

PLANNING JUSTIFICATION REPORT

**Proposed Residential Development
Part of Lots 2 and 3, Registered Plan 49
55 Eagle Street
Town of Newmarket, Regional Municipality of York**

Prepared for:
Millford Development Limited

Prepared by:
Peter E. Allen, F.R.T.P.I., M.C.I.P., R.P.P.
Peter E. Allen & Associates
Planning Consultants

April 2011

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1.0 INTRODUCTION

This report is prepared in support of applications for the approval of the development of Millford's property located on the north side of Eagle Street approximately 125 m east of Yonge Street.

Specifically, this report is the Planning Justification Report, identified as Appendix 1 to the Applications, required by section 16.1.6 of the Town's Official Plan, adopted by Newmarket Council on October 10, 2006 and approved by the Region of York on May 29, 2008. Section 16.1.6 of the Official Plan requires Reports and Studies to constitute complete applications for Official Plan and Zoning By-law Amendments and Draft Plans of Subdivision. The specific applications at this time are for Amendments to the Official Plan and Zoning By-law. Applications for Draft Plan of Condominium and Site Plan approval will be submitted later.

Attached as Map 1 which is titled Existing Land Use is an aerial photograph of the site and surrounding area. The area of the site is approximately 5 ha, [12.5 acres] and the proposal is to develop approximately 1.9 ha [4.8 acres] or approximately 38% of the site. Approximately 60% of the site will be dedicated to the Town.

The proposed development of the site is limited to tablelands above the Top-of-bank. No buildings or structures exist on any part of the property. Above the Top-of-bank, the easterly part of the property is predominantly open with few trees. Just west of the middle of the site is a wedged shaped treed area which extends from Eagle Street to and beyond the Top-of-bank into the valley. West of it there is an open area to the west of which along part of the property line are some trees.

2.0 DEVELOPMENT PROPOSAL

Attached as Map 2 is the proposed site plan which proposes 38 townhouses on the easterly part of the site and a 12 storey condominium apartment building containing 154 dwelling units on the westerly part of the site for a total of 192 dwelling units. The net residential density for the whole development is 97.2 uph. The apartment building is located on the north-west corner of the developable land area above Top-of-bank overlooking the valley. There are two rows of Townhouses, one fronting on to Eagle Street and another parallel row overlooking the valley. Two road accesses are proposed, one at the easterly end of the site and the other at the westerly end of the site with an internal driveway linking the two accesses.

It is intended to separate the condominium apartment building and townhouses into two separate condominium corporations.

3.0 APPEAL TO ONTARIO MUNICIPAL BOARD

Millford on May 13, 2008 appealed the designation of the area above Top-of bank designated "Natural Heritage System" on Schedule "A" [Land Use] and "Woodlot" on Schedule "B" [Natural Heritage System] in the new Official Plan for the Town of Newmarket which was the subject of the Regional Notice of Decision dated May 8, 2008. [OMB Case PL 080723-Millford v. Newmarket].

A Notice of Motion was brought to the Ontario Municipal Board pursuant to subsection 17 [45] of the Planning Act by Newmarket and the Region of York to dismiss the appeal by Millford.

An Ontario Municipal Board oral decision issued on January 28, 2009 dismissed the motion by the Town and Region and ordered the hearing to proceed. Following this decision the Town and Millford agreed to try and reach a settlement and part of the settlement discussions was that Millford would submit applications for development which the Town would process expeditiously.

4.0 PLANNING POLICY CONTEXT

4.1 Provincial Policy Statement, 2005

Section 1.0 "Building Strong Communities" of the Provincial Policy Statement [PPS] states:

"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth."

Under Section 1.1.3 Settlement Areas, subsection 1.1.3.1 states:

“Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.”

Section 1.1.3.3 states:

“Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

4.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan [Places to Grow] was approved in June 2006 under the Places to Grow Act 2005. It is the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the Region to 2031.

Schedule 2, “Places to Grow Concept” of the Provincial Growth Plan identifies Newmarket as an Urban Growth Centre with lands surrounding this symbol identified as Built-Up Area-Conceptual.

Section 2.2.3 “General Intensification” of Places to Grow, subsection 1 states:

“By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area.”

Section 2.2.4 “Urban Growth Centres” of Places to Grow, subsection 5, requires higher population and employment densities in urban growth centers and “Newmarket Centre” is included in this list.

4.3 Region of York Official Plan

The Region of York Official Plan, Office Consolidation June 1, 2008, identifies the Millford site on Map 1 “Regional Structure” as being within the “1991 Urban Envelope” Map 5 “Regional Structure” identifies the Millford site as Urban Area.

Section 5.3 “Regional Centres” of the York Official Plan identifies four such centers in the Region, one of which is Newmarket, identified in symbol form on Map 5 as a black circle, which although symbolic, covers most of the Millford site. The objective of Section 5.3 is:

“To create a well-designed system of Regional Centres to focus residential, institutional and business activities and recognize the long term vision of achieving thriving Regional Centres, served by rapid transit.”

Policy 3 of Section 5.3 of the York Official Plan states that it is the policy of Council:

“To recognize that the Regional Centres identified on Map 5 are the major focal points for urban development in the Region, and are intended to support a concentration of employment, residential, live-work, cultural and government functions in a well designed and intensive land use form.”

None of the Millford lands are identified on Map 2 as being within a “Significant Natural Features” area or on Map 3, “Forest Resources” as “Significant Forest Lands”, or on Map 4 “Regional Greenland System” as “Regional Greenland System”.

The Western Creek which runs through the Millford lands is not identified on any of the 14 maps included in the Region of York Official Plan.

4.4 Town of Newmarket Official Plan

The new Official Plan for the Town of Newmarket was adopted by Newmarket Council on October 10, 2006 and was approved by the Region of York on May 29, 2008.

The Official Plan has several land use designations covering the subject property. The area of the property which is the subject of an appeal by Millford to the Ontario Municipal Board is approximately in the middle of the property and was intended by the Town to be designated Natural Heritage System [NHS]. [OMB Case PL 080723-Millford v. Newmarket].

Map 3 is an extract from Schedule “A”, Land Use, from the 2008 Official Plan

The Millford lands east of the NHS designation are designated Emerging Residential which would permit the development of townhouses subject to specific studies. The Millford lands west of the NHS area are designated Stable Residential area although the part closest to Yonge Street is included in the Yonge-Davis Provincial Urban Growth Centre designation.

The northern part of the property is designated Parks and Open Space with a sliver of land running east-west designated Stable Residential. Lands fronting on Eagle Street opposite the Millford site is predominantly designated Stable Residential.

Section 4.3.2, “Yonge Street Regional Centre” in the new Official Plan states:

“The Yonge Street Regional Centre is one of four Regional Centres designated in the York Regional Official Plan. It is intended to be a focal point in York Region for

business, government, entertainment and cultural activity. It will continue as a major shopping area in the Town, providing a broad range of retail and service commercial uses. The Yonge Street Regional Center will also serve as one of the regional transit hubs for York Region as it contains a Major Transit Station Area as defined by the Growth Plan.

The Yonge Street/Davis Drive intersection is recognized as a major strategic gateway into the Town and the northern focus of the Yonge Street Regional Center. Upper Canada Mall serves as the regional commercial anchor. The southern hub of the Yonge Street Regional Centre consists of the quadrants of the Yonge Street/Mulock Drive intersection.

The Yonge Street Regional Center is intended over time to provide housing and opportunities for employment at densities that will support the future transit facilities. A high density, compact, mixed use area comprising retail and service commercial, office, hospitality, residential densities between 30 and 125 units per hectare, cultural, entertainment, institutional and inter-modal transit/transportation uses will be encouraged in the Yonge Street Regional Centre.”

Eagle Street and its easterly extension called Gorham Street, are identified as a Primary Collector Road on Schedule C “Transportation Plan” in the new Official Plan. To the east it forms the southern boundary of Main Street, the historic downtown of Newmarket which is identified on Schedule “A” as Historic Downtown Center. West of Yonge Street Eagle Street curves to the north to connect to Davis Drive {Highway #9} and has direct access to Upper Canada Mall. The Region of York Administrative Centre is located immediately north of the intersection of Yonge Street and Eagle Street on the west side of Yonge Street. The Ontario Courthouse is located immediately west of the Yonge/ Eagle intersection on the south side of Eagle Street. Land uses on both sides of Eagle Street between Yonge Street and Main Street are a mixture of residential, retail and offices.

5.0 ENVIRONMENTAL FEATURES / LANDFORM CONSERVATION

The proposal is to permit townhouses and a condominium apartment to be built above Top-of-bank as staked with the Lake Simcoe Region Conservation Authority on April 15, 2009. Development will also not encroach closer than 6m from Top-of-bank as established by the LSRCA.

The application is made on the assumption that the Town and LSRCA will support the development of the Natural Heritage System lands south of the 6 meter buffer from Top-of-bank to permit the mid-rise condominium apartment building and townhouses. The size of the NHS lands proposed to be developed excluding the 3 metre Eagle Street widening is 0.5265 ha. [1.3 acres].

The predominant physical feature on the Millford site is the Western Creek with its well defined valley and Top- of- bank. The NHS lands above the Top-of-bank is an

appendage or spur attached to the valley lands below Top-of-bank. There is no linkage of the NHS area to the east and west and in the Official Plan these lands are designated for development. The southern boundary of the NHS lands is Eagle Street and on the south side of Eagle Street the lands are developed.

The NHS land above TOB has a frontage on Eagle Street of approximately 60 metres and is approximately 75 metres at its widest point. Approximately 75% of the interface of the NHS area, if preserved, would be with future development and Eagle Street. These considerations diminish the environmental value of the NHS lands.

Appendix 2 is titled Natural Heritage Information and includes an Environmental Impact Assessment dated February 2008, prepared by Azimuth Environmental Consulting together with an addendum updating the EIS dated February 7, 2011.

Appendix 2 also contains a Tree Plan dated December 7, 2007 prepared by Cathy V. Bentley, R.P.F., Certified Arborist, and her update addendum dated February 7, 2011.

In the covering letter dated February 22, 2008 to Millford forwarding the February 2008 EIS report, Azimuth Environmental Consulting, Inc. Azimuth on Page 2 of the letter states in part:

"A detailed investigation of the treed vegetation in the area concluded that the property has only 'remnants of planted areas of trees and shrubs' and that there were no 'natural areas of native forest observed in the proposed area of development' [Bentley, 2007]. Designation of this area for protection is not appropriate from a natural heritage perspective because of the existing intensity of development of the surrounding lands, and level of disturbance of the natural environment of the developable lands and the structure and composition of the vegetation designated as part of the Natural Heritage System.

The potential environmental impacts of development will be negligible, providing all aspects of the proposed development occur outside the designated valley corridor and tree replacement as outlined in the mitigation measures is completed post-construction."

Included in the Azimuth report is a Tree Plan prepared by Cathy V. Bentley, dated December 7, 2007.

On Page 7, in the paragraph just before the Summary it states:

"Although designated Natural Heritage Area, only 1 of the 17 trees tallied is in Good Condition and Significant Size-Tree #32 [Black Walnut]. This is insignificant and hardly justifies this designation in the new Official Plan. Furthermore, the remaining vegetation in the Natural Heritage Area is naturally colonizing the open spaces, over

mature, or overgrown and unmaintained since the property has been vacant. No natural areas of native forest were observed.”

In Cathy Bentley’s addendum dated February 7, 2011, in the latter part of the second paragraph it states:

“I conclude that only 5 trees met the criteria to be preserved, protected or replaced [Tree Plan, p. 6], according to the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy [2006], which states ...”

In the third paragraph of the addendum Cathy Bentley states:

“In my Tree Plan, I recommend ‘replacement of the 5 trees of Significant Size, following the ‘Aggregate Inch Replacement’ method. The purpose of this Addendum is to address this issue. Based on the proposed Site Plan, the Top-of-bank delineation and buffer, only 4 trees of Significant Size may be affected by the proposed development. One of the original 5 trees, a Scots Pine [Tree #46 near Top-of-Bank; 35 cm dbh], will not be affected by the proposed development and will be preserved in the buffer area.”

Cathy Bentley concludes that the total replacement diameter requirement is 190 cm and recommends the planting of 32 trees @ 6 cm dbh “or another combination of sizes to attain a total of 190 cm”.

6.0 VEGETATION AND ENHANCEMENT STRATEGY

Sibylle Von Knobloch, Landscape Architect, of NAK Design, has prepared a Landscape Master Plan which is attached as Appendix 3. The Landscape Master Plan has four components:

Covering letter from Sibylle von Knobloch, Principal Landscape Architect, OALA, NAK Design Group

Plan L1 Landscape Master Plan

L1a Contextural Landscape

L1b Aerial Photograph

The Landscape Master Plan is based on the recommendations of Cathy V. Bentley and 32 new trees are proposed to be planted within the 6m buffer from Top-of-bank. In addition, within the development footprint a total of 100 deciduous and 36 coniferous trees are proposed as well as street trees along Eagle Street.

Plans L1a and L1b identify two areas in the valley described as Natural Heritage Compensation Area and Additional Natural Heritage Compensation Area. Each of

the two areas is the same size as the Natural Heritage System area proposed to be developed. i.e. 5265 sq m. [1.3 acres].

7.0 ARCHEOLOGICAL ASSESSMENT

Robert J. Pearce, Executive Director, Museum of Ontario Archaeology, submitted a Stage 1 Archaeological Assessment to the Ontario Ministry of Culture on October 27, 2009 which is Appendix 4.

The conclusion of the study is that it is impossible to conduct a Stage 2 assessment since up to more than 3 metres of fill had been dumped on parts of the property and the recommendation is that the Ministry waive the requirement for a Stage 2 archaeological assessment and permit development of the property without the completion of a Stage 2 assessment.

The report has been submitted to the Ministry but no response has been received.

8.0 ENVIRONMENTAL SITE ASSESSMENT

Soil Engineers Ltd. prepared a report dated October 2004 which is a soil investigation relating to the proposed development of the site. Appendix 5. Twelve boreholes were dug and one of the conclusions of the study is:

“Based upon the above, the top of bank, as established by the Lake Simcoe Region Conservation Authority, is considered to be geotechnically stable.” [Page 24].

It should be noted that this assessment was based upon the Top-of-bank as established by the LSRCA on February 19, 2003 and the subsequent re-staking occurred on April 15, 2009 which moved the TOB line further south. Soil Engineers Ltd provided a letter report dated May 5, 2009, Appendix 6 stating that in their opinion:

“Since there is only minor variance in the newly staked top of bank, it is our opinion that the existing staked top of bank can be considered as the geotechnically stable top of slope.”

In the same letter it is stated:

“... it is in our opinion that a 6m erosion access allowance, as recommended by OMNR guideline, is appropriate provided that the recommendations of the soil investigation report including the geotechnical constraints specified on Pages 23 and 24 are fulfilled.”

These geotechnical constraints are the maintenance of the vegetative cover, the leafy topsoil cover of the bank face should not be disturbed and grading of the land

adjacent to the bank must be such that concentrated runoff is not allowed to drain onto the bank face.

Soil Engineers Ltd. also prepared a Phase 1 Environmental Site Assessment report dated July 31, 2009, Appendix 7.

The study revealed that there were four areas of concern that required further investigation:

“Possible fill of unknown quality within the envelope of the former building on the subject site.

Fill material of unknown quality, including charcoal remains, is present on the site, as disclosed by geotechnical investigation.

Gas stations are located within 300 m of the subject site.

Automotive repair facilities are located within 500 m of the site”.

The Ministry of Environment's York Durham District Office, Sector Compliance Branch and Safe Drinking Water Branch was consulted with respect to the site and advised that “no records were located responsive to your request” Appendix 8.

As a result of the conclusions of the Phase 1 Environmental Site Assessment report, a Limited Phase 2 Environmental Site Assessment report dated December 18, 2009 was prepared, Appendix 9.

This study included the drilling of two Boreholes with monitoring wells, one at the southwest sector of the site where gas stations are located within 300m of the site and the other at the southeast sector of the site where automotive repair facilities are located within 500m of the site. Two test pits were also dug, one to test the fill of unknown quality in the envelope of the former building and the other where fill material was found in the previous geotechnical investigation. In summary it was concluded that with respect to soil and groundwater samples, the tested parameters [Metals & Inorganics, and Petroleum Hydrocarbons] fall within selected guidelines for that portion of the site to be segregated and proposed for residential development.

9.0 HYDROLOGIC STUDY

As a requirement of the Lake Simcoe Region Conservation Authority, Soil Engineers Ltd. undertook a Hydrologic Study of the site, Appendix 10, which used the information provided by the three studies already undertaken by Soil Engineers described above. Six additional boreholes were drilled in which groundwater monitoring wells were installed.

The study supported the recommendation in the Functional Servicing and Stormwater Management Report, Appendix 12, that stormwater runoff for the whole of the development site be directed to the proposed stormwater management pond located at the easterly end of the site.

The report also identifies a number of onsite technical initiatives to promote the infiltration of stormwater.

10.0 TRAFFIC IMPACT STUDY

Genivar Consultants has prepared a Traffic Impact Study, dated March 2011, which also addresses parking needs. Appendix 11.

Prior to commencing this study Genivar submitted the terms of reference for the study to the Region of York and Town staff and the assumptions and methodology used in the report reflect comments received from Town and Regional staff.

After reviewing several access locations and designs providing access from the site to Eagle Street, two accesses were finally agreed to and their location and design are to the satisfaction of the Town. Town staff also requested a 3 metre land dedication for the widening of Eagle Street which has been identified on the site plan.

Parking is provided according to the Town's requirements and based upon the Transportation Tomorrow Survey review for local characteristics within the Town the site parking demands could be well below the parking proposed.

11.0 FUNCTIONAL SERVICING AND STORM WATER

Masongsong Associates Engineering Limited completed a Functional Servicing and Stormwater Management Report dated March 2011 which is Appendix 12.

The recommendations of the study are that the proposed medium-rise condominium area would be served by a 200mm fire-service water line and a 100 mm diameter domestic service. The fire-service line would be teed off the existing 300 mm watermain on Eagle Street, and a 100mm diameter domestic service line would be branched off the fire line at the street line to serve the development.

The Townhouses would be served by a 200 mm diameter fire-service water line that would be extended along the east-west internal street and looped back on to Eagle Street.

It is proposed to provide sanitary sewer service to the proposed medium-rise condominium by providing a 200 mm diameter connection to the Eagle Street sewer and another 200 mm diameter pipe connecting to the Eagle Street sewer would serve the Townhouses.

Two alternative stormwater management designs were considered with the favoured one being to direct stormwater runoff from the medium-rise condominium and Townhouses to the stormwater management pond located at the easterly end of the site. A design for this facility is provided in the report.

12.0 RECREATIONAL NEEDS

The site is approximately 12.5 acres in size and the Town has required that land below the Top-of-bank and the 6 m buffer above the Top-of-bank be dedicated to the Town. This dedicated land comprises approx 7.0 acres of the 12.5 acre site.

In 2007 because of a flooding problem in the area the Town requested a land dedication at the north/east corner of the site of approximately 1,200 sq m from Millford to assist in resolving the flooding problem. Millford expeditiously dedicated the land.

With respect to accessibility to open space and recreation facilities, the site plan includes a proposal to provide a pedestrian access to the valley lands between the Townhouses and the condo apartment building.

Town parks in close proximity of the site are the Eldred King Gardens on the west side of Yonge Street just north of Eagle Street, and Haskett Park north east of the site which contains tennis courts and playing fields. On the south side of Eagle Street just west of Yonge Street is the Ray Twinney Recreation Centre which contains a main swimming pool, children's pool, two ice rinks and playing fields.

13.0 PROPOSED DEVELOPMENT CONCEPT

The site plan was prepared by John de Valence, Partner, of PDA Architects and is attached as Appendix 13 and comprises the following:

C1 A Context Plan. Which is an aerial photograph covering the site and surrounding area with the proposed site plan superimposed

SP 1 Site Plan

SP 2 Underground Parking Plan

SP 3 High Rise Elevations

SP 4 High Rise Elevations

SP 5 Townhouse Elevations

The plan proposes 154 condominium apartment units in a twelve storey apartment building and 38 townhouses. Proposed parking conforms to the parking requirements of the Town.

The design considerations when preparing the site plan include:

The built form has been distributed within the site to integrate with the urban and natural environment context of the site.

A mixture of higher density and townhouse built form is proposed to achieve the planning objectives for the site.

The proposed townhouses on the eastern portion of the site address Eagle Street with front porches and bay windows to provide an attractive streetscape without driveways and garage doors.

The higher density building form on the western portion of the site is set back from Eagle Street and is located adjacent to the valley with views over the natural area.

Proposed buildings will be attractive with brick and glass facades which will contribute to an attractive urban area in downtown Newmarket.

Intensive landscaping will complement the proposed buildings.

Views and pedestrian access are provided through the site from Eagle Street to the valley lands.

The site plan has also been prepared to minimize any potential negative impacts on adjacent properties and surrounding area.

Residential uses abut the proposed plan in two places. One is at the easterly boundary of the property with the rear yard of the house on the south side of Avenue Road. This will be buffered by the proposed Storm Water Management pond located at the easterly end of the site with an area of 0.52 acres which will be landscaped.

The property at 45 Eagle Street will be surrounded on three sides by the proposed development. It is a two storey mixed use building with a Chiropractor's office on the ground floor with residential use above.

The site plan includes setbacks and landscaping on the east, west and northerly property boundaries between the property boundaries and the paved parking surfaces. There is also a 30 m setback from the southerly building face of the mid-rise apartment building and the northerly property boundary of 45 Eagle Street.

The closest distance from the mid-rise condominium apartment building and the closest house on Lewis Drive across the valley to the north is approximately 95 m.

Specific studies have been undertaken to assess any potential negative impacts of the proposed development on adjacent and surrounding uses. They are for Shadows, Acoustical Impacts and Lighting.

13.1 Shadow Impact Study

A Shadow Impact Study, February 2011, of the proposed development was undertaken by PDA Architects and is attached as Appendix 14.

The analysis included an evaluation of the shadows on specific days in the Spring, Summer, Fall and Winter based on criteria requested by the Town.

The conclusion of the study is:

“Our analysis has concluded that the proposed development will have minimal impact on adjacent uses. In the Spring, Summer and Fall periods no shadows are projected from the proposed development on to adjacent residential uses. In the winter, a transitory shadow impact will affect the rear yards of some of the houses on Lewis Street. The impact is considered minimal as a result of the short length of time the shadow will affect the rear yard and the reduction in use of the area as a result of winter conditions”.

“The study also demonstrated that no shadows are projected on to the property at 45 Eagle Street from the proposed buildings.” [Chiropractor/Residence].

13.2 Acoustical Impacts

A Preliminary Environmental Noise Report, dated March 7, 2011, Appendix 15 was undertaken by Jade Acoustics Inc. which concluded that:

“Central air conditioning is required for the townhouse units immediately adjacent to Eagle Street. All other residential units require provision for adding central air conditioning at a later date. It is expected that the proposed twelve storey residential building will be provided with central air conditioning which exceeds the minimum acoustical requirements.

Based on the preliminary analysis, the unmitigated sound levels due to road traffic in the outdoor amenity areas of the proposed residential units are predicted to be between 55 dBA and 56 dBA or less; therefore, sound barriers are not required.

It was found that sound levels due to the existing commercial developments may exceed the sound level limits applicable to the proposed development by up to 6 dBA particularly during the nighttime hours. It should be noted that these preliminary calculations were based on sound rating information for typical mechanical equipment and commercial operations. If mitigation is required, rooftop acoustical screens/enclosures and/or silencers could be used as a means to attenuate noise.

The existence of commercial uses does not influence the feasibility of the proposed development.

The proposed twelve storey residential building will have underground parking ventilation using garage exhaust fans. The location of the exhaust fans is not known at this time; therefore, the potential noise impact on the existing and/or proposed residential uses could not be assessed in this report.

Based on the site plan of the proposed development, ground level parking areas are shown immediately adjacent to the existing chiropractor/residential property north of Eagle Street. The parking areas are relatively small and acoustically significant impact of the vehicles using these parking areas is not expected. However, to separate the proposed and existing developments and to mitigate noise associated with activities within the parking areas, it is recommended that a 2.0 m high acoustic fence be incorporated into the landscape buffer along the north, east, and west property lines of the existing chiropractor/residential property.

Once the final plans are available, a detailed noise analysis should be prepared addressing the site specific information for the mechanical equipment and truck operations associated with the commercial operations as well as the garage exhaust fans and other mechanical equipment associated with the proposed high rise building to ensure that the applicable sound level limits are met at all residential units.”

13.3 Lighting Study

The Lighting Study, Appendix 16, was undertaken by DEL, DeCaria Engineering Limited and the study concluded:

“The proposed lighting plan for the proposed development would have zero [0] impact on adjacent properties which means that the area covered by the proposed lighting would not cover any part of the adjacent properties. This meets the requirements of the Town of Newmarket.”

14.0 OFFICIAL PLAN AMENDMENT APPLICATION

Map 3 titled “Extract from Schedule A Land Use” is an extract of Schedule “A” Land Use from the Official Plan. The boundaries of the various land use designations are estimated. It should be noted that the Top of Bank as determined by the Lake Simcoe Region Conservation Authority is shown as is the 6 meter buffer from Top of Bank required by LSRCA.

The northern part of the valley lands including part of the table lands at the western end of the Millford site are designated Parks and Open Space. South of it and in the valley the designation of the land is Stable Residential. The lands designate Natural Heritage System extend from Eagle Street northerly into the valley. Midway back

from Eagle Street is a small area attached to the easterly side of the NHS area which is designated Parks and Open Space. East of this the rest of the site is designated Emerging Residential. West of the NHS area the lands are designated Stable Residential with a third of this remaining area being designated Yonge-Davis Provincial Growth Centre.

Map 4 shows the Proposed Redesignation of Lands. It is proposed to redesignate the Stable Residential lands west of the NHS lands and part of the NHS lands to Yonge-Davis Urban Growth Centre to accommodate the condo apartment building and to extend the Emerging Residential designation east of the NHS lands westerly to cover most of the NHS lands and accommodate the proposed townhouse portion of the proposal.

In the southern part of the valley it is proposed to redesignate the lands from Stable Residential to Parks and Open Space to be consistent with the designation on the northern portion of the valley. That part of the NHS lands extending into the valley would be redesignated to Parks and Open Space as would the lands in the valley designated Stable Residential.

Also, as part of this application it is proposed to delete the Woodland designation on Schedule B, Natural Heritage System, which covers the NHS portion of the application.

15.0 REZONING AMENDMENT APPLICATION

Map 5 shows the existing zoning of the property and surrounding area to reflect Zoning By-law 2010-40.

The westerly part of the site is zoned UC-P: Provincial Urban Centre Zone and land to the east up to the NHS lands which are zoned OS-EP: Environmental Protection Open Space Zone is zoned R1-D. The Orthodontist's Office at 29 Eagle Street, is zoned CS: Service Commercial Zone and the Chiropractor/Residence property at 45 Eagle Street, is zoned R1-D.

East of the NHS lands zoned OS-EP the lands are zoned RI-D. At the eastern end of the property is a Tire and Auto Centre at 95 Eagle Street which is also zoned CS: Service Commercial Zone east of which is a Law Office zoned CO-2-64: Office Commercial 2 Zone.

Map 6 which is titled "Proposed Zoning" reflects the proposed site plan. It is proposed to extend that part of the UC-P Provincial Urban Centre Zone which does not cover the condo apartment site to cover the whole of the condo apartment site. This would be a change of the R1-D lands and part of the NHS lands from R1-D and OS-EP to R5-T with a site specific By-law.

The remainder of the NHS lands, other than that area in the valley, zoned OS-EP, would be rezoned with the R1-D lands to the east to R4-CP: Residential Townhouse Condo Plan Dwelling Zone.

The NHS lands in the valley zoned OS-EP would be rezoned to FP-NH: Floodplain and Other Natural Hazards Zone to be consistent with the existing surrounding zoning.

16.0 APPROPRIATENESS OF APPLICATION

The Provincial Policy Statement, 2005 states that the long term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns and also states that Planning Authorities shall identify and promote opportunities for intensification and redevelopment taking into account suitable and planned infrastructure and public service facilities.

The Provincial Growth Plan, Places to Grow, 2006, identifies Newmarket as an Urban Growth Centre and requires higher population and employment densities in urban growth centres. The Growth Plan also requires that by the year 2015 a minimum of 40 per cent of all residential development occurring annually in each municipality be within the built up area.

The Region of York Official Plan identifies four Regional Centres in the Region with one of them being Newmarket and recognizes Regional Centres as being the focus of residential, institutional and business activities and recognizes the long term vision of achieving thriving Regional Centres served by transit.

The Region of York Official Plan also recognizes that Regional Centres are the major focal points for urban development in the Region and are intended to support a concentration of employment, residential, live-work, cultural and government functions in a well designed and intensive land use form.

The Town of Newmarket Official Plan was approved by the Region of York on May 29, 2008. It identifies the Yonge Street Regional Centre as extending along Yonge Street from south of Mulock Drive to the northern boundary of the municipality. Within this designation is a higher level of classification identified as Yonge-Davis Provincial Growth Centre which extends from Eagle Street to just north of Davis Drive, Highway 9. The north east corner of the intersection of Yonge Street and Eagle Street is included in this designation which covers almost half of the proposed condominium apartment building on the Millford site.

One of the strongest policy themes in the Provincial Policy Statement, Growth Plan, Region of York Official Plan and the Newmarket Official Plan is to intensify and concentrate new growth and specific targets are set for this in the Growth Plan and Newmarket's Official Plan.

Another strong theme is to plan to take advantage of the mutual benefits of locating higher densities in proximity to transit and the higher the level of transit service the more important this policy becomes.

Being only 125 metres from Yonge Street the vacant Millford site is ideally located to assist in the early implementation of Provincial, Regional and Town's fundamental planning policies.

The proposed Townhouses proposed on the remainder of the land are predominantly on land designated to permit Townhouses and a small extension of this designation westerly to the apartment site would permit all of the Townhouses. The proposed uses are compatible with the surrounding area.

The importance of the early development of lands within the urban centres is reflected in the Town's Servicing Allocation Policy which identifies lands in the urban centres as the first priority areas. The remainder of the site, most of which is already designated Emerging Residential, which permits Townhouses, is the second priority in the Servicing Allocation Policy.

The findings of the pre development studies of Soil Investigation and Phase I and II Environmental Site Assessment do not raise any concerns that cannot be dealt with during the development of the site.

The Hydrogeologic Study supported the recommendation of the Functional Servicing and Stormwater Management Report that a Stormwater Management Pond be constructed at the easterly end of the site to serve the whole of the development area of the site. The report also identified a number of onsite technologies to promote the infiltration of stormwater.

The conclusion of the Archaeological Assessment that due to site circumstances it is impossible to conduct a Stage 2 Assessment has been submitted to the Ontario Ministry of Culture.

Sanitary sewer and water supply pipe connections to existing services on Eagle Street are proposed to serve the development. It is recognized that the Town will need to approve the allocation of servicing capacity before the development can proceed and a written request for a servicing allocation has already been submitted to the Town.

A Storm Water Management Pond is proposed at the easterly end of the site to serve the proposed mid-rise apartment building and the Townhouses. A proposed design for this facility is included in the consultant's report.

The Traffic Impact Study, with input from the Region of York and Town staff, proposes two accesses to Eagle Street which have been located and designed to

the satisfaction of Town staff and the required 3 m street widening on Eagle Street has been identified.

The Lighting Study concluded that the "proposed lighting plan for the proposed development would have zero [0] impact on adjacent properties" and the Shadow Impact Study concluded that the proposed development would have minimum impact on adjacent uses.

The Acoustical Impacts Study made some recommendations with respect to air conditioning and also concluded that with respect to adjacent commercial uses that if mitigation is required, rooftop acoustical screens/enclosures and/or silencers could be used to attenuate noise. The study noted that, "The existence of commercial uses does not influence the feasibility of the proposed development."

With respect to the chiropractor/residential property at 45 Eagle Street the study considers that the acoustical significant impact of the small adjacent parking areas is not expected. However, it was recommended to construct a 2.0 m high acoustical fence to be incorporated into the landscape buffer around the property.

The Environmental Impact Study and Tree Plan do not find any justification for not permitting development to occur in accordance with the proposed site plan.

The Tree Plan identified only four trees of Significant Size qualified for replacement under the Town's policy. This is proposed to be implemented by planting 32 new trees of a specific size or the equivalent within the 6 m buffer area from Top-of-bank. In addition, a total of 100 deciduous and 36 coniferous trees are proposed to be planted within the development footprint as well as street trees along Eagle Street.

In the Official Plan under Section 9.3.2, Woodlands, Policies, Programs, subsection 3 states: "Council shall promote and establish programs to increase the tree cover of the entire Town from its current level of 9% to 12%."

In my opinion and the opinions of Cathy V. Bentley, B.Sc.F., M.Sc.F., R.P.F., Certified Arborist, and Sibylle von Knobloch, OALA, the implementation of the Landscape Master Plan would more than compensate for the loss of trees on the property.

17.0 CONCLUSION

In my professional opinion, the approval of the Millford development proposal would constitute good planning.



Peter E. Allen, F.R.T.P.I., M.C.I.P., R.P.P.

Existing Land Use

- Property Boundary
- Proposed Area of Development
- Street Address



MAP 1
NOT TO SCALE



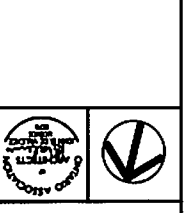
SP1
 DATE: 11/15/11
 SET REV.
 DRAWN:
 CHECKED:
 TITLE NO. 2524

PROJECT NO. 2524
 SHEET TITLE
MAP 2
 SITE PLAN

PROPOSED RESIDENTIAL DEVELOPMENT
 65 EAGLE STREET
 NEWMARKET, ON

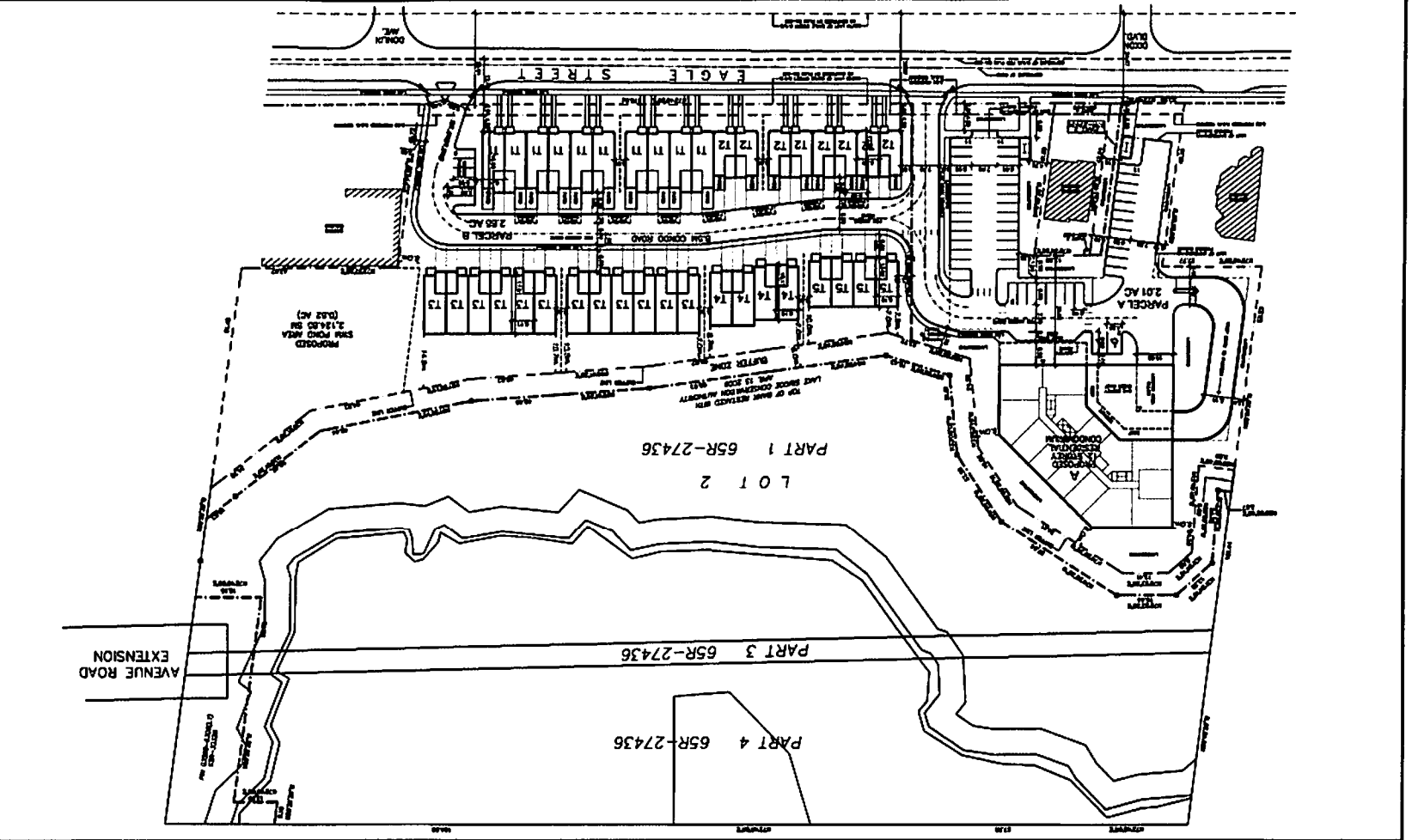
MILLFORD DEVELOPMENTS
 CLIENT

NO.	REVISIONS
1	ISSUE
2	REVISED
3	REVISED
4	REVISED
5	REVISED
6	REVISED
7	REVISED
8	REVISED
9	REVISED
10	REVISED



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PARTIAL B:

PROPOSED TOWNHOUSE: 20
 NET LOT AREA: 11,911.28 SQ M (124,787 SQ FT, 2.88 AC)
 PROPOSED DENSITY: 23 UNITS/HECTARE

UNIT	PROPOSED	# OF
T1	144-63-187-63 SQ M (1,609-1,700 SF)	10
T2	117-63-187-22 SQ M (1,200-1,200 SF)	0
T3	157-63-187-22 SQ M (1,700-1,800 SF)	12
T4	132-30-163-25 SQ M (1,500-1,500 SF)	4
T5	120-77-130-28 SQ M (1,300-1,400 SF)	4
TOTAL NUMBER OF UNITS		20

USAGES:
 RESIDENT PARKING PROVIDED: 0.25 X NUMBER OF UNITS= 5 SPACES
 VISITOR PARKING PROVIDED: 14 SPACES
 WESTERN PARKING REQUIRED: 2 SPACES/UNIT= 78 SPACES
 RESIDENT PARKING PROVIDED: 2 SPACES/UNIT= 78 SPACES

PARTIAL A:

PROPOSED UNITS: 104
 NET LOT AREA: 87,790 SQ M (2,011 AC)
 PROPOSED DENSITY: 109 UNITS/HECTARE

GROUND FLOOR AREA	# OF UNITS
1,800.34 SQ M (19,423 SF)	0
1,802.16 SQ M (19,482 SF)	12
18,789.32 SQ M (204,719 SF)	88
TOTAL G.F.A.	200

PROPOSED FLOOR SPACE INDEX: 2.00
 ON GRADE: 11 SPACES
 (2 LOTS UNDERGROUND GARAGE: 210 SPACES TOTAL)
 RESIDENT PARKING PROVIDED: 231 SPACES TOTAL
 VISITOR PARKING PROVIDED: 14 SPACES
 RESIDENT PARKING REQUIRED: 1.5 SPACES/UNIT= 231 SPACES

PROJECT INFORMATION:

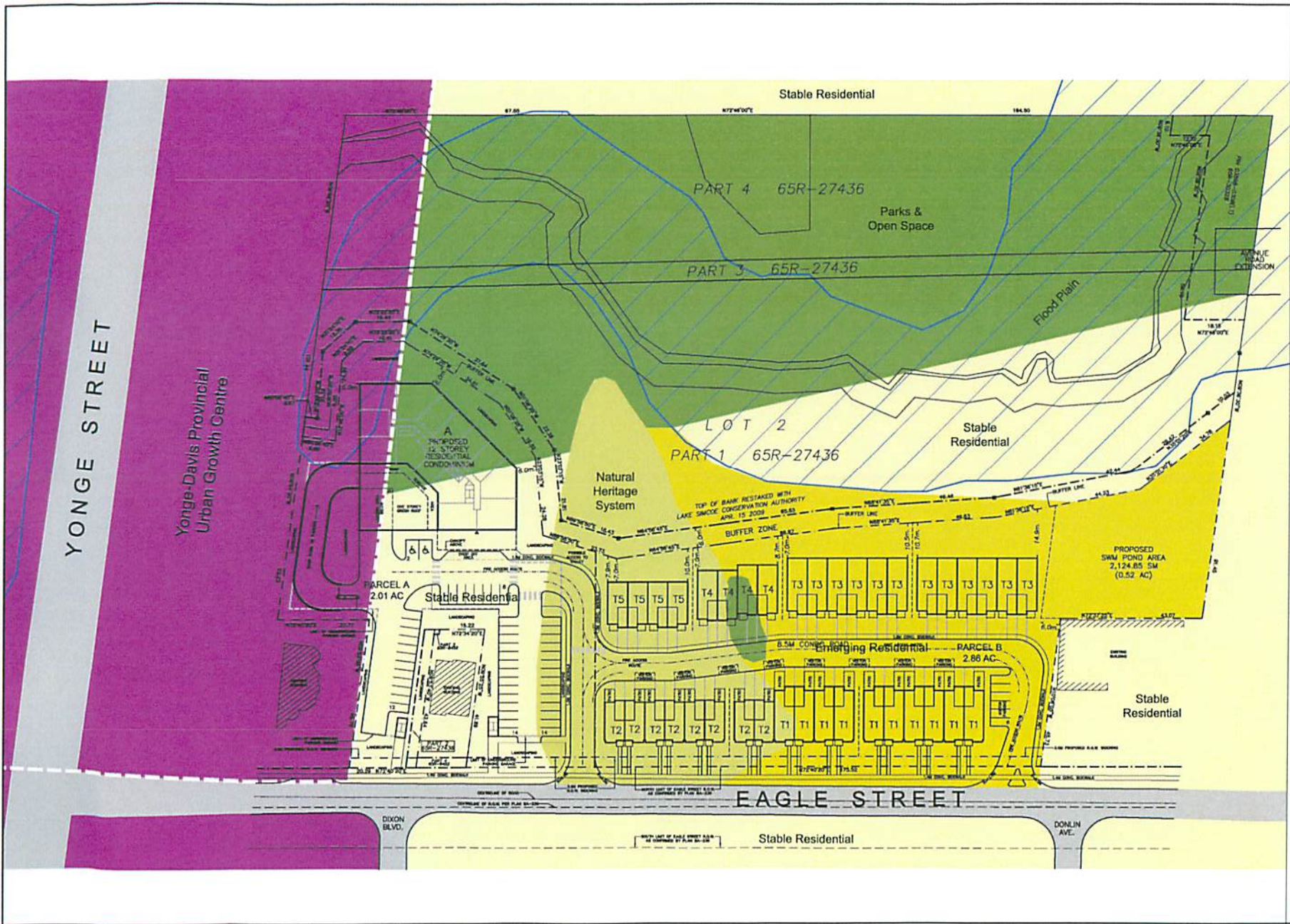
PARTIAL A:
 104 UNITS
 NET LOT AREA: 87,790 SQ M (2,011 AC)
 PROPOSED DENSITY: 109 UNITS/HECTARE
 GROUND FLOOR AREA: 1,800.34 SQ M (19,423 SF)
 GROUND FLOOR AREA: 1,802.16 SQ M (19,482 SF)
 GROUND FLOOR AREA: 18,789.32 SQ M (204,719 SF)
 TOTAL G.F.A.: 200
 PROPOSED FLOOR SPACE INDEX: 2.00

PARTIAL B:
 20 UNITS
 NET LOT AREA: 11,911.28 SQ M (124,787 SQ FT, 2.88 AC)
 PROPOSED DENSITY: 23 UNITS/HECTARE

SURVEY INFORMATION:
 SURVEY INFORMATION IS TAKEN FROM A COMPLETED PLAN OF SURVEY DATED: PART OF LOT 2 AND 3 RECORDING PLAN NO. 2 PROVIDED BY: NATIONAL MUNICIPALITY OF YORK REGION OF YORK
 PROVIDED BY: YONGE & YORK SURVEYING INC. O/S 2 HOLLAND DRIVE, UNIT 3 BAYVIEW, ONT. M2H 1E1 DATE: JUNE 2010

EXISTING LOT AREA:
 22,477 SQ M (260,228 SF)
 2,114 SQ M (22,700 SF)
 19,742 SQ M (212,000 SF)
 NET DEVELOPMENT AREA: 19,742 SQ M (212,000 SF)
 5 X 10M UNITS: 88.87-77.11 SQ M (790-830 SF)
 1 X 10M UNITS: 18.26-78.12 SQ M (1,000-1,300 SF)
 TOTAL PROPERTY AREA: 50,853 SQ M (584,193 SF)





- Town of Newmarket Official Plan
- Extract from Schedule A Land Use Estimated Boundaries
- Stable Residential
 - Emerging Residential
 - Urban Centre
 - Parks & Open Space
 - Natural Heritage System
 - Flood Plain
 - Roads
 - Yonge-Davis Provincial Urban Growth Centre Boundary



MAP 3
SCALE 1:1000

Town of Newmarket
 Official Plan
 Extract from Schedule A
 Land Use Estimated Boundaries

- Stable Residential
- Emerging Residential
- Urban Centre
- Parks & Open Space
- Flood Plain
- Roads
- Existing Yonge-Davis Provincial Urban Growth Centre Boundary

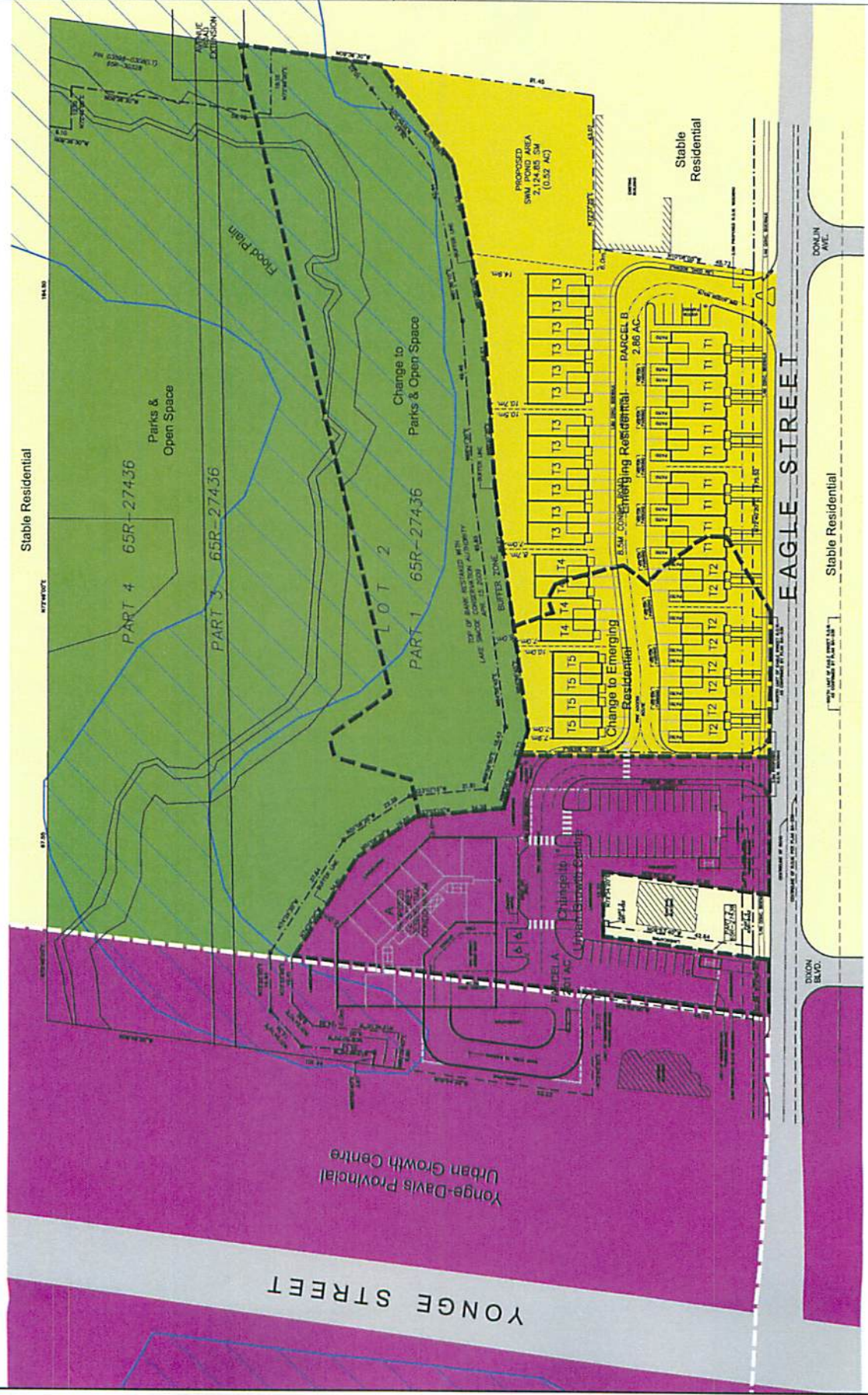
Proposed Redesignation of Lands

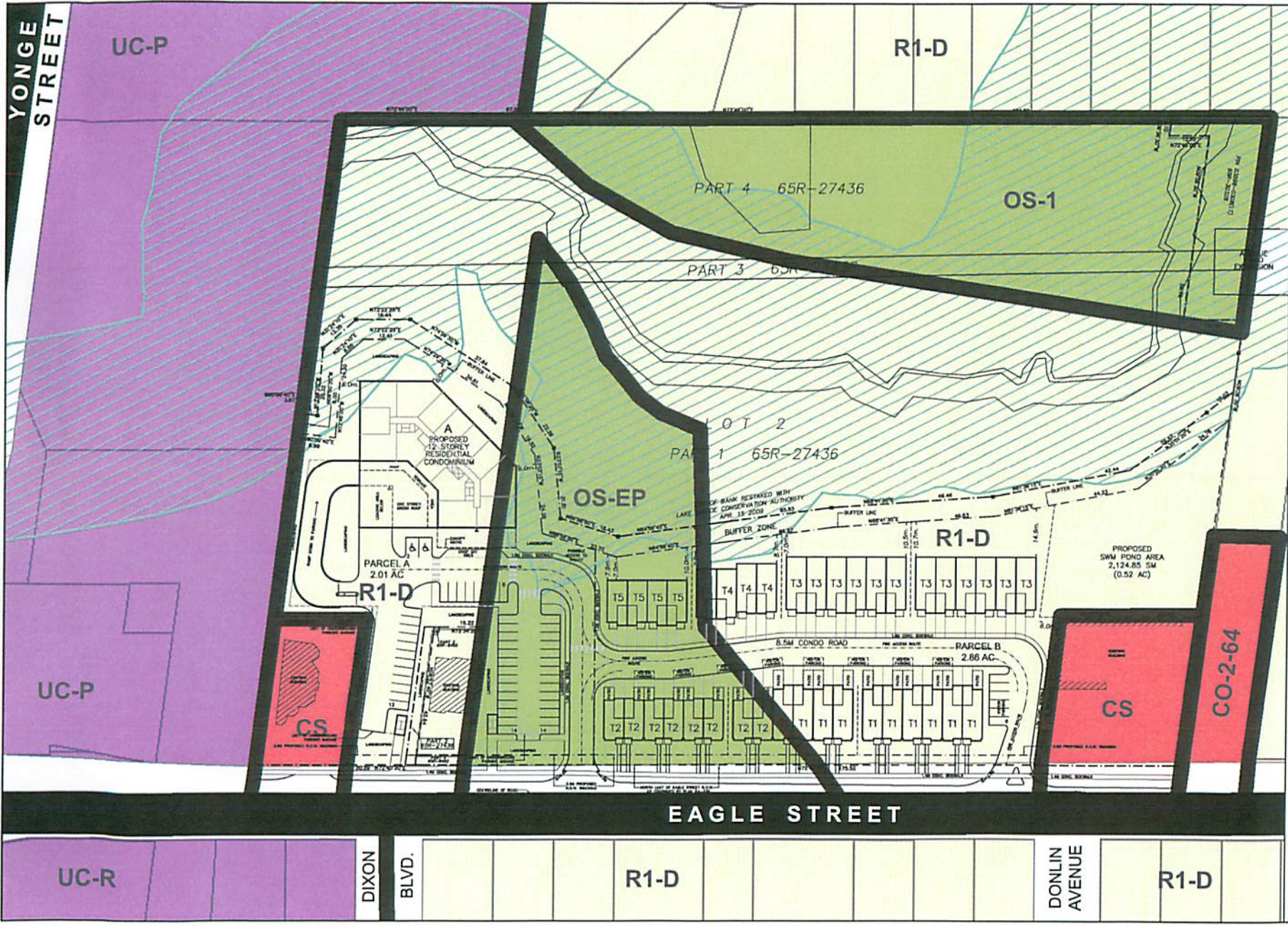
- Proposed Extended Emerging Residential
- Proposed Extended Yonge-Davis Provincial Urban Growth Centre Boundary
- Proposed Extended Parks & Open Space



MAP 4

SCALE 1:1000



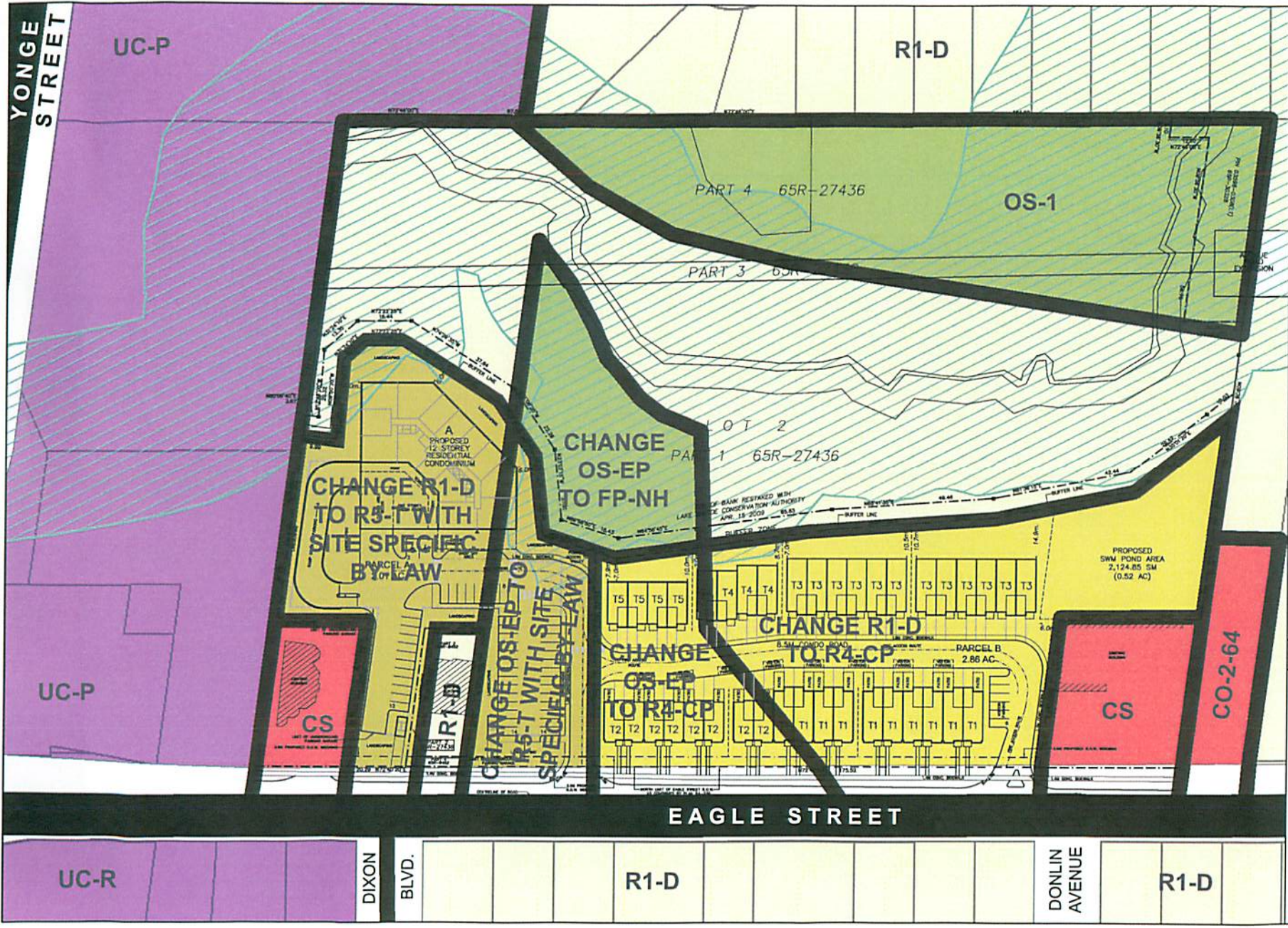


Town of
Newmarket
Zoning By-Law
2010-40:
Extract from
Schedule A
Map 11

- Zone Codes & Descriptions
- R1-D: Residential Detached Dwelling 15m Zone
 - CS: Service Commercial Zone
 - CO-2: Office Commercial 2 Zone
 - UC-P: Provincial Urban Centre Zone
 - UC-R: Regional Urban Centre Zone
 - OS-1: Open Space Zone
 - OS-EP: Environmental Protection Open Space Zone
 - FP-NH: Floodplain & Other Natural Hazards Zone
 - Map Boundary
 - Property Parcel/Road Allowance



MAP 5
SCALE 1:1000



Town of Newmarket
Zoning By-Law
2010-40:
Extract from
Schedule A
Map 11

- Zone Codes & Descriptions**
- R1-D: Residential Detached Dwelling 15m Zone
 - CS: Service Commercial Zone
 - CO-2: Office Commercial 2 Zone
 - UC-P: Provincial Urban Centre Zone
 - UC-R: Regional Urban Centre Zone
 - OS-1: Open Space Zone
 - OS-EP: Environmental Protection Open Space Zone
 - FP-NH: Floodplain & Other Natural Hazards Zone
 - Map Boundary
 - Property Parcel/Road Allowance

- Proposed Rezoning Descriptions**
- R4-CP: Residential Townhouse Condo Plan Dwelling Zone
 - R5-T: Residential Apartment Dwelling 2 Zone



MAP 6

SCALE 1:1000