



# PLANNING JUSTIFICATION REPORT

Official Plan Amendment and Zoning By-law Amendment  
55 Eagle Street, Newmarket

Prepared For:  
Millford Development Limited

April 1, 2021

**MGP**

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*Official Plan Amendment and Zoning By-law Amendment*

# **Planning Justification Report**

**55 Eagle Street  
Newmarket, ON**

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# Executive Summary

Malone Given Parsons Ltd. (“MGP”) was retained by Millford Developments Limited (“Millford”) to provide planning services including a Planning Justification Report for a proposed residential development on lands municipally known as 55 Eagle Street in the Town of Newmarket (the “Subject Property”). The Subject Property is approximately 5.09 hectares (12.58 acres) with a net developable area of approximately 1.97 hectares (4.87 acres). The Subject Property is currently vacant and void of any structures. A watercourse, Western Creek, traverse the northern part of the Subject Property from the west to the east.

In May 2008, Millford appealed the new Town of Newmarket Official Plan 2006 and specifically the proposed designation of a portion of the Subject Property as Natural Heritage on Schedule A – Land Use and proposed “Woodlot” on Schedule B – Natural Heritage (Case No. PL080723). The Subject Property was previously designated for Medium Density Residential uses south of the valley lands under the 1996 Official Plan. Prior to the hearing of Millford’s appeal of the 2006 Official Plan, Millford and the Town of Newmarket agreed to adjourn the hearing so that Millford could submit applications for Official Plan and Zoning Bylaw Amendments. This appeal is still active and unresolved.

In April 2011, Millford submitted applications for Official Plan Amendment (D9-NP-11-09) and Zoning By-law Amendment (D14-NP-11-09) to the Town of Newmarket. These original applications proposed an apartment building on the west side of the Subject Property near Yonge Street and transitioned to townhomes towards the east. In March 2020, an appeal to the Local Planning Appeal Tribunal (LPAT - PL200469) was made by Millford in the absence of a decision by the Town on the applications.

Millford is now proposing a revised development plan that eliminates the proposed apartment building and instead proposes to develop the Subject Property for a condominium development containing 73 townhomes and one triplex building. The proposed development includes 53 standard townhomes, 20 back-to-back townhomes and 1 triplex building. The revised development proposal has a density of 38.5 units per net hectare.

Millford retained MGP to prepare a Planning Justification Report in support of the revised development proposal and to provide planning services to assist with the approvals process. This Report reviews the revised development proposal and supporting studies in the context of current policy and the policies that in effect during the time of the original submission.

A number of technical studies were prepared in support of the proposed redevelopment to evaluate the proposal from the perspectives of, feasibility of, or impact to, functional servicing, transportation, environment, noise, geotechnical, archaeology, source water protection, and tree compensation. Overall, the technical studies and plans support the proposed development as revised.

The proposed development conforms to the Provincial, Regional, and local municipal policy framework as it provides intensification in an identified Built-Up Area, supports transit supportive planning, and the efficient use of existing resources and infrastructure. The proposed development conforms to the York Region Official Plan policies and assists in the achievement of

intensification targets for the Town of Newmarket and supports the significant transit investments made on Yonge Street proximal to the Subject Property.

The EIS concluded that the wooded area proposed for removal is outside the 30-metre setback from the watercourse and meets the definition of a culturally and regenerating woodland per the York Region Official Plan criteria due to the composition of the woodland and the level of disturbance. The woodlot feature is highly degraded with low ecological integrity and provides limited ecological function to the surrounding landscape and will not result in a net negative impact across the landscape, including a reduction in forest canopy cover, subject to the implementation of the proposed mitigation and compensation measures (native tree plantings in the buffer and valley lands).

The proposed development conforms to the general objectives of the Town of Newmarket Official Plan as it provides intensification within the built-up area in a manner that is compatible with the surrounding context. The EIS Tree Compensation Plan concludes that the proposed plantings will result in a net ecological benefit by:

- Removal of invasive species from the natural areas of the Subject Property;
- Establishing a forested riparian floodplain community. The riparian woodland will provide shading and overhead cover to the stream, provide nutrient inputs in the form of leaf litter, provide a deeper rooting size along the channel banks which should reduce the slumping currently observed within the meadow;
- Increase wildlife habitat structure within the Subject Property; and,
- Increase plant diversity.

Based on the detailed planning analysis provided throughout this report, it is our opinion that the proposed development is consistent, complies with, and conforms to all applicable Provincial, Regional, and municipal plans and policies. We are of the opinion that the proposed development is in the public interest, represents good planning, is supportable and should be approved.

# 1.0

## Introduction

*Malone Given Parsons Ltd. (MGP) has been retained by Millford Development Limited (Millford) to provide planning services and prepare a Planning Justification Report for development of the lands known municipally as 55 Eagle Street in the Town of Newmarket. Official Plan and Zoning Bylaw Amendments are required to support the proposed townhouse development with 73 townhouse and one triplex building.*

### 1.1 Overview

Millford owns a 5.09 hectare property in the Town of Newmarket and is proposing to develop it for residential uses. Municipally known as 55 Eagle Street, the “Subject Property” is located on the north side of Eagle Street, approximately 120 metres east of Yonge Street and the VIVA Blue Bus Rapid Transit Way Eagle Stop (**Figure 1**).

Figure 1: Location of Subject Property



In May 2008, Millford appealed the new Town of Newmarket 2006 Official Plan, specifically the proposed designation of a portion of the Subject Property as “Natural Heritage System” on Schedule A – Land Use and “Woodlot” on Schedule B – Natural Heritage (Case No. PL080723). The Subject Property was previously designated for Medium Density Residential uses south of the valley lands under the 1996 Official Plan. Prior to the hearing of Millford’s appeal of the 2006 Official Plan, Millford and the Town of Newmarket agreed to adjourn the hearing so that Millford could submit applications for Official Plan and Zoning Bylaw Amendments. This appeal is still active and unresolved.

In April 2011, Millford submitted applications for Official Plan Amendment (D9-NP-11-09) and Zoning By-law Amendment (D14-NP-11-09) to the Town of Newmarket. These original applications proposed an apartment building on the west side of the Subject Property near Yonge Street and transitioned to townhomes towards the east. In March 2020, an appeal to the Local Planning Appeal Tribunal (LPAT - PL200469) was made by Millford in the absence of a decision by the Town on the applications.

Millford is now proposing a revised development plan to move the applications forward and attempt to resolve the outstanding appeals. The resubmission eliminates the proposed apartment building and instead proposes to develop the Subject Lands for a condominium development containing 73 townhomes and one triplex building.

Millford retained MGP to prepare a Planning Justification Report in support of the revised development proposal and provide planning services to assist with the approvals process. This Report reviews the revised development proposal and supporting studies in the context of current policy and the policies that were in effect during the time of the original submission.

## 1.2 Revised Concept Plan

The revised development proposal eliminates the 12-storey apartment building (154 units) and instead proposes to construct townhome units and one triplex unit in a condominium plan. The revised plan features 53 standard townhomes, 20 back-to-back townhomes and one triplex building for a total of 76 units (**Figure 2**). The revised proposal includes a mix of townhouse sizes, featuring single and double car garages. The proposed triplex building will accommodate three dwelling units, anticipated to be rental units. A total of 217 parking spaces are proposed between garages, driveways and surface spaces.

A top of bank limit of the creek feature on the Subject Property was established by Lake Simcoe Region Conservation Authority (LSRCA) during a site walk in April 2009. The top of bank limit was surveyed by Young and Young Surveying Inc. and accepted by LSRCA in their confirmation letter dated May 2012. A 6-metre buffer zone from the top of bank was requested by LSRCA. The 6-metre buffer limit was used to define the development limit and the proposed development will be located outside this buffer limit. Existing vegetation growing on and below the top of bank will be maintained. Approximately 60% (3.18 hectares) of the gross site area has been identified as natural heritage. An additional 0.06 hectares has been identified for the road widening allowance of Eagle Street resulting in a net developable area of approximately 1.97 hectares (4.87 acres) or 39% of the total land area of the Subject Property.

Figure 2: Conceptual Development Plan



Source: Google Earth, Millford, MGP 2021

Access will be provided via two driveway connection points along Eagle Street. A full movement access is proposed approximately 57 metres east of Dixon Boulevard. A right-in/right-out secondary access is proposed just west of Donlin Avenue. The proposed internal road network will be owned and maintained by the proposed condominium corporation.

The revised proposal reduces the proposed total number of units from 192 to 76 units and from an overall density of 97.5 units per net hectare to 38.5 units per net hectare. The proposed development has a site coverage of approximately 29% of the net developable area (10% of the total site area) and a total landscape area that equates to 32.5% of the net developable area.

(Table 2)

Table 1: Property Statistics

Land Use	Area (Hectares)	% of Land Area
Valleyland (NHS) and Buffer	3.06	60%
Road Widening	0.06	1%
Net Development Area	1.97	39%
<b>Gross Site Area</b>	<b>5.09</b>	

Table 2: Development Statistics

<b>Total Units</b>	<b>76</b>
Apartment Units	0
Standard Townhomes	53
Back to Back Townhomes	20
Triplex Units	3
<b>Density (units per net hectare)</b>	<b>38.5</b>
<b>Lot Coverage</b>	<b>~30%</b>
<b>Landscaped Area</b>	<b>~32%</b>
<b>Total Parking:</b>	<b>217</b>
Garage Parking	91
Driveway Parking	91
Triplex and Visitor Parking	35

### 1.3 Development Approvals Requested

The following amendments are proposed to support the development proposal:

- An Official Plan Amendment (OPA) to the 2006 Town of Newmarket Official Plan to redesignate the lands south of the valleyland feature and buffer from the Town’s proposed “*Natural Heritage System*” designation (currently under appeal) to “*Residential*” (per OPA 29) on Schedule A and to remove the “*Woodlot*” identification from the Subject Property on Schedule B; and,
- A Zoning By-law Amendment (ZBA) to Zoning By-law 2010-40 to rezone the lands south of the stable top of bank from “Residential Detached Dwelling 15m Zone, Exception 119 (R1-D-119)” and “Environmental Protection Open Space Zone (OS-EP)” to “Residential Dwelling 4 Zone Plan of Condominium (R4-CP-XX)” with exceptions to permit the proposed condominium townhome and triplex development.

A Site Plan Application and application for Plan of Condominium will be submitted at a later date in the planning process and will provide the detailed design of the development proposal.

# 2.0

## Context

*Section 2 provides a review and analysis of the site and its existing surrounding context including existing amenities and services, built form, and planning context. An overview of the application and appeal history is also included to provide additional context.*

### 2.1 Site Description

The Subject Property is located on the north side of Eagle Street approximately 120 metres east of Yonge Street on lands municipally known as 55 Eagle Street and legally described in **Table 3**. The property has a gross area of approximately 5.09 hectares (12.57 acres) and is comprised of one generally rectangular shaped parcel with 196.0 metres (642.9 feet) of total frontage along Eagle Street. This frontage is broken by an existing lot of record and as a result splits the frontage on Eagle Street into two segments, one 20.0 metres and the other 176 metres in length.

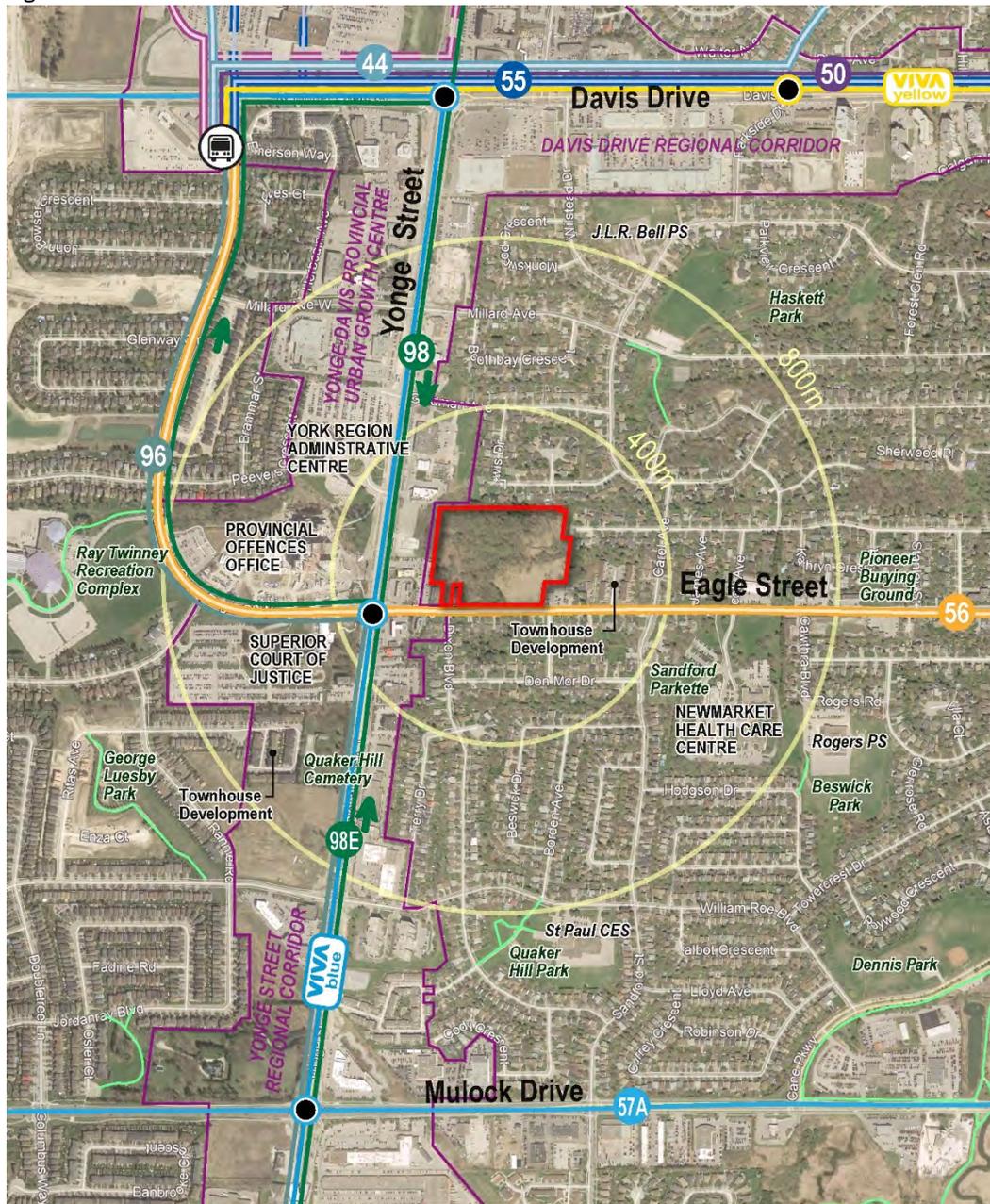
The northeast corner of the property was conveyed to the Town at its request in 2007 to address flooding at the west end of Avenue Road through the installation of a large storm culvert and a hammerhead turn around.

The Subject Property is currently vacant and no structures are present. The northern part of the property is defined by a portion of Western Creek, a tributary of the East Holland River, and its associated valley land feature. Downstream and upstream of the Subject Property, Western Creek is channelized and no longer in a natural state. The southern portion of the Subject Property, beyond the valley land, contains a mix of vegetation including open meadow, sparse tree cover and a small treed area. The land slopes from the southwest to the northeast, draining into Western Creek which flows in a north east direction. A sanitary sewer trunk traverses under the creek and through the valleylands within an existing easement.

*Table 3: Legal Description of the Subject Property*

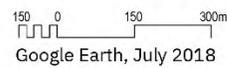
Legal Description
PT LOTS 2 & 3, PL 49 PTS 1,2,3 & 4, 65R27436, EXCEPT PTS 1,2,3,4,5,6,7, 65R30328; NEWMARKET; CONFIRMED TO SOUTHERLY LIMIT OF PTS 1 & 2, 65R27436 BA236; S/T EASE OVER PT 2, 65R27436 AS IN B43032B

Figure 3: Context Plan



**CONTEXT PLAN**

■ 55 Eagle Street, Newmarket



## 2.2 Surrounding Context

The Subject Property is located near the geographic centre of Newmarket. It is located within a heavily urbanized environment that consists of a wide variety of residential and commercial uses (**Figure 3**). These surrounding uses generally include:

- **North** – Low density residential, commercial along Yonge Street, and Haskett Park
- **East** – Low and medium density residential uses (including townhomes and low-rise apartments), commercial establishments including an automotive repair establishment immediately adjacent, and the Newmarket Health Care Centre
- **South** – Low density residential uses and commercial establishments along Yonge Street
- **West** – Yonge Street, commercial establishments, Provincial Offences Office, Superior Court of Justice, York Region Administrative Centre, and medium density residential

## 2.3 Existing Amenities and Services

Community, transit and commercial amenities and public services are in the vicinity of the Subject Property and include the following as further illustrated in **Figure 3**:

- Transit stops for York Region Transit (YRT) Route 56 – Gorham-Eagle are located along Eagle Street and provide service along Eagle Street east and west across Newmarket.
- VIVA Blue Eagle Station is located at Yonge Street and Eagle Street and provides rapid bus service along Yonge Street to Davis Drive and south to Vaughan.
- Municipal Parks and Trails (Haskett Park, Ray Twinney Municipal Complex, Loins Park),
- Schools within the vicinity of the Subject Property include the following: Rogers Public School, St. Paul Catholic School, Stuart Scott Public School, and JLR Bell Public School, and
- Commercial uses along Yonge Street are within a 5 minute walk, Yonge and Davis Regional Growth Centre is less than 1.5 kilometres from the site (15 minute walk) and Downtown Newmarket is located about 2 kilometres from the site (20 min walk).

The Subject Property is located within an urban area with a great mix of uses that is well serviced by transit and public amenities and services. It is located near other residential uses including similar scaled townhome developments on Appleton Court that features 27 freehold townhomes.

## 2.4 Surrounding Built Form

The surrounding built form reflects the mixed-use nature of this area near Yonge Street and the evolving history of Eagle Street as a collector road through Newmarket.

The intersection of Yonge Street and Eagle Street (**Figure 4 and 5**) is defined by the newly revamped Yonge Street right-of-way featuring the dedicated Bus Rapidway for VIVA and its distinctive stations on the north and south sides of Eagle Street, an improved pedestrian boulevard on both sides and dedicated bike lanes. Most of the existing buildings around the intersection of Yonge Street and Eagle Street are one-storey, auto-oriented commercial buildings. On the west side of Yonge Street, north of Eagle Street is the recently constructed 8 storey Provincial Offences Centre and 4 storey York Region Administrative Centre (**Figure 6**). On the south side is the Superior Court of Justice. These major public uses/employers create a civic node of activity for the intersection of Yonge Street and Eagle Street.

Along Eagle Street, near the Subject Property, there is a mix of 1 storey, auto-oriented service commercial buildings, formerly single family detached dwellings converted to commercial uses, and single-family homes (**Figure 7 to 9**). Adjacent to the Subject Property, on the east and west lot line, are one storey auto service buildings (**Figure 10**) and two storey single family homes converted for medical uses (**Figure 11**).

Across the street from the Subject Property on the south side of Eagle Street are single family dwellings on large lots, considerably setback from the street. These homes were generally constructed between 1950-1970 and are primarily 1 storey in height and feature single car garages (**Figure 12**).

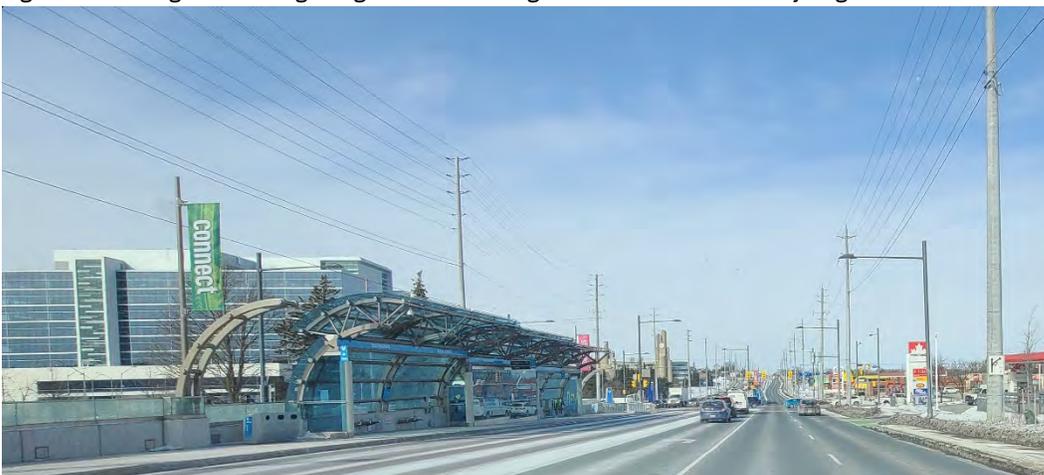
Approximately 50 metres east of the Subject Property is a new three storey townhome development with exterior side yards along Eagle Street (**Figure 13**).

*Figure 4: Intersection of Yonge Street at Eagle Street looking Northwest.*



Source: Millford

*Figure 5: Looking north along Yonge street with Eagle Street VIVA station in foreground.*



Source: Millford

*Figure 6: Birds eye photo of Subject Property in bottom left and York Region Office, Provincial Court and commercial uses along Yonge Street.*



Source: Millford

*Figure 7: Bird's eye photo of the residential properties on the south side of Eagle Street.*



Source: Millford

*Figure 8: Intersection of Eagle Street and Dixon Blvd looking East.*



Source: Google Maps 2020

*Figure 9: Intersection of Eagle Street and Donlin Ave looking West.*



Source: Google Maps 2020

*Figure 10: Commercial Service Uses adjacent to the southeast corner of the subject property.*



Source: Google Maps 2020

*Figure 11: Existing medical uses adjacent to the site at the southwest corner*



Source: Google Maps 2020

*Figure 12: Existing Homes on the south side of Eagle Street across from the subject property*



Source: Google Maps 2020

Figure 13: Townhome Development at Appleton Crt and Eagle Street



Source: Google Maps 2020

## 2.5 Existing Planning Context

**Table 4** provides a summary of the regional and municipal planning documents that currently apply to the Subject Property.

Table 4: Existing Planning Context Summary

Policy Document	Policy
York Regional Official Plan (2010)	<p>The Subject Property is located within the <b>Urban Area</b> of the Region of York Official Plan. Map 1 Regional Structure also identifies a portion of the site in the northeast as <b>Regional Greenland Systems</b> generally associated with the valley land of Western Creek. Map 5 Woodlands identifies a portion of the lands as containing a <b>Woodland</b>.</p> <p>A <b>Regional Growth Centre</b> (Newmarket – Yonge and Davis) and <b>Regional Corridor</b> (Yonge Street) are located within 120 metres of the site.</p>
Town of Newmarket Official Plan	<p>The Newmarket Official Plan 2006 designates the Subject Property as <b>“Residential”</b> (per OPA 29), <b>“Parks and Open Space”</b>, and <b>“Natural Heritage System”</b> (under appeal by Millford) on Schedule A: Land Use. On Schedule B: Natural Heritage Area, a <b>Woodlot</b> is identified south of Western Creek on the western portion of the site (under appeal by Millford), as well as Western Creek and its floodplain.</p> <p>An Official Plan Amendment is proposed to facilitate the development proposal by redesignating the lands outside the valley land feature beyond the stable slope to entirely <b>“Residential”</b> to permit a townhome and triplex condominium development and to remove the Town’s proposed woodlot designation from the table lands that are beyond the valley land system.</p> <p>Eagle Street is identified as a Primary Collector Road and Yonge Street an Arterial Road with Class A Streetscaping and a Regional Rapid Transit Corridor.</p> <p>The subject lands are within the <b>Wellhead Protection Area B (WHPA – B)</b> on Schedule G.</p>

<p>Town of Newmarket Zoning By-law 2010-40</p>	<p>Zoning Bylaw 2010-40 zones the Subject Property “Residential Detached Dwelling 15m Zone, Exception 119 (R1-D-119)”, “Open Space (OS-1)”, and “Environmental Protection Open Space Zone (OS-EP)”. R1-D permits only single detached dwellings. OS-EP designation permits conservation uses and trails. OS-1 permits conservation and public recreation uses.</p> <p>Townhouses are not a permitted use and therefore a Zoning By-law Amendment to zone the lands “<b>Residential Dwelling 4 Zone Plan of Condominium (R4-CP)</b>” is required to permit the proposed development and remove the OS-EP zone from the developable portion of the Subject Property.</p>
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## 2.6 Appeal and Application History

In May 2008, Millford appealed a portion of the York Region approved Town of Newmarket Official Plan 2006 (“Newmarket OP 2006”). The Newmarket OP 2006 proposed to redesignate approximately 0.5 hectares (1.7 acres) of the Subject Property as “Natural Heritage System”, whereas these lands had been designated “Medium Density Residential” in the previous Official Plan. In addition, the Newmarket OP 2006 proposed to identify a “Woodlot” on a portion of the Subject Property per Schedule B – Natural Heritage System.

Millford appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal – “LPAT”) to remove the proposed “Natural Heritage System” designation from the portion of the Subject Property on the basis that it did not warrant classification as a “Woodlot”. The Ontario Municipal Board Hearing was tentatively scheduled for March 3, 2009.

At a Pre-Hearing Conference, the Town of Newmarket and the Region of York filed a Notice of Motion to dismiss the appeal. The Ontario Municipal Board issued an oral decision on January 28, 2009, dismissing the motion filed by the Town and Region and ordered that the hearing proceed as scheduled.

Between the time that the oral decision was issued in January 2009 and the scheduled hearing date in March 2009, Millford and the Town agreed to adjourn the hearing on the grounds that Millford would submit applications for Official Plan Amendment and Zoning Bylaw Amendments to the Town. In April 2011, Millford submitted applications to amend the Newmarket OP 2006 and Zoning By-law.

Millford’s 2011 development application requested to redesignate the Subject Property from “Natural Heritage System,” “Emerging Residential,” and “Stable Residential” to “Yonge-Davis Urban Centre,” “Emerging Residential,” and “Parks and Open Space” to facilitate the development of 38 townhouse units on the easterly part of the site and a 12 storey condominium apartment building containing 154 dwelling units on the westerly portion of the lands. The proposed net residential density for the entire development was 97.2 units per net hectare.

On November 21, 2011, the Town of Newmarket planning department submitted a staff report to the Committee of the Whole providing preliminary comments on the applications and notice to hold a public meeting. A public meeting was held on February 27, 2012 for the development application. Following the public meeting, the Town provided some comments from the reviewing agencies and peer reviewers to which Millford provided responses or revisions to the supporting

studies. **Table 5** lists the correspondence received from the Town of Newmarket on the 2011 application. **Table 6** provides a list of all material and supporting studies submitted by Millford prior to this resubmission of the revised development proposal.

Following inquiries into the status of the application by Millford, the Town submitted a letter to Millford on September 25, 2019, stating that in reviewing the file for the development applications, the comments contained in the staff report from November 21, 2011 had not been addressed in addition to the peer review comments on the Addendum to the tree plan prepared by Arbor Valley Urban Forestry. In this letter, the Town requested that the following studies be updated along with a covering letter indicating how the comments have been addressed:

1. Traffic Impact Study and Traffic Demand Management;
2. Tree Compensation Work;
3. Environmental Impact Study;
4. Source Water Protection;
5. Archaeological Assessment;
6. Planning Justification Report;
7. Phase 1 and 2 Environmental Site Assessment;
8. Noise Assessment; and
9. Functional Servicing and Storm Water Management Report.

In 2020, Millford appealed their applications to the Local Planning Appeal Tribunal on the basis that the Town failed to make a decision within 120 days of the receipt of the complete application.

This Planning Justification Report is being submitted in accordance with the list of updated reports requested by the Town in its letter dated September 25, 2019 and to review and evaluate the revised development proposal. The application materials being submitted at this time are considered a resubmission from the original development applications submitted in 2011.

*Table 5: List of Correspondence and Comments from the Town of Newmarket*

Correspondence Received	Date
Lake Simcoe Region Conservation Authority comments regarding the Functional Servicing and Stormwater Management Report and the Geotechnical Report from Beverley Booth	March 28, 2011
Town of Newmarket Engineering Services, Memorandum from M. O'Brien, CET	June 2, 2011
Town of Newmarket Engineering Services, Letter regarding Phase II ESA, from M. O'Brien, CET	September 21, 2011
North-South Environmental Peer Review of Natural Heritage Information Report from Brent Tegler	October 27, 2011
Town of Newmarket Community Services/Planning and Building Services Report – Planning 2011-46	November 21, 2011
Town of Newmarket Planning and Building Services Letter regarding outstanding issues, from Dave Ruggle, Senior Planner	September 25, 2019
Arbour Valley Peer Review Comments	August 13, 2011 and September 30, 2014

*Table 6: List of Reports Submitted*

Initial Submission Material	Prepared By	Date
Tree Plan	Cathy Bently	Dec 7, 2007
		Feb 7, 2011
		Sept 30, 2011
		Feb 10, 2012
		Jan 4, 2013
		Nov 23, 2015
EIS/NHE	Azimuth Environmental Consulting Inc.	February 2011
		February 2008
		~ 2004
Archeological 1	Museum of Ontario Archaeology	October 27, 2009
Phase 1 ESA	Soil Engineers Ltd.	July 31, 2009
Phase 1 ESA - FOI	Soil Engineers Ltd.	Dec 14, 2010
Limited Phase 2 ESA	Soil Engineers Ltd.	Dec 18, 2009
Hydrogeological	Soil Engineers Ltd.	April 2011
Traffic Impact Study	Genivar	Mar 2011
Soil Investigation Report	Soil Engineers Ltd.	October 2004
Slope Stability based on Re-Staked Top of Bank	Soil Engineers Ltd.	May 5, 2009
Landscape Master Plan and restoration	NAK Design	Mar 1, 2011
FSR	Masongsong Associates Engineering Limited	Mar 2011
Shadow Impact Study	PDA Architects	Feb 2011
Preliminary Environmental Noise Report	Jade	Mar 7, 2011
Lighting Calculations	DeCaria	Feb 2011
Planning Justification Report	Peter Allen	April 2011
<b>Revised / Updated Submission Material</b>		
Letter from Ministry re: Archeological Report	Ministry of Tourism, Culture and Sport	August 15, 2012
Letter from LSRCA re: Top of Bank	LSRCA	May 9, 2012
Source Water Protection - Risk Assessment and Management Plan	Soil Engineers Ltd.	February 2014
Response to TIS	Genivar	December 2013

# 3.0

## Supporting Technical Studies

*Several technical studies have been revised and/or updated in support of the revised development proposal. This section of the report summarizes the findings and development considerations identified in these studies.*

In accordance with the Town of Newmarket correspondence dated September 25, 2019 (mentioned previously in Section 2) and previous comments received on the application, the following studies, reports and materials were updated based on the revised development proposal:

- 1) Planning Justification Report (this Report),
- 2) Transportation Impact Study including Traffic Demand Management,
- 3) Environmental Impact Study and Tree Compensation Plan,
- 4) Source Water Protection,
- 5) Archeological Assessment,
- 6) Phase 1 and 2 Environmental Site Assessment,
- 7) Noise Assessment,
- 8) Functional Servicing and Stormwater Management Report,
- 9) Geotechnical Letter of Opinion,
- 10) LSRCA Slope Stability Assessment,
- 11) Conceptual Landscape Plan, and
- 12) Preliminary Lighting Plan.

These studies are briefly explained below. For details, please refer to the documents submitted alongside this Report.

### 3.1 Transportation Impact Study and Traffic Demand Management

NexTrans prepared a new Traffic Impact Study (“TIS”) including traffic demand management (“TDM”) measures in January 2021 in support of the revised development proposal. The NexTrans report concluded that:

1. The proposed development implements TDM measures and incentives to support active transportation and transit use (specifically the VIVA system just 120 metres from the Subject Property), and to reduce the number of single-occupant-vehicle trips to and from the proposed development.
2. No improvement to the existing or planned street system is required to accommodate the proposed development.

## 3.2 Environmental Impact Study

GeoProcess Research Associates Inc. prepared an updated Environmental Impact Study (“EIS”) in March 2021 in support of the revised development proposal and associated planning applications. The EIS concluded that:

- The Subject Property and surrounding landscape have experienced on-going disturbance from historical and current land use in an ever-urbanizing area. The progression of development around the Subject Property has resulted in the isolation and loss of large-scale natural vegetation communities and open spaces. This includes the channelization of the Western Creek upstream and downstream of the Subject Property.
- A 6-metre setback has been applied to the southern top-of-bank limit of the Western Creek Valleyland as directed by LSRCA. Top-of-bank features for both the north and south sides of the Western Creek Valleyland were staked in the field with Azimuth Environmental Consulting Inc. and LSRCA on April 16, 2009. LSRCA as provided confirmation that the staked limit is acceptable in its May 9, 2012 letter (See Section 3.10 below).
- The woodlot south of the top-of-bank only meets the York Region definition of significance due to its proximity to the watercourse. However, the area proposed for removal is outside the 30-metre setback from the watercourse and meets the definition of a culturally and regenerating woodland per the York Region Official Plan criteria due to the composition of the woodland and the level of disturbance.
- The woodlot feature is highly degraded with low ecological integrity and provides limited ecological function to the surrounding landscape. Overall patch size and habitat quality is largely reduced due to urbanization in and around the features which has resulted in biodiversity loss and biological homogenization (Buckthorn dominated).
- The removal of the woodlot feature will not result in a net negative impact across the landscape, including a reduction in forest canopy cover, subject to the implementation of the proposed mitigation and compensation measures (native tree plantings in the buffer and valley lands). The features within the Subject Property have been part of the urban matrix for some time and therefore cumulative impacts are not anticipated.
- Instead, the proposed compensation plan will result in an increase in native canopy cover and result in an overall increase in the ecological integrity of the surrounding landscape. Incorporation of native species and restoration of the valley land provides the opportunity to significantly improve and enhance the function of the valley land.
- The proposed development represents an opportunity to manage and restore the Western Creek valley land in proximity to the proposed development.
- Mitigation and compensation measures have been provided to ensure that impacts on the property, adjacent natural heritage features, and the greater landscape are minimized.

## 3.3 Tree Compensation Plan

The above referenced EIS by GeoProcess contains a detailed Tree Compensation Plan in Section 11.3. Based on the tree inventory, a total of 928 inches of diameter is required to be replaced with the removal of the woodlot on the tableland. 427 trees are proposed to be planted in the open meadow area of the valleyland and in the top-of-bank 6-metre buffer. An additional 505 trees are proposed to be planted in the understory enhancement zones of the valleyland feature.

At 1 inch per tree, this equals 932 inches of new tree plantings to offset the 928 inches to be removed.

In summary, the plan includes the removal of 0.51 ha of woodlot and its replacement with 0.64 hectares (0.44 ha of forested meadow and 0.2 ha of planted buffer) of new woodland cover and 1.4 ha of understorey enhancement.

The EIS Tree Compensation Plan concludes that the proposed plantings will result in a net ecological benefit by:

- Removal of invasive species from the natural areas of the Subject Property;
- Establishing a forested riparian floodplain community. The riparian woodland will provide shading and overhead cover to the stream, provide nutrient inputs in the form of leaf litter, provide a deeper rooting size along the channel banks which should reduce the slumping currently observed within the meadow;
- Increase wildlife habitat structure within the Subject Property; and,
- Increase plant diversity.

### **3.4 Source Water Protection Risk Assessment and Risk Management Plan**

Soil Engineers Ltd. prepared a Source Water Protection Risk Assessment and Risk Management Plan in 2014 based on the original development proposal and updated it in February 2021. This study recognized that the Subject Property lies within the 2-year capture zone for Town Newmarket Municipal Wells and considered the risk level associated with possible threats to be low. This is based on the large vertical separation between the on-site uses and impacts and the municipal water supply aquifer, the low permeability of the shallow on-site soils, and the hydraulic isolation via low permeable aquitard soil of the shallow groundwater from the intermediate and deep regional aquifers in which the production wells are installed. The report also concludes that although construction dewatering and temporary aquifer depressurization may be required at the site, these activities were not considered to pose a threat to water quality in the municipal wells.

### **3.5 Archaeological Assessment**

Museum of Ontario Archaeology completed a Stage 1 Archeological Assessment in 2009. The report concluded that based on a review of archaeological data, there are no known (registered) archaeological sites on the Subject Property. The report concludes that a Stage 2 Archaeological Assessment is not possible given the presence of significant amounts of fill on the site and recommended that the municipality and the Ontario Ministry of Culture waive the requirements for a Stage 2 Archaeological Assessment.

In 2012, the Ministry of Tourism, Cultural and Sport reviewed the above-mentioned report, which was submitted to the Ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, RSO 1990, c 0.18. The Ministry expressed satisfaction with the fieldwork and reporting and is satisfied that concerns for archaeological sites have been met for the area of development. Therefore, a Stage 2 Archaeological Assessment is not required for the Subject Property.

### **3.6 Environmental Site Assessment**

Soil Engineers Ltd. prepared a Phase 1 Environmental Site Assessment (ESA) dated September 25, 2020. Based on the findings of the Phase 1 ESA, the following areas of potential environmental concern (APEC) with respect to the Subject Property have been identified:

- Fill material of unknown quality is present in the south portion of the Subject Property;
- A gasoline service station with an auto repair facility and spill records is located approximately 30 metres west of the property line;
- A gasoline service station with auto repair facility is located approximately 65 metres southwest of the property line; and,
- An auto repair facility and former UST were located adjacent to the southeast of the property.

A Phase 2 ESA was conducted by Soil Engineers Ltd. dated February 4, 2021 to determine the soil and groundwater quality at the subject property, as related to the APEC's identified in the Phase 1 ESA. The investigation was conducted in general conformance with CSA Standard Z769-00 and O. Reg. 153/04, as amended. As part of this investigation, additional boreholes were drilled, and monitoring wells were installed. This report concluded that the soil and groundwater samples meet the applicable standards on Table 8, Generic Site Condition Standards for Use within 30 m of a Water Body in a Potable Groundwater Condition for Residential / Parkland / Institutional / Commercial / Community Property Use, as published in the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act, April 15, 2011." Therefore, the subject property is suitable for residential development and no further investigation is required.

### **3.7 Noise Assessment**

HGC Engineering completed a Noise Feasibility Study for the Subject Property dated February 19, 2021. The summary of findings from this report includes the following recommendations:

- An acoustic barrier is required for the rear yard of the end townhouse unit flanking Eagle Street, as shown in Figure 3 of the Noise Feasibility Study. Acoustic barrier heights should be refined once grading plans are available.
- Forced air ventilation systems with ductwork sized for future installation of central air conditioning systems will be required for the townhouses and the triplex building closest to Yonge Street and Eagle Street. Additional details are illustrated in Figure 3 of the Noise Feasibility Study.
- The use of warning clauses in the sales agreements is recommended to inform future residents of traffic noise issues and proximity to commercial activities.

To ensure that the noise control recommendations outlined above are properly implemented, it is further recommended that prior to the issuance of occupancy permits for this development, the Municipality's building inspector or a Professional Engineer qualified to perform acoustical engineering services in the Province of Ontario should certify that the noise control measures have been properly incorporated, installed, and constructed.

### **3.8 Functional Servicing and Stormwater Management Report**

Masongsong Associates Engineering Limited prepared an updated Functional Servicing and Stormwater Management Report (FSR) dated March 2021, that concluded the revised proposed development could be sufficiently accommodated within the Subject Property by existing local infrastructure. This conclusion was based on the following findings:

- Water Service will be provided by an existing 300 mm diameter PVC service connection located on Eagle Street. A 150 mm and 200mm lateral connection will be tapped off the main to provide residential water demand.
- Sanitary Service is accommodated by the existing 250 mm diameter sanitary sewer on Eagle Street. A 200mm diameter service lateral is proposed to service the subject development.
- Quantity Controls will be provided for each storm event using a storage tank, storage pipes and Low Impact Development (LID) measures. Control structures located upstream of the Oil-Grit Separator (OGS), will control the release flow for each rain event.
- Quality control (Enhanced Level) will be provided by an OGS located downstream for the storage tank. Total phosphorus reduction during post-development is achieved with a stormfilter type filter.
- Water balance will be provided for using enhanced grass swale, pavement pavers and bioretention swale.
- Erosion and Sediment Controls will need to be implemented during development until the site has been stabilized with groundcover.

#### **Pre and Post Development Water Balance Assessment**

Soil Engineers Ltd. prepared a Pre- and Post-Development Water Balance Assessment based on the proposed development to determine the water balance deficit and to identify possible LID infrastructure that could be utilized to maintain water balance (July 15, 2020). Masongsong used this information to determine which LIS measures would combine maintain the pre-development water balance after development.

### **3.9 Geotechnical Studies**

A detailed soils investigation was originally completed in October 2004 by Soil Engineers Ltd. (October 2004) to reveal the subsurface conditions and to determine the engineering properties of the soils for the design and construction of development.

Soil Engineers Ltd. subsequently prepared a letter with respect to the Slope Stability Assessment based on re-staked top of bank dated May 5, 2009. This letter determined that based on the original slope stability study conducted in 2004 the staked top of bank could be considered as the geotechnically stable top of slope incorporating both the stable slope allowance and toe erosion allowance. This 2009 Slope Stability Assessment from 2009 concluded that the findings from the original slope stability study are still valid and require no revision.

Furthermore, Soil Engineers Ltd. prepared a Geotechnical Letter of Opinion dated September 25, 2020 that reviewed the FSR and SWM report by Masongsong and concluded that soils were geotechnically suitable to support the revised development proposal.

### **3.10 LSRCA Slope Stability Assessment**

Lake Simcoe Region Conservation Authority (LSRCA) completed a review of the Geotechnical Report by Soil Engineers Ltd. dated October 2004 including subsequent correspondence and concluded it is satisfied with the determination of top-of-bank on the property per its letter dated May 9, 2012.

### **3.11 Conceptual Landscape Plan**

A Preliminary Landscape Plan was prepared by JDB Associates Ltd. dated April 1, 2021 for the revised development proposal and generally illustrates where fencing, plantings, walkways and trees will be located. A detailed landscape design plan will be provided during site plan approval and will conform to applicable standards.

### **3.12 Preliminary Lighting Plan**

A Preliminary Lighting Plan was prepared by Datom Group Ltd. dated August 5, 2020 for the revised development proposal. Sidewalks and private roadways can be illuminated while avoiding the existing office and residential use at 45 Eagle Street and other adjacent uses. Detailed design will be submitted during site plan approval.

# 4.0

## Policy Review and Analysis

*The following is a review of the applicable Provincial, Regional and municipal policies and regulations as they pertain to the Subject Property and the revised development proposal.*

### 4.1 Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (“PPS”) is administered under Section 3 of the *Planning Act*. The current PPS came into effect on May 1, 2020, replacing the 2014 PPS and is applicable to planning decisions made on or after May 1, 2020.

The PPS outlines policy for Ontario’s long-term prosperity, economic health, and social well-being. These directives depend on the efficient use of land and development patterns that support strong, sustainable, and resilient communities that protect the environment, public health and safety, and facilitate economic growth. One of the key considerations of the PPS is that planning decisions “shall be consistent with” the Policy Statement. The PPS contains three main sections, including 1) Building Strong Healthy Communities, 2) Wise Use and Management of Resources, and 3) Protecting Public Health and Safety. The following is an analysis of the revised development proposal in the context of the policies in the PPS.

#### 4.1.1 Building Strong Healthy Communities

Section 1 of the PPS is focused on managing change wisely and promoting efficient land use and resilient development patterns that support sustainability, protect the environment and public health and facilitate economic growth. The PPS (section 1.1) states that healthy, livable, and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types to meet long-term needs and integrating land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimize transit investments and minimize land consumption and servicing costs.

#### Settlement Areas

The revised development proposal is consistent with the goals and intent of Section 1. In particular, the revised development proposal supports the Settlement Area policies (Section 1.1.3) that focus on the wise use of land and resources, promote efficient development patterns, protect resources, promote green spaces, and ensure effective use of infrastructure and public service facilities to minimize unnecessary public expenditures.

Policy 1.1.3.1 of the PPS states that Settlement Areas shall be the focus for growth and development. Settlement Areas are Urban Areas and Rural Areas within a municipality that are built-up areas where development is concentrated, and which have a mix of land uses on lands which have been designated in an official plan for development of the long-term planning horizon

(25 years). The Subject Property is located within the Built-up Area of Newmarket and is located within a Settlement Area.

The PPS states that land use patterns within Settlement Areas shall be based on a density and mix of uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation; and are transit-supportive, where transit is planned, exists or may be developed (Policy 1.1.3.2).

Further, policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The proposed development of the Subject Property would classify as intensification, as the proposal would develop vacant land at a higher density than currently exists within a previously developed area. The development proposal will result in a compact urban form through an appropriate level of intensification, provide for a greater mix of housing, support transit investments and promote active transportation and result in a more efficient use of existing infrastructure and public facilities.

### **Housing**

Policy 1.4.3 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with housing and homelessness plans;
- b) Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and all types of residential intensification and redevelopment;
- c) Directing the development of new housing to locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) Requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations; and,
- f) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The revised proposal helps to achieve the PPS housing policies as it is a compact form that is transit-supportive and will utilize existing infrastructure and public facilities. The proposal will improve the range and mix of unit types available in this area of Newmarket, by introducing smaller and more affordable unit types into a predominately single-detached housing stock.

## **Active Communities**

Policy 1.5.1 of the PPS promotes the development of healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity. The proposal includes a connected system of internal sidewalks that would connect to existing sidewalk infrastructure. Given the Subject Property's proximity to the Bus Rapid Transit, walking or biking to transit would be an easy means of travel for future residents.

## **Long Term Economic Prosperity and Energy Conservation**

Section 1.7.1 of the PPS directs long-term economic prosperity be supported by: residential uses that respond to dynamic market-based needs and provide a necessary housing supply and range of options to support a diverse workforce and a sense of place that is achieved through a well-designed built form and cultural planning.

Section 1.8.1 states that Planning Authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and prepare for climate change through land use and development patterns that promote a compact form; use active transportation and transit, encourage transit-supportive development and intensification to improve the mix of employment and housing choices to shorten commute journeys; and promote design and orientation which maximize energy efficiency and conservation.

The development proposal supports these directives of the PPS by providing much needed market-based housing and increasing the mix of housing types in the area to support a diverse workforce, particularly the vast amount of public service jobs located nearby at the intersection of Yonge Street and Eagle Street. The proposal has been designed to achieve a strong sense of place through quality of design and a compact built form that encourages active transportation and transit use.

### **4.1.2 Wise Use and Management of Resources**

The Natural Heritage policies of the PPS (Section 2.1) state that natural features and areas shall be protected for the long term. Natural heritage features and areas include "significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleyland in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area".

The PPS requires natural heritage systems be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas. A Natural Heritage System is defined as "a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the region or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems."

The PPS restricts development and site alteration in significant wetlands, significant coastal wetlands, significant woodlands, significant valleyland, significant wildlife habitat, and significant

areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The PPS defines significant wetlands, coastal wetlands and areas of natural and scientific interest, as areas identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

The PPS defines a significant woodland as an area which is ecologically important in terms of features such as species composition, age of tree and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.

The PPS defines significant in regard to other features and areas in policy 2.1, as ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

An Environmental Impact Statement has been prepared by GeoProcess for the Subject Property in accordance with these policies of the PPS to identify if any natural features or areas are present on the Subject Property and if so, what level of protection is required. Section 3 of this report discusses the findings of the EIS in more detail.

#### **4.1.3 Protecting Public Health and Safety**

Section 3.0 of the PPS directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and this includes hazardous lands adjacent to rivers, streams or lakes which are impacted by flooding or erosions hazards. In accordance with the PPS, floodplain mapping of Western Creek has been identified on the Subject Property and development is proposed only outside the stable top of bank as identified by the Lake Simcoe Region Conservation Authority during a site walk on April 15, 2009.

As such, the development proposal is consistent with these policies of the PPS 2020.

## **4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019**

The Growth Plan for the Greater Golden Horseshoe 2019 (“Growth Plan”) provides a framework for managing growth in the Greater Golden Horseshoe (“GGH”) to achieve the Province’s vision for stronger and more prosperous communities. The Growth Plan provides direction related to land use and infrastructure planning, transportation, housing, and natural heritage and resource protection. The Growth Plan emphasizes the need to build complete communities; support a range of housing options; prioritize intensification to make efficient use of land and infrastructure and support transit viability; provide for different approaches to managing growth that recognizes the diversity of communities in the GGH; and protect and enhance natural heritage, hydrologic, and landform systems, features, and functions (Section 1.2.2).

Building on the PPS, the policies of the Growth Plan direct the vast majority of growth to settlement areas that have delineated built boundaries; existing or planned water and wastewater infrastructure; and, can support the achievement of complete communities. Complete

communities feature a diverse mix of land uses; improve social equity; provide a diverse range of housing options; expand convenient access to a range of transportation options, public service facilities and parks and open space; provide for a more compact built form and vibrant public realm; and, integrate green infrastructure and low impact development where appropriate (Section 2.2.1).

Schedule 3 of the Growth Plan assigns population and employment forecasts for all upper- and single-tier municipalities. York Region is forecasted to accommodate 2,020,000 people by 2051 and 990,000 jobs by 2051. To accommodate this growth, the Growth Plan requires a minimum intensification target of 50% of growth to be accommodated within the Built-up Area (Section 2.2.2).

In accordance with Section 2.2.4.1, planning is to be prioritized for major transit station areas on priority transit corridors, including zoning in a manner that implements the policies in the Growth Plan. Major Transit Station Areas (“MTSA”) are defined as “the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.” The boundaries of MTSA’s are to be identified by upper- and single-tier municipalities as part of their next MCR process.

York Region is currently undertaking their MCR process and Council endorsed 72 MTSA’s in the Region on April 2<sup>nd</sup>, 2020. This includes an MTSA at the intersection of Yonge Street and Eagle Street. The Subject Property is within 500 metres of the Yonge Street and Eagle Street MTSA. Development within the MTSA is to be supported by planning for a diverse mix of uses and unit sizes, including additional residential units, to accommodate existing and planned service levels (Section 2.2.4.9).

Section 2.2.6 outlines the housing policies of the Growth Plan, which promote a diverse range and mix of housing options and densities, including second units and affordable housing to meet the projected needs of current and future residents. In accordance with Section 2.2.6.3, to align with the objective of achieving complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. Further, municipalities should plan to achieve minimum intensification and density targets and diversify their overall housing stock to support the achievement of complete communities (Section 2.2.6).

The Subject Property is located within the Built-up Area, as shown on Schedule 4 of the Growth Plan. Schedule 5 identifies Yonge Street as a priority transit corridor, where a MTSA is proposed at the intersection of Yonge Street and Eagle Street. The revised proposed development is consistent with the objectives of the Growth Plan as it provides an intensification opportunity within the Built-up Area, utilizes existing infrastructure, diversifies the housing stock, and proposes development in a compact built form proximal to a planned MTSA where transit supportive densities are encouraged.

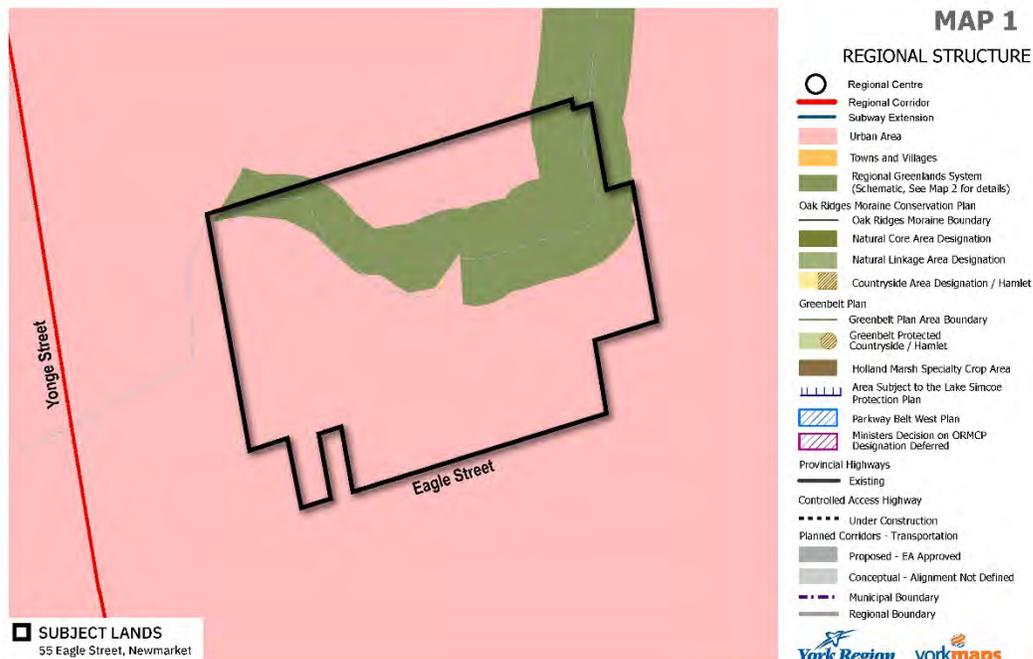
The proposed development conforms to the policies of the Growth Plan.

### 4.3 Region of York Official Plan

The current York Region Official Plan 2010 (“2010 YROP”) was adopted by Regional Council in December 2009 and partially approved by the Minister of Municipal Affairs and Housing on September 7, 2010. The 2010 YROP was subsequently appealed to the Ontario Municipal Board (“OMB”). In 2014, the 2010 YROP was approved in part by the OMB.

Map 1 – Regional Structure from the YROP, designates the Subject Property predominately “Urban Area” with a small portion of the lands designated as “Regional Greenlands” generally associated with Western Creek (**Figure 14**).

Figure 14: York Region Official Plan Map 1 – Regional Structure



#### Urban Area

Lands designated “Urban Area” are planned to accommodate a significant portion of the forecasted growth and will be the focus for intensification in the Region. Table 1 of the 2010 YROP indicates that the Town of Newmarket is forecasted to achieve a population of 97,100 people by the year 2031, which projects an increase of approximately 19,500 people to the Town of Newmarket since 2006.

Policy 5.3.1 states that by the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development will occur within the built-up area as defined by the Province’s Built Boundary in the Growth Plan. Specifically, the Region has allocated an intensification target of 5,250 units to the Town of Newmarket by 2031. The proposed development would be considered intensification within the existing Built Boundary and assist in the achievement of Newmarket’s intensification target.

Policy 5.4.19 requires that Regional Centres, identified on Map 1, contain a wide range of uses and activities and be the primary focal points for intensive development, that concentrates residential,

employment, live-work, mobility, investment, and cultural and government functions. Although not within the Regional Centre boundary for Newmarket, it is important to note that the Subject Property is immediately adjacent to and within less than 400 metres of a Regional Centre.

Policy 5.4.28 requires that Regional Corridors be planned to function as urban main streets that have a compact, mixed-use, well-designed, pedestrian-friendly and transit-oriented built form. Yonge Street is a designated a Regional Corridor and is less than 120 metres from the subject property.

The housing policies of the 2010 YROP, including Section 3.5.4, promote a diverse range and mix of housing options and densities that support the achievement of the minimum intensification and density targets of the Plan and contribute to the creation of complete communities.

Policy 3.1.3 requires high-quality urban design and pedestrian friendly communities that provide safety, comfort and mobility so that residents can walk to meet their daily needs. The proposed development will not only provide housing on underutilized land near an existing MTSA, but it will also be designed to promote walking and improve the area's sense of place through high-quality architecture and good urban design.

Additionally, the development supports the Region's goals to reduce vehicle emissions (Section 3.2) by designing a community that prioritize pedestrian and cyclists, support transit uses, and reduced auto use (reduced parking standards).

Policy 5.2.10 requires that secondary plans and zoning by-laws shall, in consultation with the Region and related agencies, incorporate parking management policies and standards that include reduced minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses. The Subject Property is within easy walking distance (~5 mins) to a MTSA at Yonge Street and Eagle Street and should be approved for a reduced parking requirement in accordance with this policy that reflects the property's access and adjacency to major transit, major employment, and a full service of retail and commercial uses.

Policy 5.2.11 encourages development to consider integrated and innovative approaches to water management, water efficiency, and minimized stormwater volumes and contaminant loads and maximized infiltration through an integrated treatment approach, which may include techniques such as rainwater harvesting, runoff reduction of solids and materials at source, constructed wetlands, bioretention swales, green roofs, permeable surfaces, clean water collection systems, and the preservation and enhancement of native vegetation cover. As detailed in the FSR and SWM Report by Masongsong, Low Impact Development measures like bioretention swales, grassed swales and pervious pavers as feasible devices. Additional LID measures, green building design and construction practices will be reviewed during Site Plan Approval.

Policy 7.1 of the 2010 YROP focuses on ways to reduce the demand for services and maximize the use of existing infrastructure. This includes strategies to reduce vehicular trips and make efficient use of existing transportation infrastructure. At the forefront of this approach is a comprehensive Transportation Demand Management program that promotes walking, cycling, transit use and a per capita reduction in trips taken. Furthermore, Policy 7.1.1 requires that appropriate Transportation Demand Management measures to reduce single occupancy automobile trips are identified in transportation studies and in development applications. Submitted in support of these applications, a Transportation Impact Study (TIS) by NexTrans provides appropriate recommendations to reduce the parking requirements of the site and use TDM measures to support the significant transit investments made along Yonge Street.

Policy 7.1.7 requires new development applications to demonstrate how the proposed development is transit-oriented. The proposed development achieves the goals and adheres to these policies and the York Region Transit-Oriented Development Guidelines. Additionally, policy 7.1.8 encourages developers to provide all new-home buyers with information on available pedestrian, cycling and transit facilities and carpooling options within the community, including local transit routes and schedules.

### **Regional Greenlands System**

The intent of the Regional Greenlands System is to protect key natural heritage features and key hydrologic features in a linked system. It is a policy of the 2010 YROP to protect and enhance the Regional Greenlands System and its functions shown on Map 2 and to control new development and site alteration within the vicinity of the System (Policy 2.1.1).

Policy 2.1.7 states that the boundaries and extent of the Regional Greenlands System on Map 2 outside the Oak Ridges Moraine Conservation Plan Area and the Greenbelt Plan Area are approximate and appropriate refinements can be made without requiring an amendment to the 2010 YROP. The 2010 YROP directs that in the Urban Area, it is the responsibility of the local official plan to identify the Regional Greenlands System more specifically (Policy 2.1.5).

Policy 2.1.9 further prohibits development and site alteration in the Regional Greenlands System and requires an Environmental Impact Study (EIS) when development is proposed within 120 metres of the Regional Greenlands System.

Policy 2.2.1 of the 2010 YROP defines key natural heritage features and key hydrologic features as:

- a) significant habitat of endangered and threatened species;
- b) fish habitat;
- c) wetlands;
- d) Life Science Areas and Earth Science Areas of Natural and Scientific Interest;
- e) Environmentally Significant Areas;
- f) significant valleylands;
- g) significant woodlands;
- h) significant wildlife habitat;
- i) sand barrens, savannahs and tallgrass prairies;
- j) lakes and their littoral zones;
- k) permanent and intermittent streams;
- l) kettle lakes;
- m) seepage areas and springs deemed vulnerable or sensitive surface water features; and,
- n) Lake Simcoe Shoreline.

Policy 2.2.2 states that significant habitat of endangered and threatened species, fish habitat, wetlands, Life Science Areas and Earth Science Areas of Natural and Scientific Interest, Environmentally Significant Areas, and kettle lakes are shown on Map 3 and 4 and addition or deletion of these features require an amendment to this Plan. No features are identified on Map 3: Environmentally Significant Areas and Areas of Natural and Scientific Interest or Map 4: Key Hydrologic Features on the Subject Property apart from the Western Creek watercourse.

The remaining key natural heritage features and key hydrologic features are however to be identified in accordance with the criteria contained in the 2010 YROP or, where Regional criteria is not provided, using procedures established by the Province.

Policy 2.2.3 states that “key natural heritage features and key hydrologic features shall be precisely delineated on a site-by-site basis using procedures established by the Province, where applicable. Such delineation shall occur through the approval of Planning Act applications supported by appropriate technical studies such as master environmental servicing plans, environmental impact studies, natural heritage or hydrological evaluations. Where such delineation refines boundaries shown on Maps within this Plan, refinements to these Maps can occur without an amendment to this Plan.”

In addition, policy 2.2.4 goes on to state that “development and site alteration is prohibited within key natural heritage features, key hydrologic features, and adjacent lands, unless:

- a. it is demonstrated through a natural heritage evaluation, hydrological evaluation, or environmental impact study that the development or site alteration will not result in a negative impact on the natural feature or its ecological functions; or,
- b. authorized through an Environmental Assessment”.

Similarly, policy 2.2.5 requires that an application for development and site alteration within 120 metres of a key natural heritage feature or key hydrological feature shall be accompanied by an environmental impact study. The environmental impact study shall also address any requirements of the local municipality. Additionally, policy 2.2.30 states that notwithstanding policy 2.2.4 of this Plan, development and site alteration is not permitted within significant habitat of endangered and threatened species. The EIS by GeoProcess did not identify any significant habitats or endangered and threatened species within the developable portion of the Subject Property.

In accordance with these policies of the 2010 YROP, a detailed Environmental Impact Study (March 2021) has been prepared by GeoProcess for the Subject Property. This EIS identified key natural heritage features and key hydrologic features within the valleylands associated with Western Creek. Accordingly, the stable top of bank was identified and surveyed on site with the Lake Simcoe Region Conservation Authority in May 2009 and a vegetated protection zone (buffer setback) of 6 metres was applied to this limit to delineate the extent of the developable portion of the property.

### **Woodlands**

Policy 2.2.44 states that notwithstanding policy 2.2.4 of this Plan, development and site alteration is prohibited within significant woodlands and their associated vegetation protection zone except as provided for elsewhere within this Plan. Policy 2.2.45 requires that “significant woodlands be verified on a site-by-site basis and shall include those woodlands meeting one of the following criteria” if it is 0.5 hectares or larger and:

- i. Directly supports globally or provincially rare plants, animals or communities as assigned by the Natural Heritage Information Centre; or,
- ii. Directly supports threatened or endangered species, with the exception of specimens deemed not requiring protection by the Province (e.g. as is sometimes the case with Butternut); or,



The 2010 YROP defines “Cultural and Regenerating Woodland” as the following: “For the purpose of policy 2.2.48, woodlands where the ecological functions of the site are substantially compromised as a result of prior land use activity and would be difficult to restore and/or manage as a native woodland in an urban setting. An environmental impact study should assess these ecological functions with the consideration of the following:

- The woodland is regenerating, typically with a dominant proportion of woody species being invasive and non-native (e.g. Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, White Poplar, etc.)
- The area was not treed approximately 20 to 25 years ago as determined through air photo interpretation or other suitable technique
- Soils may be degraded, for example, soil may be compacted, the topsoil removed, or there may be substantial erosion from over-use and/or the woodland may be regenerating on fill
- There is limited ability to maintain or restore self sustaining ecological functions typical of native woodlands.”

Based on the findings of the EIS by GeoProcess, the woodland feature identified beyond the stable top of bank and outside the valleyland feature only meets the Region’s criteria for “Significant Woodland” in that it is adjacent to woodlands within the valleyland that are within 30 metres from the watercourse. GeoProcess confirmed through its EIS, that the woodlot beyond the stable top of bank is slightly larger than 0.5 hectares and does not directly support globally or provincially rare plants, animals or communities as assigned by the Natural Heritage Information Centre and does not directly support threatened or endangered species.

The EIS concluded that the woodlot feature proposed for removal is outside the 30-metre setback from the watercourse and meets the definition of a culturally and regenerating woodland per the York Region Official Plan criteria due to the composition of the woodland and the level of disturbance. The woodlot feature is highly degraded with low ecological integrity and provides limited ecological function to the surrounding landscape and its removal will not result in a net negative impact across the landscape, including a reduction in forest canopy cover, subject to the implementation of the proposed mitigation and compensation measures (native tree plantings in the buffer and valley lands).

The proposed development conforms to the policies of the 2010 YROP as it provides residential development within the Urban Area designation, which contributes to achieving the Region’s growth forecasts and intensification targets. The development of townhouse units adds to the range and mix of housing options and levels of affordability in the Region and contribute to achievement of complete communities. Additionally, development of the Subject Property south of the stable top of bank assists in the achievement of sustainable communities and complete, vibrant communities in accordance with Section 5.2 and 5.6 given that the Subject Property is in the Urban Area and is adjacent to lands within the Regional Corridor near a MTSA. Lastly, removal of the woodlot beyond the valley land is supported in accordance with the findings of an EIS.

## **York Region Official Plan History**

Given that the original appeal of the Town of Newmarket Official Plan (2006) and the subsequent development applications by Millford in 2011 predate the approval of the 2010 YROP, it is appropriate to consider the policies that were in place when the original applications were made.

As such, at the time of the original submission in 2011, the York Region Official Plan 1994 (“1994 YROP”) was in force and effect. At the time of the original applications and appeal of the Newmarket Official Plan, the 1994 YROP designated the Subject Property within the Urban Area, with a portion located in the Regional Centre Designation. No portion of the Subject Property was designated on Map 2 Significant Natural Features, Map 3 Forest Resources or Map 4 Regional Greenlands System.

On December 9, 2009, York Regional Council adopted the new York Region Official Plan (2010 YROP). The 2010 YROP introduced new policies and definitions regarding woodlands, specifically significant woodlands. The 2010 YROP was subsequently appealed to the Ontario Municipal Board by several parties. Between the time of adoption of the 2010 YROP and the OMB approval, the definitions regarding significant woodlands were modified.

#### **4.4 Town of Newmarket Official Plan**

The Town of Newmarket Official Plan as adopted by Council in 2006 (“2006 Newmarket OP”) was approved by the Region in 2008. The 2006 Newmarket OP proposes to designate the Subject Property “Natural Heritage System”, “Emerging Residential”, “Stable Residential”, and “Parks and Open Space”. The Natural Heritage System designation south of the valleylands was appealed by Millford. The Subject Property is adjacent to the Urban Centres and Corridors designation along Yonge Street.

In December 2020, Newmarket Council approved Official Plan Amendment 29 (“OPA 29”) which removed the “Stable Residential” and “Emerging Residential” designations and combined them into one designation “Residential Area” with supporting policies relating to identified character areas. OPA 29 designates the Subject Property as “Residential Area”, “Parks and Open Space”, and “Natural Heritage System” on Schedule A – Land Use (**Figure 16**). Schedule A also identifies the floodplain generally associated with Western Creek. Although the applications pre-date the approval of OPA 29, the following analyses reviews the Newmarket OP including OPA 29 for conformity and to simplify the amendments required. The review concludes that the applications remain in conformity with the new policies apart from the mapping designation change requested.

Prior to the 2006 Newmarket OP, the 1996 Newmarket Official Plan designated the southern part of the Subject Lands as “Medium Density Residential” and the northern part as “Open Space” on Schedule 1 – Land Use. In addition, the Subject Property was included in Special Development Area 4 of Schedule 2. The permitted uses in the medium density category were townhouses, rowhouses, triplexes, fourplexes, low-rise apartments and other form of innovative multiple unit dwellings between 24 and 60 units per net hectare. Special Policy Area 4 promoted the development of a comprehensive planned townhome development along Eagle Street west of Sandford Street.

##### **Residential Areas**

OPA 29 recognizes that as the supply of greenfield land in Newmarket becomes exhausted, residential development trends are shifting from suburban growth to urban intensification and the redevelopment of existing built-up areas. It states that while the majority of this growth is directed to the Urban Centres, a limited amount of development that is compatible with the character of existing residential neighbourhoods is anticipated to occur throughout Residential Areas. Furthermore, it directs development in Residential Areas to be undertaken in a manner

which acknowledges, respects, and is compatible with the existing physical neighbourhood character (Section 3.0).

Figure 16: Schedule A Newmarket Official Plan per OPA 29



Source: Town of Newmarket Official Plan Amendment 29

It is an objective of the Newmarket OP to provide for a range of residential accommodation by housing type, tenure, size and location to help to satisfy the Town's housing needs in a context sensitive manner. Policy 3.1.2 states that the predominant use of land in Residential Areas shall be single-detached and semi-detached dwellings. However, townhouses, duplex, triplex, and quadruplex are also permitted provided that the applicant can demonstrate to the satisfaction of the Town, how the proposed development is compatible with the existing character of the neighbourhood through a Compatibility Analysis Study. Section 5 of this Report includes a review of the Compatibility and Urban Design policies and provides an analysis of the revised development proposal's conformity to such.

Section 3.8 states that throughout "Residential Areas", intensification is permitted through the introduction of the following:

- A range of building and unit types including accessory dwelling units, single-detached dwellings and semi-detached dwellings.
- A range of building and unit types including townhouses and rowhouses on a site-specific basis.
- Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings.
- The consent of lands resulting in the introduction of additional residential dwellings, where appropriate and subject to other policies of this Plan

### **Parks and Open Space**

Section 8 of the 2006 Newmarket OP deals with Parks and Open Space. The Subject Property is partially designated "Parks and Open Space" in the north. These lands are almost entirely within the area identified for environmental protection per the Environmental Impact Study by GeoProcess (March 2021). Uses permitted in the Parks and Open Space designation include those that support the natural, open and recreational use of the land, including a complete range of public recreational uses, private outdoor recreational facilities, existing golf courses, and conservation uses.

### **Affordable Housing**

Policy 3.10.2 states that a minimum of 25% of new housing development outside the Urban Centres Secondary Plan will be affordable to low- and moderate-income households and that a portion of these units should be accessible to people with disabilities and include a range of types, unit sizes, tenures to provide opportunities for all.

The revised proposed development will provide for housing options that are expected to be more affordable than compared to detached housing currently permitted by the zoning bylaw. The revised proposal is intended to provide for a range of unit sizes from ~1,750 square feet to 3000 square feet and a mix of tenures including for sale condo townhomes and for rent triplex units. This mix of housing types and sizes will provide for varying levels of affordability within the development.

Affordable housing is a complex issue across the GTA that requires a full range of solutions and providers. York Region's target of the 25% of new housing outside Regional Centres and key development areas be affordable is measured and monitored at the Regional scale.

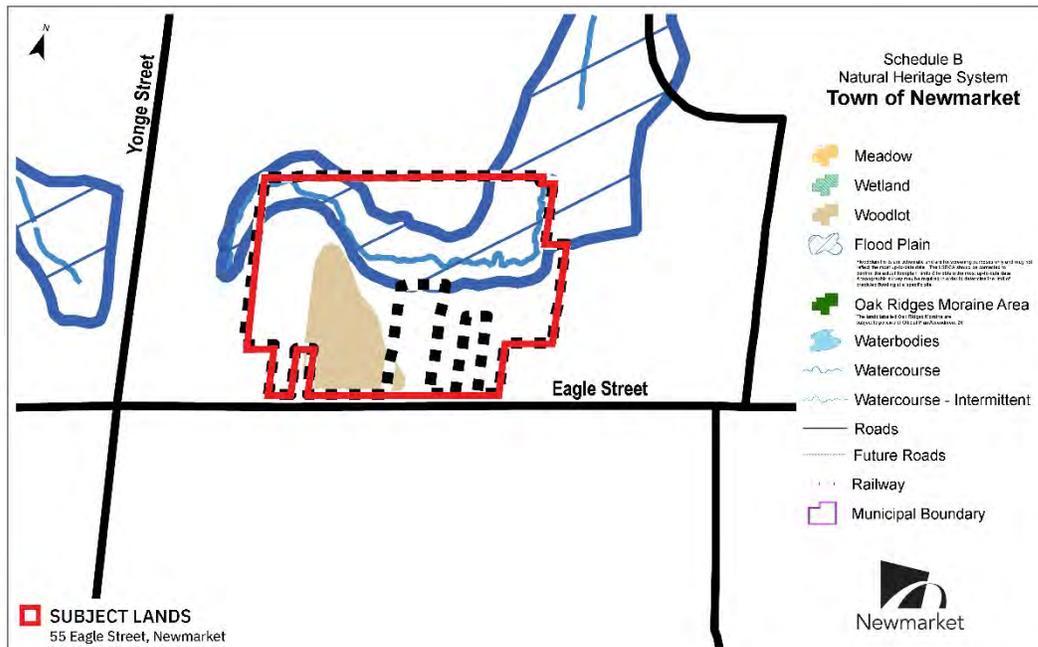
## Natural Heritage System

In accordance with Section 9 of the Newmarket OP, the Natural Heritage System in Newmarket is comprised of Meadows, Woodlots, and Wetlands that are to be protected and, where possible, enhanced. Policy 9.2.2 states that “development or site alteration is not permitted within a Meadow, Woodlot or Wetland identified on Schedule B, except as provided for in Section 9.3.” Furthermore, it states that lands adjacent to a woodlot (within 50 metres), development is not permitted unless it can be demonstrated through an Environmental Impact Study that there will be no negative impacts on natural features or their ecological functions.

Schedule B – Natural Heritage System of the Newmarket OP identifies a “Woodlot” on the Subject Property which is subject to the outstanding appeal by Millford. Additionally, a watercourse and the general location of a floodplain are illustrated on the property on Schedule B (**Figure 17**).

The outstanding appeal of the Newmarket OP by Millford is related to the validity of the “Woodlot” identified on Schedule B and associated Natural Heritage Designation on Schedule A.

Figure 17: Newmarket Official Plan Schedule B – Natural Heritage System



Policy 9.2.3 requires the establishment and maintenance of a natural vegetative buffer measuring, at a minimum, 15 metres from a warm water stream and 30 metres from a cold water stream, adjacent on either side of the watercourse. As the presence of the floodplain or a steep slope may influence the width of the setback (as opposed to the buffer) from the watercourse, the Town and/or proponent is to consult with LSRCA to establish the top-of-bank of floodplain boundary and may require different buffer widths than specified above.

LSRCA was consulted by Millford and its environmental consultant in 2009 and the stable top-of-bank was established on site and an associated 6 metre buffer.

Policy 9.3.2.1 prohibits development or site alteration in Woodlots identified on Schedule B and development adjacent to a woodlot is to be carried out in a manner that encourage the protection

and management of the Woodlot. A minimum 10 metre buffer is to be provided between all Woodlots and any proposed development (Policy 9.3.2.2).

In accordance with Policy 9.4, an Environmental Impact Study (EIS) has been prepared by GeoProcess to document and evaluate the features and functions present on the subject property. Both the EIS submitted with the original submission and the new EIS submitted with this resubmission of the revised proposal support the removal of the woodlot identified on the Subject Property given the vegetation is characteristic of low quality, invasive communities and although near to a watercourse, that watercourse is fragmented and isolated given its channelization and the surrounding environment is completely developed. Additionally, the EIS by GeoProcess concluded that the removal of these features will not result in the loss of integral habitat or landscape function; rather, as a result of the compensation plan proposed, the proposed development will have a positive impact on the environmental system associated with the watercourse.

Policy 9.2.7 states that in new subdivisions, there should be “no net loss” of trees through the preservation of existing trees and the planning of replacement trees, as identified in the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy. The Tree Compensation Plan by GeoProcess submitted with this revised application proposes that 932 inches of tree be planted to replace the 928 inches to be removed (See Section 3.3 for details).

### **Contaminated Lands**

Due to the Subject Property’s proximity to a potentially contaminated site, the policies under Section 10.4, Contaminated Lands, are applicable to the proposed development. In accordance with Section 10.4.2, an OPA and a ZBA shall require a Phase One Environmental Site Assessment (“ESA”). A Phase One and Phase Two ESA have been prepared in support of this submission.

### **Urban Design and Compatibility**

Section 12.0 provides policy directives relating to Urban Design, Compatibility including Energy Efficiencies and Sustainability. Section 5 of this report provides a detailed review of the Urban Design and Compatibility policies of Section 12 of the Newmarket Official Plan.

### **Conclusion**

The revised development proposal generally conforms to the Newmarket OP. Given the findings outlined in the EIS by GeoProcess, the woodlot existing on the Subject Property should be considered “cultural and regenerating” and does only satisfies the significant woodland definition in the YROP in that it is adjacent to a woodland that is in proximity to a watercourse. Given the significant amount of development surrounding the Subject Property, near by transit investment, the isolation of the woodlot from a greater natural heritage system, the channeling of the creek upstream and downstream of the Subject Property, and the poor quality of vegetation on the lands beyond the stable top of slope, redefining the limits of the natural heritage features to be consistent with the limits of the valleylands and use of the land south of the stable top of slope for residential development achieves a better balance between environmental protection and intensification and transit-supportive neighbourhood objectives. The proposed Tree Compensation Plan proposed will provide a net benefit to the area by increasing native canopy cover and improving the ecological integrity of the surrounding landscape. The incorporation of native species and restoration of the valley land provides the opportunity to significantly improve and enhance the function of the natural features within the valley land.

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

The Town of Newmarket Zoning By-law 2010-40 was passed by Town Council on June 1, 2010. The By-law is largely in force and effect, except as amended by Zoning Bylaw 2020-63 which was approved by Council on December 14, 2020.

The Subject Lands are zoned “Residential Detached Dwelling 15m Zone, Exception 119 (R1-D-119)”, “Open Space (OS-1)”, and “Environmental Protection Open Space Zone (OS-EP)”. The R1-D-119 zone permits single detached dwelling units. OS-1 zone permits community centres, conversation uses, parks, trails and outdoor recreation facilities. OS-EP zone only permits conservation uses and trails. **Figure 18** provides an excerpt of the zoning by-law schedule and outlines the limits of each zone on the Subject Property.

An amendment to the Zoning By-law is requested to rezone the property south of the defined stable top of bank and 6m buffer to “Residential Dwelling 4 Zone Plan of Condominium (“R4-CP”) to permit townhouse dwelling units and the lands north of the stable top of bank and 6meter buffer as “Environmental Protection Open Space Zone (OS-EP).”

Figure 18: Zoning Bylaw 2010-40 Town of Newmarket



# 5.0 Urban Design and Compatibility Analysis

The urban design policies contained in Section 12.0 of the Newmarket OP provide provisions to ensure the following objectives are maintained:

- a) encourage high urban design standards;
- b) create attractive, accessible, comfortable, safe and healthy built environments;
- c) create a livable, attractive community with a built-form that enhances the Town's sense of place;
- d) minimize conflicts between adjacent land uses and ensure that new developments minimize impacts on the amenity and functioning of adjacent land uses; and,
- e) promote and require site design that maximizes the sustainable nature of development.

These urban design principles are reviewed in relation to the preliminary concept plan provided with the revised development proposal. It is noted that an application for site plan approval would be required prior to development and would provide more details with regards to the site design and the urban design approach.

## **Design in Context with the Natural and Built Environments**

Policy 12.2.1 encourages design that is contextually appropriate. It states that design should respond to the context of Newmarket including the functions of neighbourhoods, key destinations, and urban centres. Planning and design of a site should take into consideration the size, scale, and orientation of buildings, as well as circulation and landscaping, in relation to surrounding conditions. Design should minimize the impact of development on all aspects of the natural environment in both a local and global context.

The proposed development is contextually appropriate given its proximity to a MTSA and Urban Growth Centre, mix of uses and variety of built forms immediately surrounding the property, and has been designed to minimize environmental impacts by preserving the natural features associated with Western Creek. The proposed development will provide transit supportive housing that makes active transportation and transit more convenient, comfortable and cost effective than automobile use.

## **Connectivity**

Given the property's proximity to a MTSA, connectivity is a key element of the proposal (Section 12.2.2). In particular, the proposal will allow for direct and convenient access to rapid transit, buildings will be located close to the street to reinforce the public realm and create comfortable edges for sidewalks and pathways, and physical and visual connections between the development and the adjacent area will encourage active transportation modes.

Furthermore, in accordance with the public transit policies identified in Section 15.3, the development is supportive of the public transit system given that it provides for higher density development in a walkable, urban environment that encourages active transportation and transit use. The development is less than a 5-minute walk (120 metres) to the VIVA Blue stops at Eagle Street and Yonge Street. There are existing transit stops located at the intersections of Eagle Street and Dixon Road and Eagle Street and Donlin Avenue, on the north and south side of Eagle Street.

### **Pedestrian Amenities**

In support of the transit investments, the proposal is designed to ensure pedestrian comfort, safety and convenience. It will establish interesting and inviting streetscapes (Eagle Street and internal driveways) that foster social contact and support neighbourhood activity such as people friendly pathways, central mail collection locations, primary entrances and homes on internal driveways and Eagle Street to define and animate the public realm.

The Eagle Street frontage and internal driveways are intended to be tree-lined and treated with a high-quality landscape plantings and materials that compliment and enhance the built and natural environment. The proposed street trees will help to shade the sidewalk and improve the pedestrian experience. Pedestrian walkways and routes will be well delineated from vehicular routes and the internal driveways will act as “slow streets” that act as shared spaces for pedestrians and vehicles. Specific details regarding the plantings and landscape material will be provided during the Site Plan Approval process. Garage access is proposed internal to the site so not to interrupt the pedestrian route along Eagle Street. Double car garages and driveways have been limited to ensure a more pedestrian-friendly environment and encourage transit use.

### **Safety**

The preliminary site plan has been designed to support a safer, more livable urban environment in accordance with policy 12.2.4. Homes will be oriented to ensure daily activities result in casual observe of public and semi-public spaces. Lighting and landscaping will be designed to support casual and passive observation of exterior spaces. Known as “eyes on the street”, the number of units and the location of windows, porches, and entry points will help to ensure presence and visibility and create a passive surveillance system throughout the proposed development.

Additional details regarding the safety measures employed through the design will be provided during Site Plan Approval.

### **Visual Quality and Aesthetics**

The preliminary site plan has been designed to create an attractive and well-articulated development. Both entrances from Eagle Street are intended to have terminating vista into the valleylands. Several other views of the natural areas are proposed throughout the plan, with limited back lotting, and instead focusing on opening up the NHS to the neighbourhood. Building placement, siting, setbacks and orientation are consistent with current urban design principles. Details regarding the architectural style, details, materiality, colour, and landscaping will be provided during Site Plan Approval but will be well considered to ensure visual interest and quality building materials.

### **Sustainability in Design**

Policy 12.3 encourages innovative green building design and construction practices through the Site Plan Approval process. This may include innovative methods of reducing stormwater flows; advanced water conservation and efficiency measures; designs that facilitate waste reduction and recycling and other innovative waste management technologies and practices; establishing and extending wind and solar power installations and other renewable energy systems; the use of advanced energy-efficient technologies that are consistent with high energy efficiency standards, design features and construction practices; and, the development of innovative green spaces such as green roofs, and designs that will reduce the urban heat island effect.

The proposed development is intended to employ Low Impact Development (LID) techniques in accordance with LSRCA's Technical Guidelines. The FSR and SWM Report by Masongsong Associates Engineering Limited identified bioretention swales, grassed swales and pervious pavers as feasible devices. Additional LID measures, green building design and construction practices will be reviewed during Site Plan Approval.

### **Compatibility**

Policy 12.4 from OPA 29 requires development to be compatible with the existing built form by relating to and enhancing the area's existing physical character, qualities and scale and considers the appropriateness of the development for the area based on how buildings respond to the existing character of the area; the policies of the Residential Character Area, if applicable; the nature of fenestration and sun reflection impacts; the nature of shadow impacts; and the existing and emerging built-form elements such as height, massing, setbacks, materials and finishes that are incorporated into surrounding buildings.

The proposed development is compatible with the existing and emerging built form in the surrounding area. Apart of the adjacent single-family dwelling used for a medical office, a one storey medical office, and the auto repair shop, the Subject Property is quite isolated from any immediately adjacent buildings and there is no strong character or built form that defines the immediate area or the Eagle Street frontage. The streetscape along Eagle Street is not consistent and has a mix of building types and development standards. The proposed townhomes and triplex building will be up to 3 storeys in height and therefore will not create any issues with respect to shadow, overlook, sun reflection or impact on privacy given its isolation from the surrounding built form.

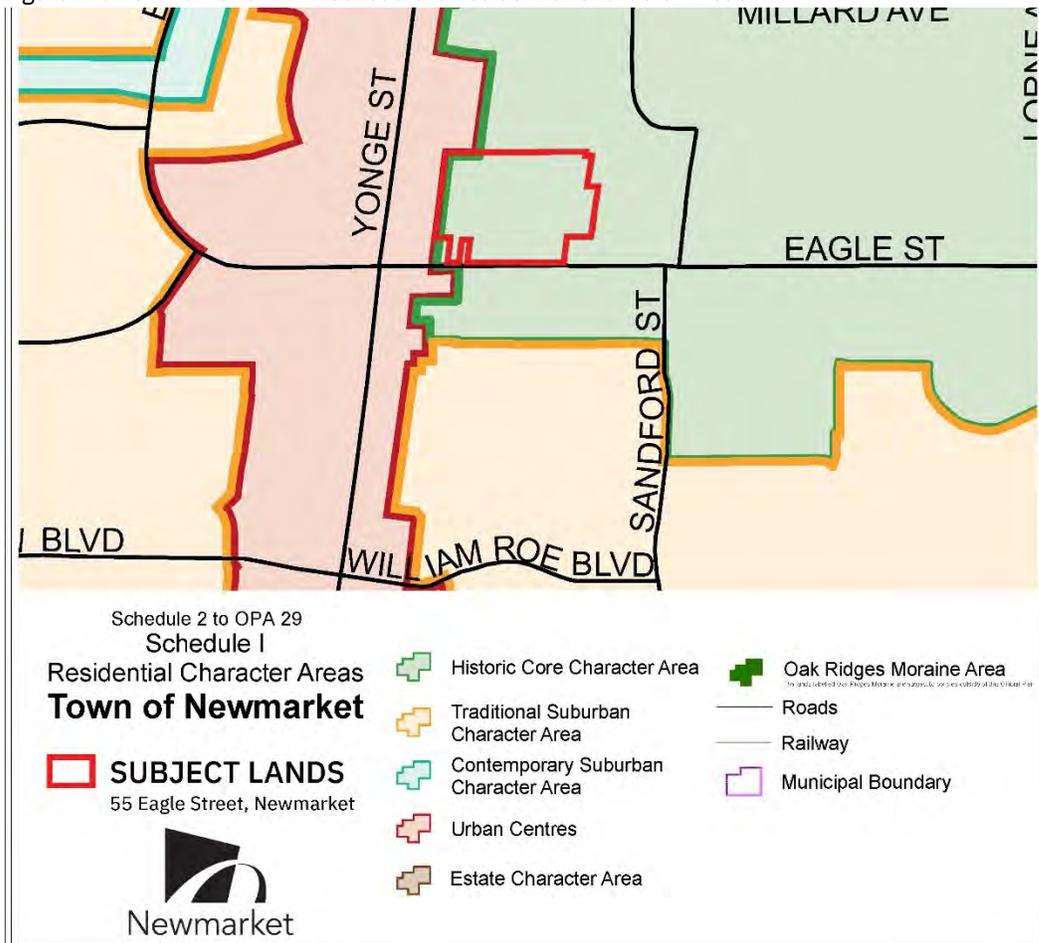
As described in detailed in Section 2 of this Report, the surrounding area is defined by quite a varying mix of building types and uses that do not present a strong unified character. To the west is the emerging Urban Growth Centre and Transit Corridor along Yonge Street. This area is preliminary zoned Mixed Use 1 (MU-1) and permits a mix of uses including commercial, retail, office and residential (from townhomes to apartment buildings). Permissible heights range from 11 to 26 metres (approximately 3-15 storeys). On the south side of Eagle Street across from the property, the street is defined by single detached dwellings on large lots with direct driveway access on Eagle Street. Most of these homes are generously setback from the street at approximately 20 metres. To the east is a one storey auto repair shop, 3 single family residential lots and a similar scaled townhome development.

The policies of the Residential Character Area applied to the Subject Property through OPA 29 are the "Historic Core Character Area" (**Figure 19**). The Historic Core Character Area is defined in OPA 29 as being developed prior to the 1940's and the advent of subdivision planning. However, this

not consistent with the actual built form and character of the area surrounding the Subject Property nor the actual time period of development for the subdivisions that are found north and south of the property. The subdivisions surrounding the property are more likely attributed to the birth of subdivision planning, defined by homes built in the 1960-1970s, large single family home lots, space for auto parking, curvilinear streets with crescents and cul-de-sacs, and single-storey some post-war type bungalows along Eagle Street. The characterizing features defined for the “Historic Core Character Area” of transitional street grid pattern, short blocks, landscaped boulevards and mature trees, continuous sidewalks, and Victoria-era Architecture do not accurately describe the character of the surrounding area. Nonetheless, the proposal works to achieve some of the character of a pre-auto neighbourhood, with short blocks in a grid like pattern and homes brought closer to the street to prompt walking and active transportation.

The proposed development is an appropriate design solution given the character of the area and its proximity to a MTSA. The character of the area includes a mix of residential uses and built forms from single detached dwellings to townhomes and small apartments. To the east of the Subject Property is a recent townhome development (2014) of similar characteristics to those proposed. The proposed townhome and triplex development is an appropriate design solution to transition from the higher and more intense uses proposed on Yonge Street to the existing established low-rise neighbourhoods. The orientation of the proposed rear yards to the east and west edges of the Subject Property mitigates the need for additional buffer or landscape areas.

Figure 19: Newmarket OPA 29 Schedule I: Residential Character Areas



# 6.0

## Proposed Amendments

### 6.1 Official Plan Amendment Proposed

The proposed development requires an Official Plan Amendment to revise the mapping on Schedule A and Schedule B of the Town of Newmarket Official Plan (OPA 29).

Schedule A is requested to be amended to remove the Town’s proposed “Natural Heritage System” and “Parks and Open Space” designation south of the 6 metre buffer from stable top of bank limit and apply the “Residential” designation from OPA 29. In addition, lands currently designated “Residential” north of the 6 metre buffer from stable top of bank limit would be removed from the “Residential” designation and the “Natural Heritage System” designation would be applied. See **Figure 20**.

The requested amendment proposes approximately 0.59 hectares of land be removed from the NHS designation and 0.06 hectares of land be removed from the Parks and Open Space designation. However, this is offset by approximately 1.13 hectares of land proposed to be added to the NHS designation for a net total gain to the NHS of 0.54 hectares.

Similarly, schedule B would be amended to remove the Town’s proposed “Woodlot” identification from the subject property. See **Figure 21**.

A Draft Official Plan Amendment is attached in **Appendix A**.

Figure 20: Draft Official Plan Amendment Mapping – Schedule A OPA 29

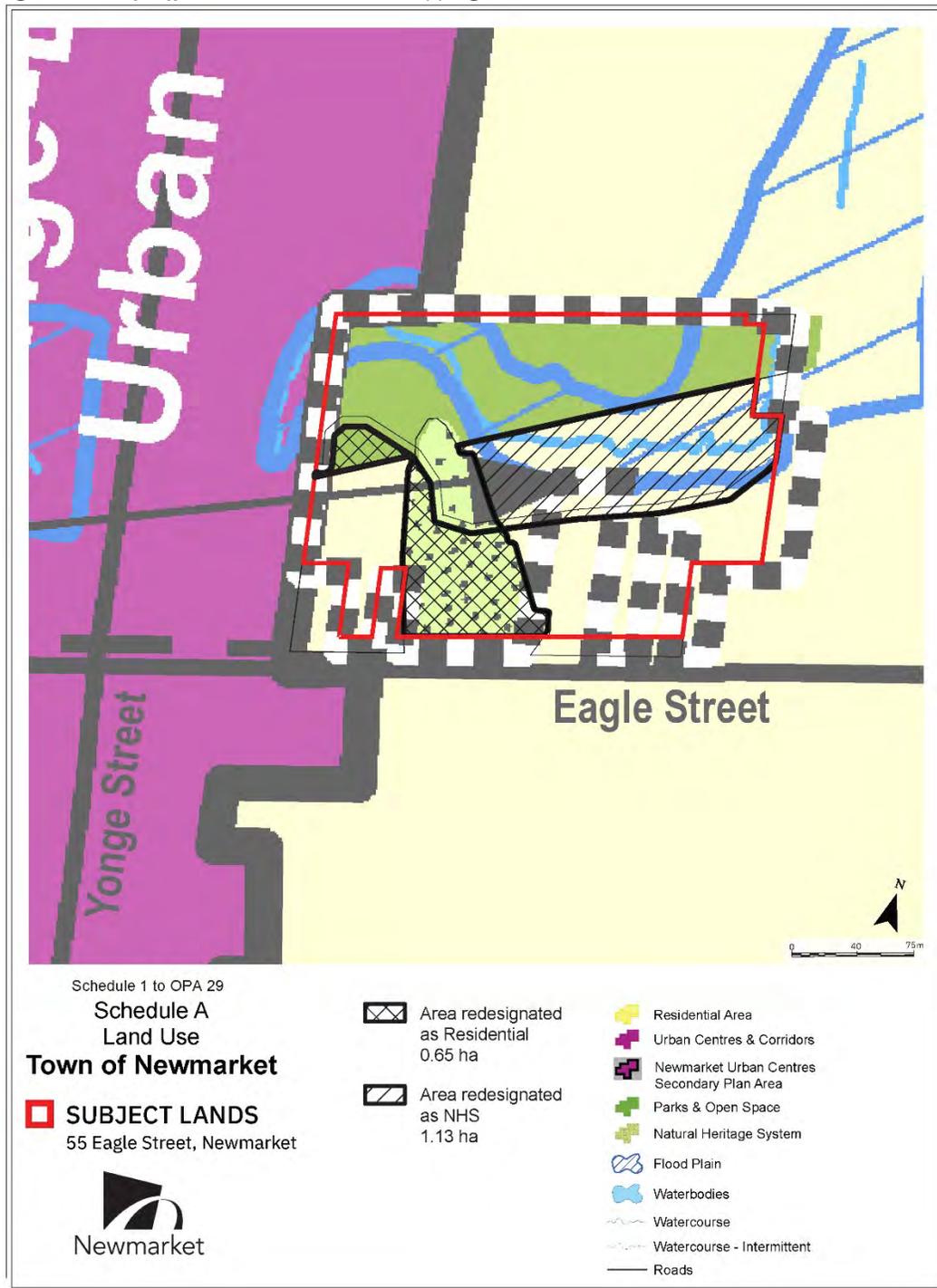
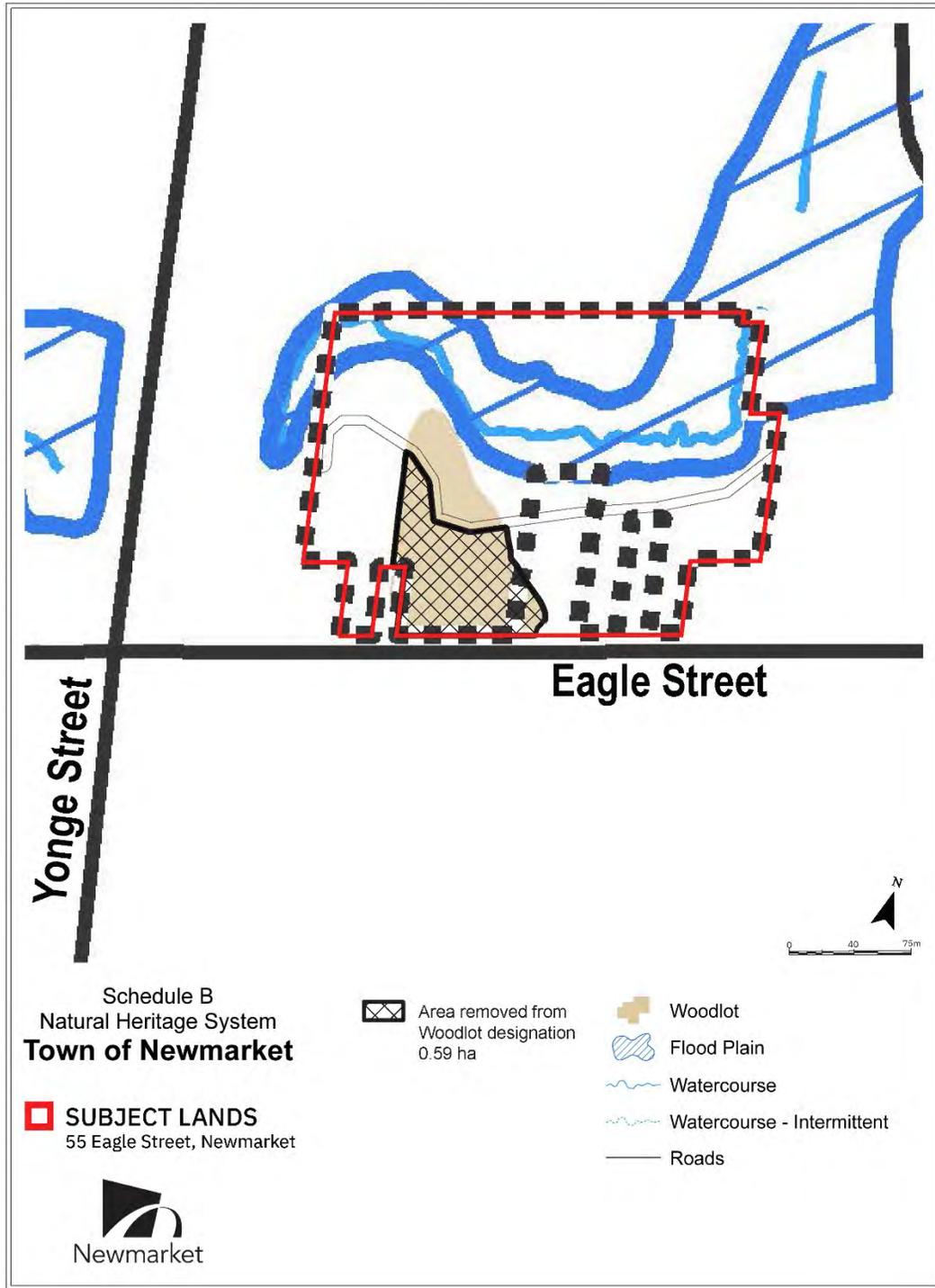


Figure 21: Draft Official Plan Amendment Mapping – Schedule B



## 6.2 Zoning Bylaw Amendment Proposed

The proposed Zoning Bylaw Amendment (ZBA) would implement the above Official Plan Amendment (OPA) and permit townhomes and a triplex on the land south of the stable top of bank and provide regulatory standards. The proposed ZBA would rezone the property south of the 6m buffer from the stable top of bank to “Residential Dwelling 4 Zone Plan of Condominium (“R4-CP”) to permit townhouse dwelling units and a triplex dwelling unit on a Plan of Condominium and rezone the lands north of the 6meter buffer from the stable top of bank as “Environmental Protection Open Space Zone (OS-EP).”

The lands subject to the Plan of Condominium (R4-CP) zoning would be subject to a site-specific exception to align the parking requirements with those of the Urban Centres Zoning Bylaw 2019-06 for a parking rate of 1.15 spaces per unit. The 76 total units proposed (both townhomes and triplex) would require 76 parking spaces per dwelling unit and 12 visitor spaces per unit for a total of 88 parking spaces. Given that the Subject Properties proximity to the VIVA Eagle Street Station and adjacent to an Urban Centre which has an alternative parking rate, the TIS by NexTrans supports a lower parking rate in accordance with the York Region Transportation Master Plan 2016 and the York Region Transit Strategic Plan to reduce single auto trips and encourage residents to choose alternative modes of transportation. This is also consistent with York Region Official Plan policies 5.2.10 to consider Zoning By-laws that have reduced parking requirements when the development is within walking distance to major transit and policy 5.2 to reduce vehicle emissions and encourage active transportation modes. This exception is also consistent with Newmarket Official Plan policy to support transit investments, create more pedestrian friendly environments and encourage active modes of transportation.

**Figure 22** illustrates the proposed mapping amendments and **Table 7** provides a comparison of proposal against the R4-4 and R4-CP zones. A Draft ZBA is attached in **Appendix B**.

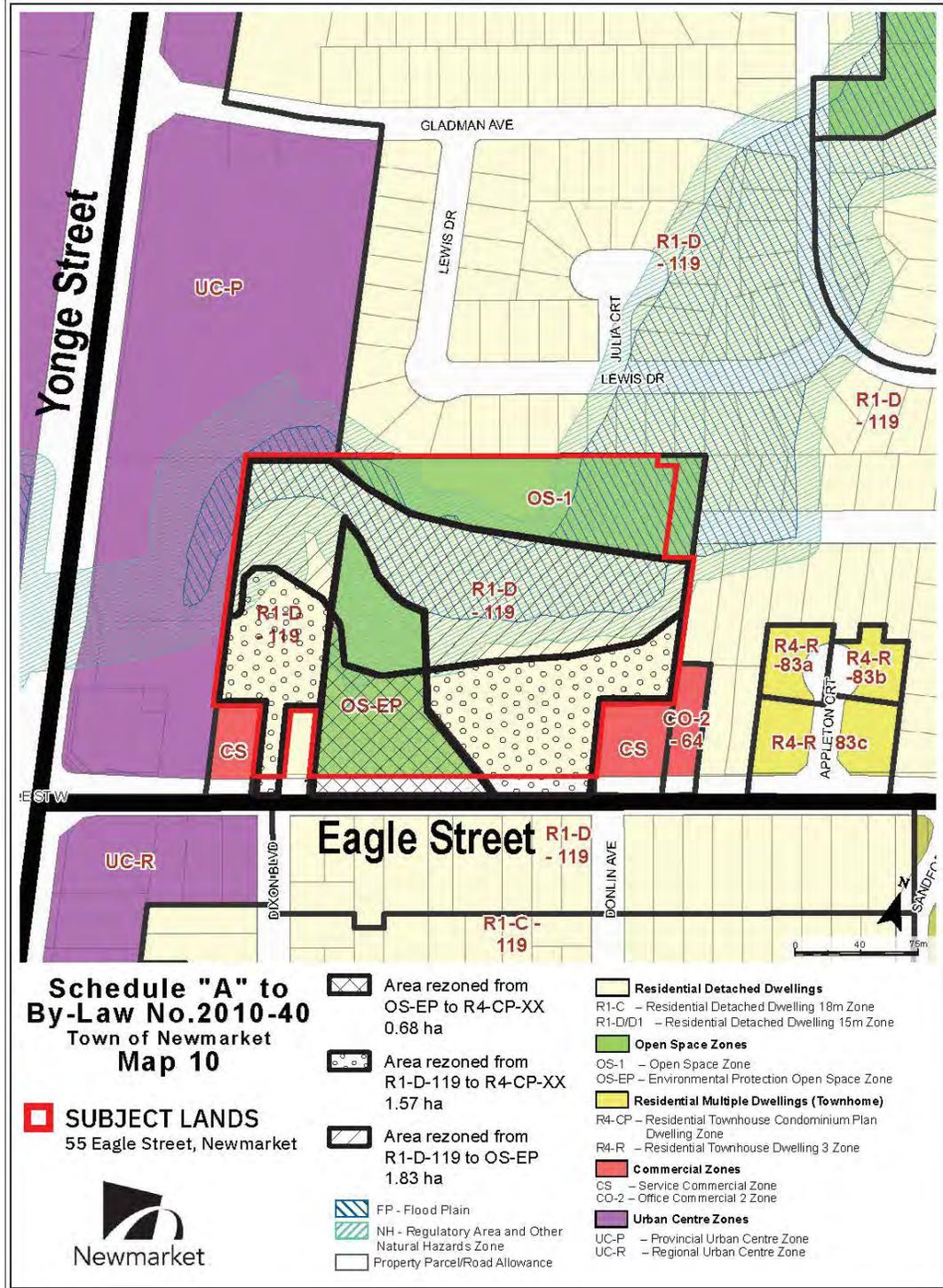
Table 7: Zoning Analysis (R4-CP)

REGULATION	R4-R (for reference only)	R4-CP REQUIRED	R4-CP-XX PROPOSED	CONCEPTUAL SITE PLAN
Minimum Lot Area	N/A	The required yard shall be the area between the dwelling unit main wall in its entirety, lawfully existing as of the passing of this By-Law; and, the applicable lot line.	The required yard shall be the area between the dwelling unit main wall in its entirety, lawfully existing as of the passing of this By-Law; and, the applicable lot line.	N/A
Minimum Lot Area per dwelling	180 m <sup>2</sup>			
Minimum Lot Frontage	6.0 m (*1)			
Minimum Front Yard Setback	4.5 m			
Minimum Rear Yard Setback	6/7 m (*2)			
Min. Exterior Side Yard	3.0 m			
Min. Interior Side Yard	1.5 m (end unit)			
Maximum Lot Coverage	50%			
Maximum Height	11.0 m (2 storeys)			
Maximum Driveway Width (*3)	3.0 m			
Minimum Landscaped Area	-	-	-	30%
Minimum Residential parking	1.5 space per dwelling plus 0.25 visitor spaces per unit (76 units = 133 spaces)	<b>1.00 space per dwelling plus 0.15 visitor spaces per unit (76 units = 85)</b>	<b>TBD</b>	

Notes:

- (1) the maximum number of townhouse units in 1 block shall not exceed 8 units
- (2) 6.0 metres for a 2 storey dwelling, 7.0 metres for a 3 storey dwelling
- (3) A driveway shall be located a minimum of 0.6 metres from the side lot line, except for a mutual driveway where the setback may be nil.

Figure 22: Draft Zoning Bylaw Amendment to Map 10 of Bylaw 2010-40



# 7.0

## Conclusion

The purpose of this Planning Justification Report was to evaluate the revised development proposal by Millford and requested Official Plan Amendment and Zoning By-Law Amendment for the Subject Property in regard to its existing context, surrounding character, and the applicable land use policies and regulations including planned functions and built forms. Applicable planning policy documents reviewed included the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the York Region Official Plan, the Town of Newmarket Official Plan, and the Town of Newmarket Zoning By-law 2010-40.

Given the increasingly urbanized context in which the current vacant Subject Property is situated, the nearby access to higher order transit (VIVA) and the low ecological quality of the woodlot south of the stable top of bank, the proposed development of the Subject Property, including the removal of the woodlot for the purposes of intensification within the existing settlement area and replacement of the trees to be removed through the proposed Tree Compensation Plan represents good planning that is consistent with the directions of the PPS, Growth Plan and York Region Official Plan, and is generally in conformity with the Newmarket Official Plan.

The analysis contained in this Report demonstrates that the revised development proposal represents good planning and the requested OPA and ZBA are justified for the following reasons:

- 1) The proposed redevelopment is consistent with the Provincial Policy Statement;
- 2) The proposed redevelopment conforms to the Growth Plan for the Greater Golden Horseshoe and representing intensification in the Built-Up Area, transit supportive development, provides for a mix of housing, and efficient use of existing resources and infrastructure;
- 3) The proposed redevelopment conforms to the Region of York Official Plan and will contribute to the Regional Intensification Target for the Region and the Town as well as supporting the significant transit investments made on Yonge Street within 120 metres of the Subject Property.
- 4) The EIS found that the Subject Property has experienced on-going disturbance from historical and current land use in an ever-urbanizing area which has resulted in the isolation and loss of large-scale natural vegetation communities and open spaces. This includes the channelization of the Western Creek upstream and downstream of the property.
- 5) A 6-metre setback has been applied to the southern top-of-bank limit of the Western Creek Valleyland as directed by LSRCA. Top-of-bank features for both the north and south sides of the Western Creek Valleylands were staked in the field with Azimuth Environmental Consulting Inc. and LSRCA on April 16, 2009. LSRCA as provided confirmation that the staked limit is acceptable in its May 9, 2012 letter.

- 6) The woodlot south of the top-of-bank only meets the York Region definition of significance due to its proximity to the watercourse. However, the area proposed for removal is outside the 30-metre setback from the watercourse and meets the definition of a culturally and regenerating woodland per the York Region Official Plan criteria due to the composition of the woodland and the level of disturbance.
- 7) As determined by GeoProcess, the woodlot feature is highly degraded with low ecological integrity and provides limited ecological function to the surrounding landscape. Overall patch size and habitat quality is largely reduced due to urbanization in and around the features which has resulted in biodiversity loss and biological homogenization (Buckthorn dominated).
- 8) The removal of the woodlot feature will not result in a net negative impact across the landscape, including a reduction in forest canopy cover, subject to the implementation of the proposed mitigation and compensation measures (native tree plantings in the buffer and valley lands). The features within the Subject Property have been part of the urban matrix for some time and therefore cumulative impacts are not anticipated.
- 9) The proposed compensation plan will result in an increase in native canopy cover and result in an overall increase in the ecological integrity of the surrounding landscape. Incorporation of native species and restoration of the valley land provides the opportunity to significantly improve and enhance the function of the valley land. The proposed development represents an opportunity to manage and restore the Western Creek valley land in proximity to the proposed development. Proposed mitigation and compensation measures have been provided to ensure that impacts on the property, adjacent natural heritage features, and the greater landscape are minimized.
- 10) The proposed redevelopment conforms to the intent of the Town of Newmarket Official Plan through intensification within the build-up area in a manner that is compatible with the existing surrounding neighbourhood.
- 11) The intent of the residential designation is maintained through the ZBA to R4-CP as the proposal is sensitive and compatible with the surrounding character and supports the Urban Centre designation and transit infrastructure along Yonge Street.
- 12) The proposed development can be adequately serviced through connections to existing municipal infrastructure.
- 13) The proposed development can be accommodated within the existing and planned street system.
- 14) Stormwater management can be accommodated on site with underground storage tanks with quality controls and low impact development techniques to promote infiltration.

Respectfully,



**Allyssa Hrynyk, BES, MUDS, MCIP, RPP, APA**  
Senior Planner and Urban Design Lead

# **8.0**

## **APPENDIX A**

**Amendment No. ##  
to the  
Town of Newmarket Official Plan**

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## **PART A THE PREAMBLE**

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

### **1. Purpose of the Amendment**

The purpose of this amendment is to amend schedules of the Town of Newmarket Official Plan to:

- Remove a portion of the Subject Lands south of the 6m buffer from the stable top of bank from the “Natural Heritage Designation” on Schedule A and redesignate it “Residential” in accordance with OPA 29;
- Remove a portion of the Subject Lands north of the 6m buffer from the stable top of bank from the “Residential” Designation on Schedule A and redesignate it “Natural Heritage System”; and,
- Remove the woodlot identification on the subject land from Schedule B.

### **2. Location**

The proposed amendments are made to the Subject Lands municipally known as 55 Eagle Street, Newmarket (PT LOTS 2 & 3, PL 49 PTS 1,2,3 & 4, 65R27436, EXCEPT PTS 1,2,3,4,5,6,7, 65R30328; NEWMARKET; CONFIRMED TO SOUTHERLY LIMIT OF PTS 1 & 2, 65R27436 BA236; S/T EASE OVER PT 2, 65R27436 AS IN B43032B).

### **3. Basis**

The proposed amendment is privately initiated by the Owner and is intended to redesignate a portion of the lands to “Residential” and “Natural Heritage System” on Schedule A to facilitate the development of a townhouse and triplex development and to resolve an outstanding appeal by the Owner to the Town of Newmarket’s proposed designation of lands outside the valley land as “Natural Heritage System”. In addition to the proposed amendment to Schedule A, it is proposed to remove the proposed “Woodlot” identification on Schedule B. The proposed amendment is supported by technical studies submitted by the applicant, as reviewed by the Town, which establish that the lands can be developed for residential use.

## **PART B THE AMENDMENT**

### **1. Format of the Amendment**

PART B – THE AMENDMENT describes the additions, deletions and/or modifications to the Town of Newmarket Official Plan and constitutes Official Plan Amendment Number XX. Official Plan Amendment Number XX consists of the following proposed modifications to the text and Schedules to the Newmarket Official Plan. Sections and Schedules of the Newmarket Official Plan proposed for modifications are identified as “**Items**”.

### **2. Details of the Amendment**

#### **Item 1 Schedule A: Land Use**

Schedule A: Land Use is revised by removing the “Natural Heritage System” Land Use Designation from the lands south of the 6 meter buffer from the stable top of bank and replacing it with the “Residential” Land Use Designation as shown on Schedule 1 attached.

#### **Item 2 Schedule A: Land Use**

Schedule A: Land Use is revised by removing the “Residential” Land Use Designation from the land north of the 6 meter buffer from the stable top of bank and replacing them with the “Natural Heritage System” Land Use Designation as shown on Schedule 1 attached.

#### **Item 3 Schedule B: Natural Heritage System**

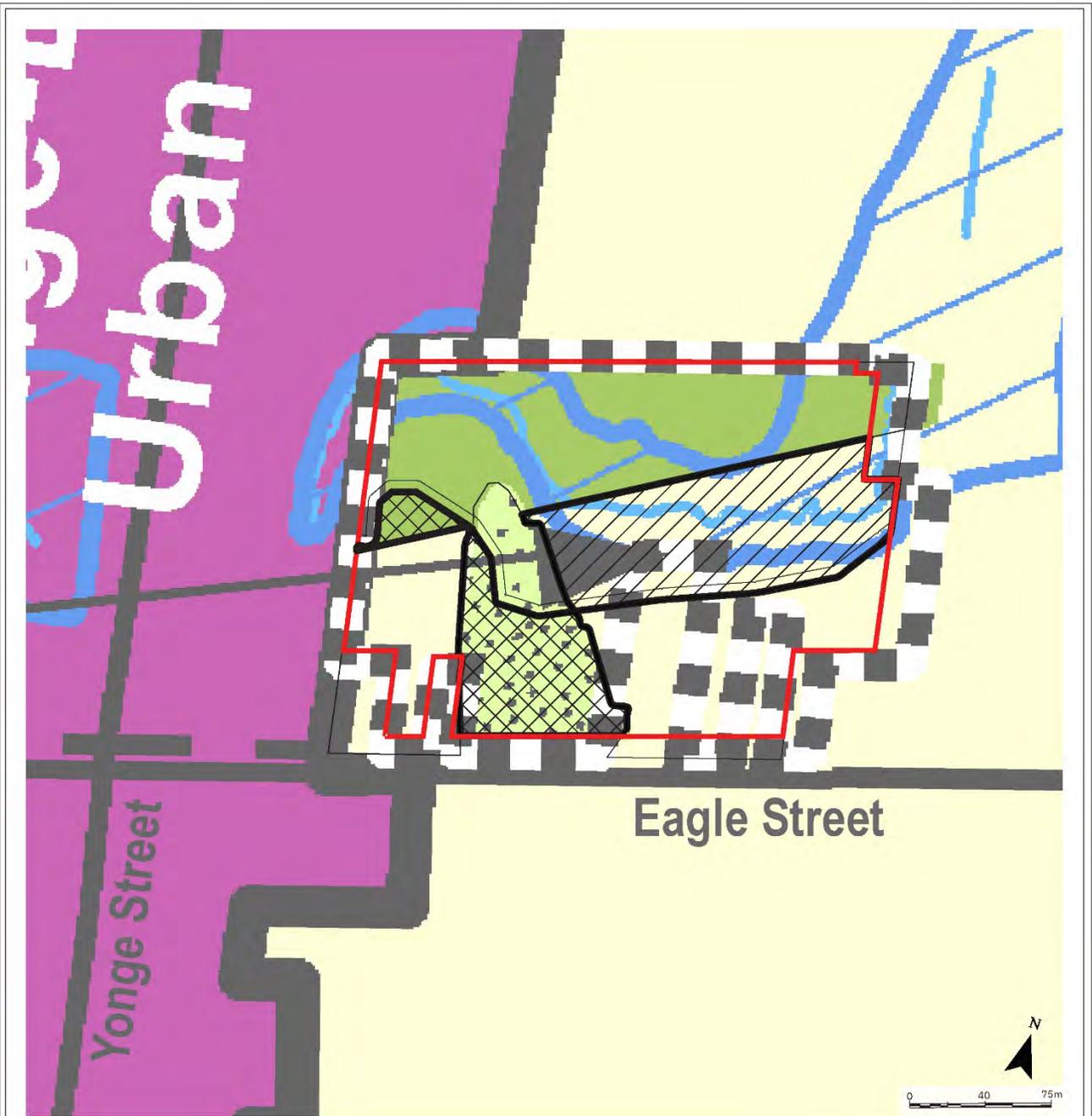
Schedule B: Natural Heritage System is revised by removing the “Woodlot” identification as shown on Schedule 2 attached.

### **3. Schedules**

Schedule 1 – Schedule A: Land Use

Schedule 2 – Schedule B: Natural Heritage System

**SCHEDULE 1**



Schedule 1 to OPA 29

Schedule A  
Land Use

**Town of Newmarket**

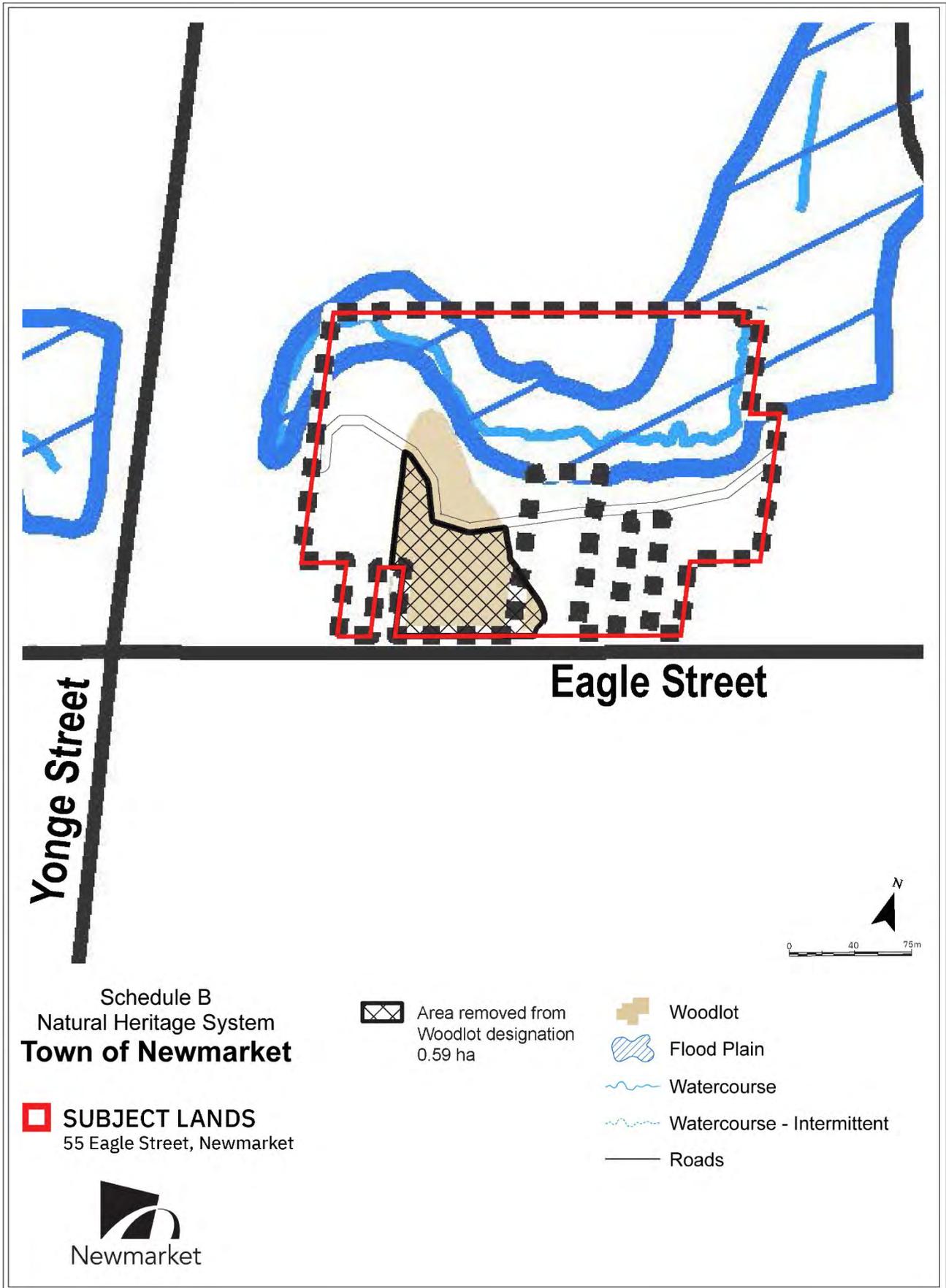
**SUBJECT LANDS**  
55 Eagle Street, Newmarket



-  Area redesignated as Residential  
0.65 ha
-  Area redesignated as NHS  
1.13 ha

-  Residential Area
-  Urban Centres & Corridors
-  Newmarket Urban Centres Secondary Plan Area
-  Parks & Open Space
-  Natural Heritage System
-  Flood Plain
-  Waterbodies
-  Watercourse
-  Watercourse - Intermittent
-  Roads

SCHEDULE 2



Schedule B  
Natural Heritage System  
**Town of Newmarket**

**■ SUBJECT LANDS**  
55 Eagle Street, Newmarket



 Area removed from  
Woodlot designation  
0.59 ha

 Woodlot  
 Flood Plain  
 Watercourse  
 Watercourse - Intermittent  
 Roads

# 9.0

## APPENDIX B



# Corporation of the Town of Newmarket

## By-law 2021-XX

A By-law to amend By-law Number 2010-40, as amended, by By-law 2020-63, being the Town of Newmarket Zoning By-law.

Whereas it is deemed advisable to amend By-law Number 2010-40, as amended;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That By-law Number 2010-40, as amended, is hereby amended as follows:

**i. Schedules (Maps)**

- a. Delete Schedule A Maps 10 and replacing them with revised new Schedule A Maps 10 as attached.

**ii. Exceptions**

- b. Add the following regulations relating to the R4-CP Zone to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-law Reference	File Reference
XX	R4-CP	10	2021-40	XX

- i. Location: 55 Eagle Street
- ii. Legal Description: PT LOTS 2 & 3, PL 49 PTS 1,2,3 & 4, 65R27436, EXCEPT PTS 1,2,3,4,5,6,7, 65R30328; NEWMARKET; CONFIRMED TO SOUTHERLY LIMIT OF PTS 1 & 2, 65R27436 BA236; S/T EASE OVER PT 2, 65R27436 AS IN B43032B
- iii. Development Standards

Regulation	R4-CP-XX
Minimum Residential Parking	1.00 space per dwelling plus 0.15 visitor spaces per unit

2. That Schedules A attached to this by-law are declared to form part of this by-law.

Enacted this XX day of MONTH, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk



**Schedule "A" to  
By-Law No.2010-40  
Town of Newmarket  
Map 10**

**SUBJECT LANDS**  
55 Eagle Street, Newmarket



- Area rezoned from OS-EP to R4-CP-XX  
0.68 ha
- Area rezoned from R1-D-119 to R4-CP-XX  
1.57 ha
- Area rezoned from R1-D-119 to OS-EP  
1.83 ha
- FP - Flood Plain
- NH - Regulatory Area and Other Natural Hazard's Zone
- Property Parcel/Road Allowance

- Residential Detached Dwellings  
R1-C - Residential Detached Dwelling 18m Zone  
R1-D/D1 - Residential Detached Dwelling 15m Zone
- Open Space Zones  
OS-1 - Open Space Zone  
OS-EP - Environmental Protection Open Space Zone
- Residential Multiple Dwellings (Townhome)  
R4-CP - Residential Townhouse Condominium Plan Dwelling Zone  
R4-R - Residential Townhouse Dwelling 3 Zone
- Commercial Zones  
CS - Service Commercial Zone  
CO-2 - Office Commercial 2 Zone
- Urban Centre Zones  
UC-P - Provincial Urban Centre Zone  
UC-R - Regional Urban Centre Zone



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