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File No.: 122567.1025

Town of Newmarket
395 Mulock Drive
P.O. Box 328
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Newmarket, ON L3Y 4X7

Attention: Members of the Committee of the Whole

Dear Members of the Committee of the Whole:

**Re: Official Plan Amendment #10 - Town of Newmarket Draft Urban Centres
Secondary Plan (File No. NP-P-13-01)
Official Plan Amendment #11 - Active Transportation Network (File No.
NP-P-13-02)**

We are counsel to Yonge-Kingston Centre Inc. (the “Owner”), the registered owner of the lands located at the south-east corner of Yonge Street and Kingston Road, which are also municipally known as 17725 Yonge Street, Newmarket (the “Property”). The Property is located within the proposed Urban Centres Secondary Plan area (the “Plan” or “OPA #10”).

On behalf of the Owner, we and R.G. Richards & Associates have been actively involved with respect to the Plan and have made multiple submissions to the Town. We continue to have concerns with the Plan as it relates to the Property, including but not limited to the following:

- **Schedule 4 (Height and Density):** The northern portion of the Property is located within the Yonge North Character Area while the southern portion of the Property is located within the Yonge and Davis Character Area. The entire Property should be located within the Yonge and Davis Character Area to allow the Owner to develop the Property in a cohesive manner.
- **Policy 6.4.8 (Interim Development Policies):** In addition to our previous comments on the overly restrictive interim development policies, we note that interim development should also be exempt

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from the urban design policies in the Plan. Policy 6.4.8 currently only exempts interim development from the height and density requirements. Since it is accepted that full build-out of the Plan area will not be achieved in the near future, interim development should not be restricted by the urban design policies in Policy 7.3 of the Plan, which includes standards such as reduced setbacks, active commercial street fronts, location of principal entrances etc. Interim development should be reviewed in the context of existing conditions.

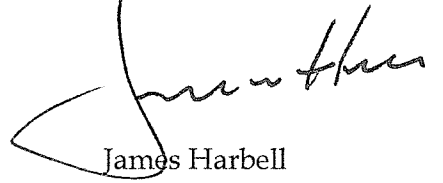
- **Policy 7.3.6.iv. (Streetscapes and Boulevards):** This policy provides that a 10-metre boulevard must be maintained along both sides of Yonge Street and Davis Drive. It is unclear at this time as to how the Town is planning to acquire such land. Clarification is required to specify where such land will come from, the process through which such conveyance will occur, and the payment to landowners, if any.
- **Policy 14.2.2.i.a) (Coordination and Phasing of Development):** This policy provides that development is only permitted where there is an appropriate level of transit infrastructure. The establishment of transit infrastructure often follows development, but this policy requires that transit be in place in advance of any development approvals. Since it is unknown at this time as to when a rapid transit line may reach the Property, this policy is unduly restrictive and could prevent new development altogether. Additionally, it is unclear whether this policy applies to interim development.

With respect to Official Plan Amendment #11 ("**OPA #11**"), it is unclear whether Schedule D, the Active Transportation Network, is a conceptual plan. We recognize that the ultimate street cross-sections will be developed through an Active Transportation Plan, which we presume would be ultimately incorporated into the Official Plan through an Official Plan Amendment. OPA #11 needs to be clarified in this regard. Further, Policy 11 provides that the rights-of-way required for the Active Transportation Network will either be conveyed to the Town as a condition of planning approval or acquired by the Town and the cost of acquisition recovered through cost sharing agreements. It is unclear as to the circumstances in which either option may be used by the Town.

Please continue to provide us with copies of all staff reports, notice of any public meeting and copies of all decisions of City Council or its committees with respect to both OPA #10 and OPA #11.

Thank you for your attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read "James Harbell", written over a large, stylized, handwritten "X" or "J" mark.

James Harbell

JWH/mc

cc. Richard Nethery, *Director, Planning & Development Services, Town of Newmarket*
Marion Plaunt, *Planner, Town of Newmarket*
Steve Bishop, *Yonge-Kingston Centre Inc.*
Ron Richards & Nick Michael, *R.G. Richards & Associates*