of several terms and conditions in any proposed sale agreement between the Town and the Developer.

These terms and conditions may include the following collectively:

- Any zoning bylaw amendment for the Lands is approved by Council
- A site plan application for the redevelopment of the Lands is submitted and approved by Council
- A site plan agreement for the redevelopment of the Lands is executed and related securities are deposited
- The demolition of applicable buildings on the Lands, in accordance with accepted heritage conservation practices, to facilitate the site plan
- A record of site condition for the Lands, as described below, is completed and filed in accordance with provincial environmental protection regulation and the Town's official plan

An environmental record of site condition summarizes the environmental condition of a property and is based on the completion of environmental site assessments. The work required to effect such a record will ensure that the site has been made suitable for the Development.

Staff submits that the above-noted measures would evidence the advancement of the redevelopment of the Lands and would require significant investment of funds by the Developer prior to any transfer of Town lands.

In the event that Council approves this application for zoning by-law amendment, Council may want to provide that the construction of any underground structure under Town lands be designed such that it would not prevent the Town from providing additional public amenities on the above ground space or adjacent underground lands including above or below ground parking structures.

Shadow Study

A shadow study has been prepared for the proposal that details impacts of shadowing on the surrounding neighbourhood at the spring and fall equinoxes and summer solstice. The shadow impacts are shown at 9am, 12pm, 2pm and 4pm. Shadow Studies illustrate the impact of development in terms of sun and daylight access to the surrounding context including surrounding buildings, the public realm, public and private open space.

An existing condition shadow study has also been provided to assess the impact. The shadow studies submitted show little impact on the low density developments to the west of Main Street. The greatest impact of shadowing from this proposal would be the east side of Main Street in the fall evenings and the Trinity United Church on Park Avenue in the spring and fall mornings. The façade on the south side of the Trinity United Church includes a number of stained glass windows of various sizes.

A more detailed shadow study has been submitted that details potential shadow impacts on the Church Park Avenue façade from the proposed redevelopment. Based on the information submitted, the westerly wing of the church would have shadows impacting the windows in the morning at the spring and fall equinox with no impacts during the summer solstice. The remainder of the church would not be impacted beyond the shadows caused by the existing building. An additional shadow study has been provided that details the shadow impact on the church at 10:30 am during the spring and fall equinox. This information shows that the upper stained glass windows (main floor of the church) are not within shadow during this time.

It is staff's opinion that the shadow impacts do not significantly impact the surrounding uses and public realm.

Traffic and Parking

The Traffic Impact Study has been reviewed by Engineering Services and has concluded that there appears to be significant reserve capacity to accommodate traffic generated by this proposal on the surrounding public road network.

The applicant has submitted a revised report intended to address the parking related comments from Engineering Services.

The current development proposal is for 165 Residential apartment units and 5 Commercial units. A total parking supply of 199 parking spaces (1.21 spaces per unit) is being proposed within a three level underground parking garage, including 174 spaces for residents (approximately 1.05 spaces per unit) and 25 spaces for visitors (approximately 0.15 spaces per unit). The proposed underground parking area is intended to be accessed by Park Avenue.

The current zoning by-law standard for this proposal would be 1.5 per unit (248 spaces) plus an additional 0.25 for visitor parking (42 spaces) leaving the total required by the by-law at 290 spaces.

The parking justification report breaks down the units as follows:

1-Bedroom/1-Bedroom + Den units	115
2-Bedroom/2-Bedroom + Den units	49
3-Bedroom unit	1

No parking is being proposed for the at-grade retail which is consistent with the zoning by-law requirements.

The parking justification report has undergone a peer review by WSP Canada Inc. who indicated the proposed 1.05 space per residential dwelling unit and 0.15 space for visitor parking is appropriate.

Based on the above, staff are satisfied that traffic can be accommodated and the proposed parking ratio of 1.2 spaces per unit is appropriate.

Servicing

Sanitary Sewage: Engineering Services have indicated that the applicant intends to pursue a downstream sanitary sewer analysis in the Fall of 2016 to determine if the existing sanitary system could accommodate the proposed development. They are willing to support the zone change in this regard provided the Holding (H) provision is included in the Zoning By-law that would not be lifted until such time as it is demonstrated that adequate downstream sanitary sewage capacity is available or acceptable arrangements have been made with the Town to carry out any downstream improvements deemed necessary to accommodate flows from this development.

Servicing allocation has not been granted to this proposal.

Water Supply: Engineering Services have indicated that the existing water system will adequately service the proposed development.

Environmental Site Assessment

Engineering Services have reviewed the Phase One and Phase Two Environmental Site Assessments (ESA) and have provided the following: Sufficient environmental work has been carried [out] to demonstrate that it should not be an undue hardship to remediate the site. Confirmation should be obtained from the Ministry of Environment and Climate Change (MOECC) on whether or not a Record of Site Condition (RSC) will be required. With respect to this issue, staff are of the opinion that the zone change could be permitted to take place with a Holding provision. The Holding provision could be lifted once the site is remediated and the RSC is filed with the MOECC (if it is determined that an RSC is required) or once the revised Phase One and Two ESA's are submitted (if it is determined that a RSC is not required).

If Council pass a by-law for these lands, the Holding provision should be included to require a Record of Site Condition if deemed necessary by the Ministry of the Environment and Climate Change.

COMMUNITY CONSULTATION POLICY

The 2nd statutory public meeting for this zoning By-law amendment application was held on May 9, 2016. A number of members of the public spoke at the public meeting and provided written comments.

Many of the comments received focused on issues that have been discussed in the body of the report. These issues include: Traffic, Parking, Heritage Impact (Built Form), Heritage Impact (building removal), Shadow Impacts and Economic development.

Additional comments were received related to potential precedent, potential damage to adjacent buildings, water table issues and the ability of the developer to apply for a rezoning of lands owned by the town.

With regards to the idea that if this proposal is approved, it will set a precedent for development of other properties on Main Street, any application for a land use amendment is judged on its own merits. Future applicants would be required to make a complete application and provide the necessary justification for any proposal.

The issue of potential damage to adjacent building was raised. If development is approved, the applicant will be required to submit a heritage conservation plan or strategy will be required that will detail demolition techniques and address adjacent structures. Where there is a common wall between two properties, an engineer's report is required detailing how the structural integrity of the remaining structure will be maintained during demolition.

Concerns regarding the water table – A ground water condition analysis has been completed that indicates that dewatering will be minimal and the ground water table and its levels will generally remain unaffected. The proposed underground structure will not block the flow of ground water to the Holland River. It

concludes that the proposed development is expected to have no long term effects on the local ground water table.

A concern was raised regarding the ability of the developer to apply for a rezoning on lands that are owned by the Town. In this regard, the zoning amendment application process allows for an applicant to apply for a rezoning of lands on behalf of the owner with the owner's authorization. In this instance, staff is satisfied that the Town's authorization to proceed with a rezoning of its lands is understood to be granted in order to implement the staff recommendations, as amended, in Closed Session Report 2013-05, which were adopted by Council on June 24, 2013, and as further amended by Council's direction on April 25, 2016 to prohibit a sale or transfer of Town land in relation to the Clock Tower site unless in relation to a Council approved and endorsed development of the lands.

Additional comments not discussed above focused on the impacts of construction activities and the ability of service vehicles to appropriately service the site, in particular garbage and recycling pick-up.

While these issues have not been fully addressed at this point, if Council approve development on these lands, site plan approval will be required. Through the site plan approval process, a construction management plan will be developed to the Town's satisfaction detailing the way in which vehicles will attend and leave the site, where material hoarding and worker parking will be accommodated among other items. The way in which garbage and recycling facilities will function will also be reviewed through the site plan process if approved. A design and program that would significantly limit service vehicles from parking and stopping on the public roadway should be implemented through this process and secured through a site plan agreement.

Petitions – As Council are aware, a petition was submitted to council requesting Council deny the application which has approximately 1200 signatures. A further petition in support of the proposed development has approximately 220 signatures.

BUDGET IMPACT (CURRENT AND FUTURE)

Application fees have been received, and the Town will receive revenue from assessment fees from any land use decisions made on the subject properties.

HUMAN RESOURCE CONSIDERATION

Not applicable to this report as staffing levels remain the same.

Attachments: Location Map
Site Plan
Elevations
Trinity Church Height Comparison
Perspective Plan
View from Water and Prospect



Senior Planner – Community Planning



Commissioner of Development and
Infrastructure Services



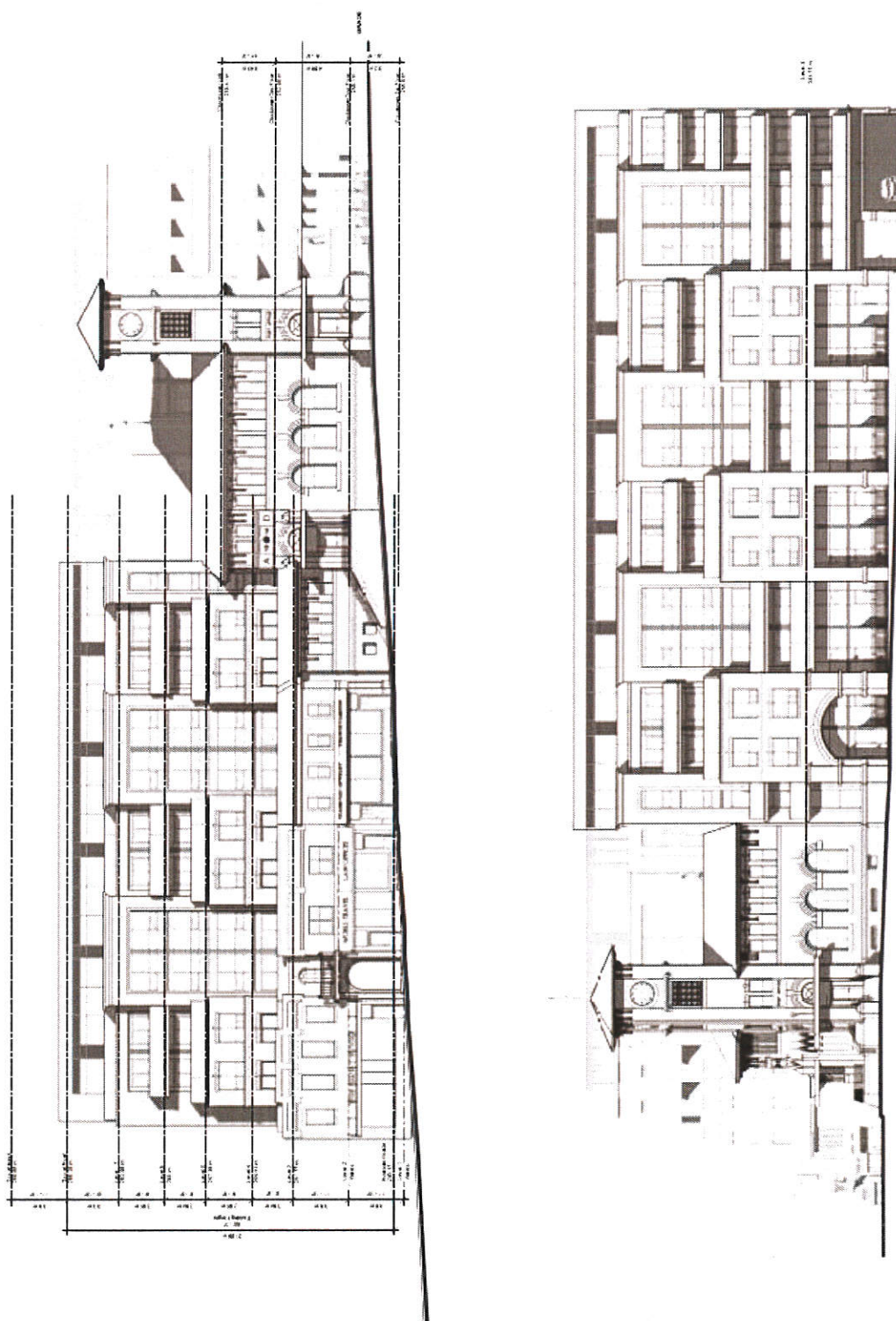
Director of Planning and Building Services

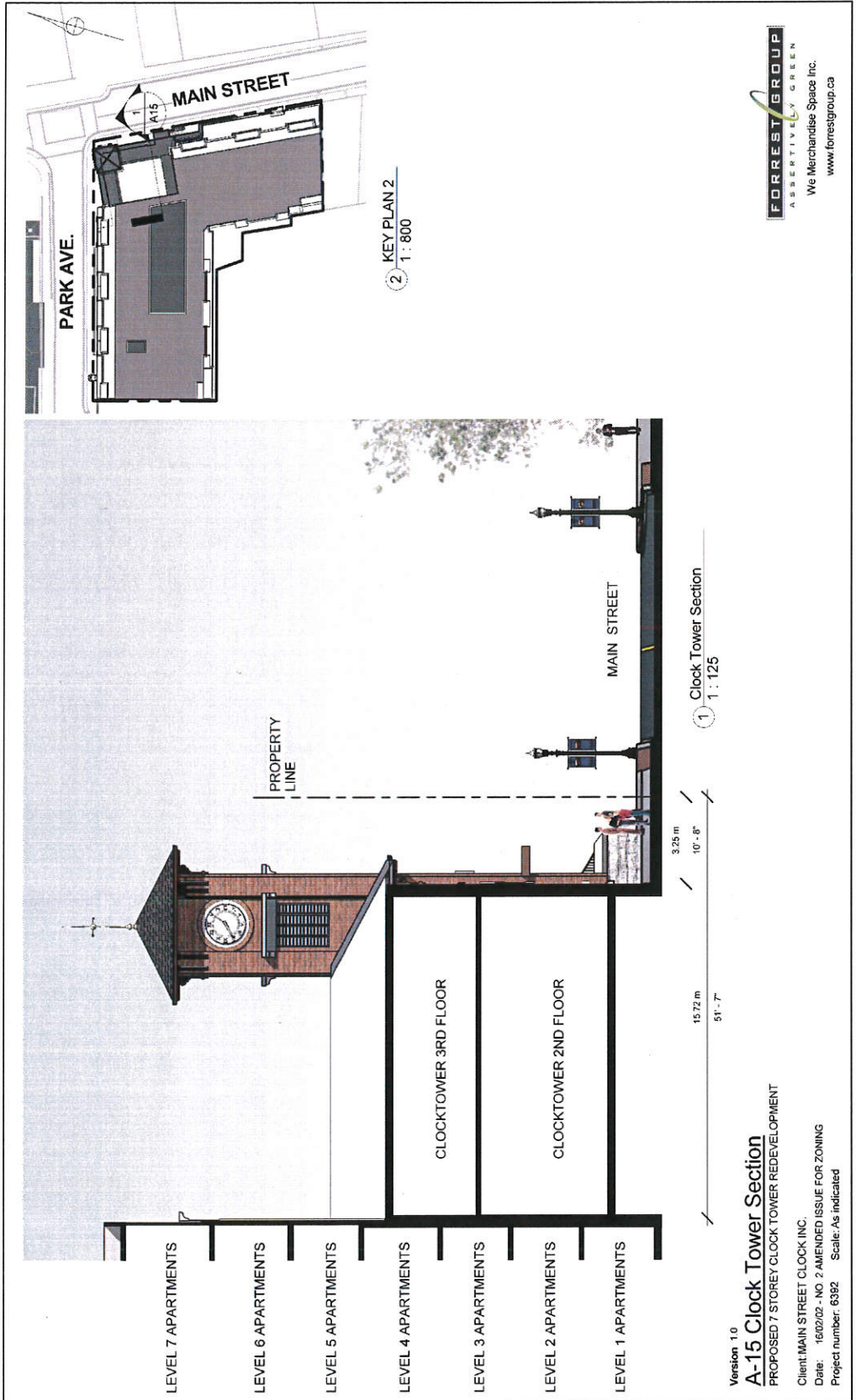
LOCATION MAP 178, 180, 184, 188, 190 and 194 MAIN STREET (CLOCK TOWER)



TOWN OF NEWMARKET PLANNING DEPARTMENT

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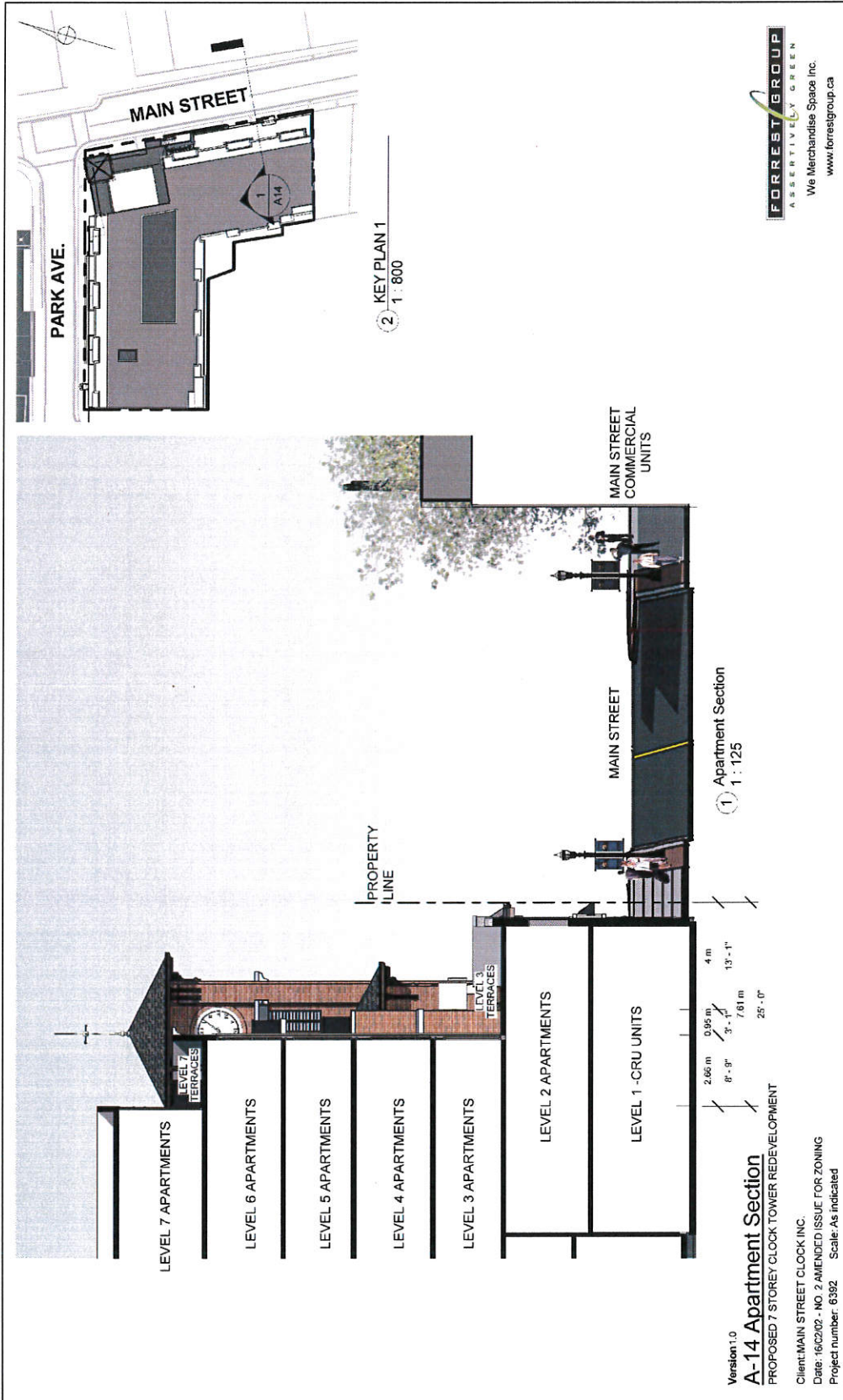




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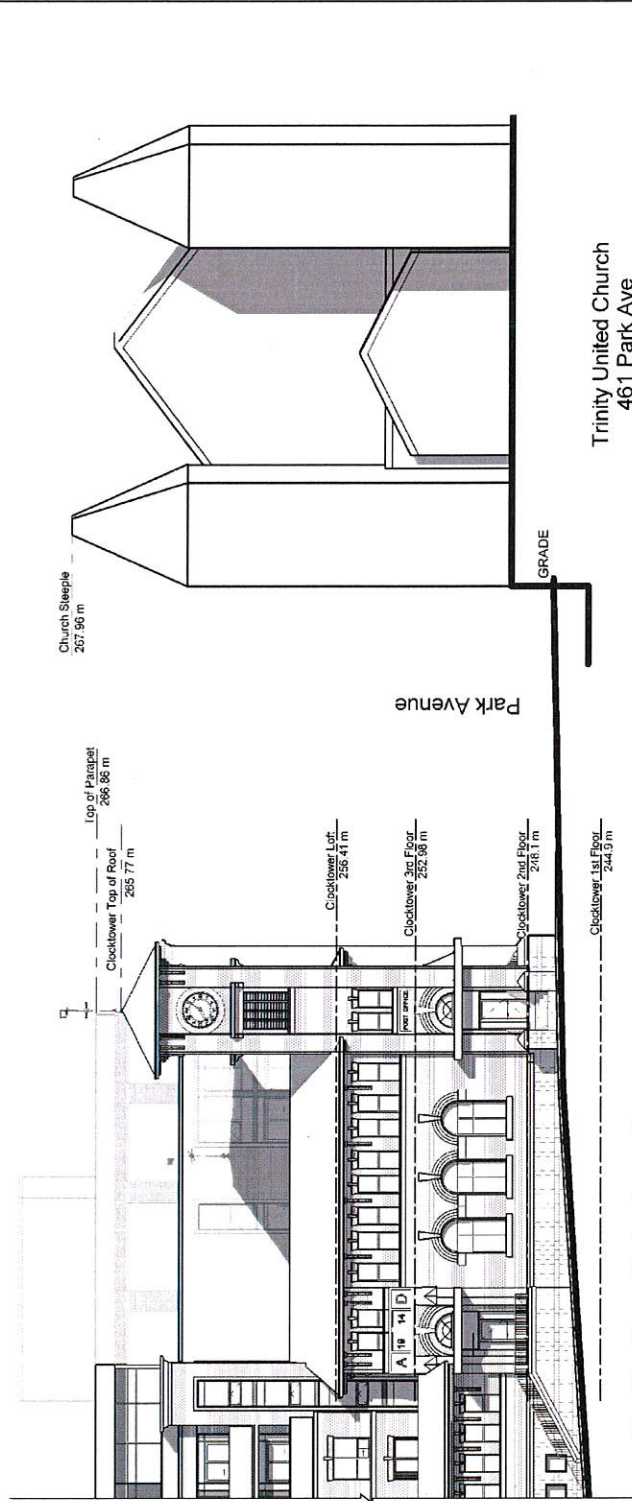
Version 1.0
A-15 Clock Tower Section
 PROPOSED 7 STOREY CLOCK TOWER REDEVELOPMENT
 Client: MAIN STREET CLOCK INC.
 Date: 16/02/09 - NO. 2 AMENDED ISSUE FOR ZONING
 Project number: 6392 Scale: As indicated

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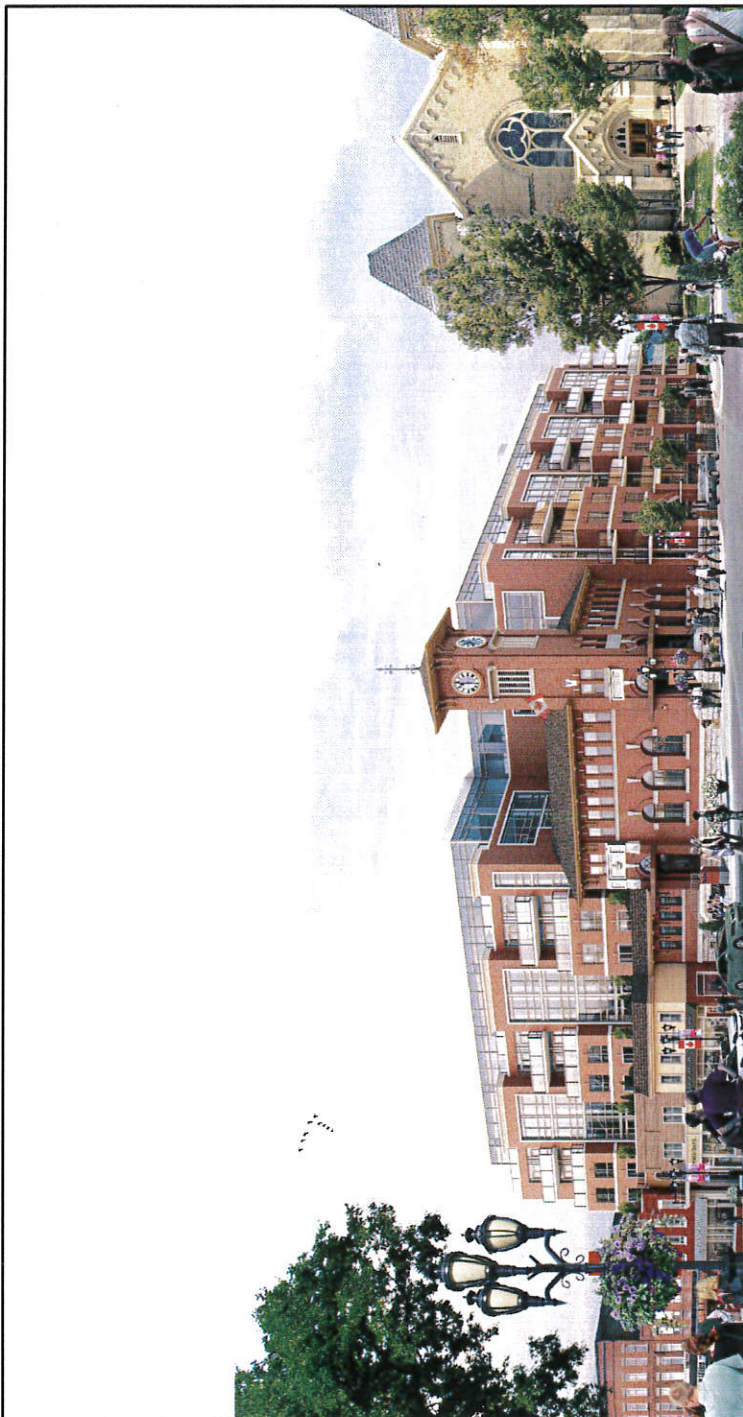
TOP OF PARAPET FOR THE PROPOSED DEVELOPMENT IS 1M BELOW THE NEIGHBOURING CHURCH STEEPLE.



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Version 1.0
A-16 HEIGHT STUDY
 PROPOSED
 NEWMARKET, ONTARIO
 CLIENT: MAIN STREET CLOCK INC.
 DATE: 16/02/02 - NO. 2 AMENDED ISSUE FOR ZONING
 PROJECT NUMBER: 6392 Scale: 1 : 175

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McMichael, Bell, and The Home Depot are collectively, the largest employers in the area. The proposed development is located in an area that is currently zoned for residential use. The development is a multi-story brick building with a prominent clock tower. The development is located on a street corner with trees and a cloudy sky.

NO.	DATE	DESCRIPTION
1	2016/11/28	ISSUED FOR PERMIT
2	2016/11/28	REVISION: AMEND TO EXISTING

FOREST GROUP
 ARCHITECTURE & INTERIORS
 300A Avenue
 141-152-7270 / 1-800-363-7270
 www.forestgroup.ca

NO. DATE DESCRIPTION

CLIENT: MAIN STREET CLOCK INC.

PROJECT: PROPOSED CLOCK TOWER REDEVELOPMENT NEWMARKET, ONTARIO

DRAWING	
MAIN STREET PERSPECTIVE	
Design:	Project No.:
PR	B382
Drawn by:	Date:
FW	JUNE 2015
Checked by:	SCALE:
PL	N. 1:0

1/28/2016 3:25:58 PM

