



Committee of the Whole Revised Agenda

Monday, February 26, 2024, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit whitby.ca/CouncilCalendar for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 7 of Procedure By-law # 7462-18, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at clerk@whitby.ca by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a Delegation Request Form online to the Office of the Town Clerk by 10 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
 2. **Call of the Roll: The Clerk**
 3. **Declarations of Conflict of Interest**
 4. **Consent Agenda**
 5. **Planning and Development**
 - 5.1 Presentations
 - 5.2 Delegations

- *5.2.1 Chris Schafer representing Van Horne Outdoors / AllVision (In-Person Attendance)
Re: PDP 04-24, Planning and Development (Planning Services) Department Report
Van Horne Outdoors / AllVision Proposal

Refer to Item 5.4.1, PDP 04-24

- *5.2.2 Steve Wall, Resident (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.3 Greg Jones, Resident (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.4 Bonita O'Carroll, Resident (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.5 David Airdrie, Resident (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1560 Halls Road North, File Number DEV-24023 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.6 Brad Oram, Resident (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Hall Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.7 Chris Hopley, Resident (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.8 Scott Waterhouse and Toni Wodzicki representing Halls-Lake Ridge Limited Partnership (In-Person Attendance)
Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

- *5.2.9 Trevor Arkell, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.10 Lee Janes, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.11 Tom Hewitt, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.12 Debra Cornelson-Buddo, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.13 Raseel O'Toole, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.14 Anna Huston, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.15 Christine Waddell, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.16 Isabel Lee, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.17 Leah Van Roessel, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.18 John Cole, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.19 Judith Blazina, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4., PDP 07-24

- *5.2.20 Phil Braekevelt, Resident (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4., PDP 07-24

- *5.2.21 Mike Zavershnik representing 2622974 Ontario Inc. (In-Person Attendance)
Re: PDP 07-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

- *5.2.22 Marshall Smith representing Whitby 108 Victoria Inc. (Virtual Attendance)
Re: PDP 10-24, Planning and Development (Planning Services) Department Report
Official Plan Amendment and Zoning By-law Amendment Applications, Whitby 108 Victoria Inc., 106 and 110 Victoria Street West, File Numbers: DEV-33-22 (OPA-2022-W/04, Z-22-22)

Refer to Item 5.4.7, PDP 10-24

5.3 Correspondence

- *5.3.1 Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations
Recommendation:
That the Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations, be received for information.

5.4 Staff Reports

- 5.4.1 PDP 04-24, Planning and Development (Planning Services) Department Report
Re: Van Horne Outdoors / AllVision Proposal

Recommendation:

1. That Council consider the request from Van Horne Outdoors and AllVision to permit digital billboards on three railway bridges; and,
2. That should Council support the request from Van Horne Outdoors and AllVision, staff be authorized to enter into the necessary agreement substantially as outlined in Report PDP 04-24, and to the satisfaction of the Town Solicitor, and prepared amendments to Permanent Sign By-law #7379-18, to be brought forward for Council's consideration.

5.4.2 PDP 05-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Recommendation:

1. That Council approve an amendment to Zoning By-law No. 1784 (File No. Z-08-23), as outlined in Planning Report PDP 05-24; and,
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council at the March 18, 2024 Council Meeting.

5.4.3 PDP 06-24, Planning and Development (Planning Services) Department Report

Re: 780 Garden Street, Designation of a Property under Part IV, Section 29 of the Ontario Heritage Act - Update

Recommendation:

1. That Council mutually agree to the owner's request for an extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 1(2) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Mayfield House, located at 780 Garden Street in Whitby; and,
2. That the extension be in effect until December 31, 2024.

5.4.4 PDP 07-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Recommendation:

1. That Council approve an amendment to Zoning By-law 2585 (Z-03-19), subject to the comments included in Planning Report PDP-07-23; and,
2. That a by-law to amend Zoning By-law 2585 be brought forward for consideration by Council at such time as the Site Plan Application has been approved.

5.4.5 PDP 08-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications for 5035 Anderson Street, Whitby Anderson Estates Inc., File Numbers: DEV-14-21 (SW-2021-04, Z-09-21)

Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-04) and approve an amendment to Zoning By-law #1784 (Z-09-21), subject to the comments included in Planning Report PDP-08-24 and the Conditions of Draft Approval included in Attachment #10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

5.4.6 PDP 09-24, Planning and Development (Planning Services) Department Report

Re: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Recommendation:

1. That Council approve Amendment 133 to the Whitby Official Plan, regarding the updated Whitby Official Plan and Secondary Plans, as shown on Attachment #1 to Planning and Development Report PDP 09-24, and that a by-law to adopt Amendment 133 be brought forward for Council's consideration;
2. That the Clerk forward a copy of Planning and Development Report PDP 09-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment 133 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and,
3. That the Clerk send a Notice of Council's decision regarding adoption of Amendment 133 to those persons and agencies who have requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

*5.4.7 PDP 10-24, Planning and Development (Planning Services) Department Report
Re: Official Plan Amendment and Zoning By-law Amendment Applications, Whitby 108 Victoria Inc., 106 and 110 Victoria Street West, File Numbers: DEV-33-22 (OPA-2022-W/04, Z-22-22)

Recommendation:

1. That Council approve Amendment Number 134 to the Whitby Official Plan (File: OPA-2022-W/04), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 134 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 10-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 134 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 2585, (File: Z-22-22), as outlined in Planning Report No. PDP 10-24;
4. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council upon Site Plan approval by the Commissioner of Planning and Development; and,
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

5.5 New and Unfinished Business - Planning and Development

6. General Government

6.1 Presentations

- *6.1.1 Andrea Smith, Manager of Corporate Initiatives, Regional Municipality of Durham (In-Person Attendance)
Re: Region of Durham's 2025 Strategic Plan

Note: This presentation has been withdrawn from the agenda and will be rescheduled to a future Council meeting.

6.2 Delegations

- *6.2.1 Victoria Rodden, Resident (Virtual Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

- *6.2.2 Gary Dunsmuir, Resident (Virtual Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

- *6.2.3 Sandy Hodder, Resident (In-Person Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

- *6.2.4 Deborah Schroeder, Resident (In-Person Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

- *6.2.5 Russell Leffler, Resident (Virtual Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

- *6.2.6 Denise Boudreau, Resident (Virtual Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

- *6.2.7 Robert McLeod, Resident (In-Person Attendance)
Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

6.3 Correspondence

6.4 Staff Reports

- 6.4.1 CMS 03-24, Community Services Department Report
Re: Appointment of Members to the Whitby 55+ Recreation Advisory Committee

Recommendation:

That Council approve and appoint the following members to the Whitby 55+ Recreation Advisory Committee effective immediately for a term ending December 31, 2025:

- Lena Ebrekdjan
- Lynda Kruitiz
- Susan Lythgoe

- 6.4.2 LS 03-24, Legal and Enforcement Services Department Report
Re: Assignment and Transfer of Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, being all of PIN 26515-0401 (LT) from Victorian Order of Nurses Durham Region Community Corporation to Hospice Whitby

Recommendation:

1. That Council direct staff to negotiate and enter into an assignment and assumption agreement with Victorian Order of Nurses Durham Region Community Corporation (“VON”) and Hospice Whitby to provide consent to the assignment and transfer of title of the lands legally described as Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, Town of Whitby, being all of PIN 26515-0401 (LT) (the “Property”) to Hospice Whitby;
2. That Council direct staff to alter the condition in the Right of First Refusal Agreement so that the owner would only be required to offer the Property back to the Town if construction of the hospice does not commence by December 31, 2024, to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate;
3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the Assignment and Assumption Agreement and/or Right of First Refusal Agreement on title to the Property, as required; and,
4. That the Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services and Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto.

6.5 New and Unfinished Business - General Government

- *6.5.1 Comprehensive Review of the Procedure By-law
Moved by Mayor Roy

Recommendation:

1. That the Clerk be directed to undertake a comprehensive review of the Procedure By-law and report to Council prior to summer recess 2024 with recommended amendments based on an environmental scan of comparator municipalities and consultation with Members of Council; and,
2. That the procedural matters to review include but not be limited to delegations, meeting start and end times, notices of motion, speaking limits, and the appointment of a Deputy Mayor.

7. Adjournment

Memorandum to Council

Planning and Development Department

Engineering Services



To: Mayor and Members of Council

CC: Roger Saunders, Commissioner, Planning and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

From: Tara Painchaud, Senior Manager,
Transportation Services

Date: January 22, 2024

File #: N/A

Subject: Port Whitby Traffic Consideration

This memorandum is to update Members of Council on a recent discussion between Port Whitby residents and Engineering Services staff. On Friday, January 12, 2024, Peter Angelo and Tara Painchaud met with two residents to discuss their concerns with Port Whitby traffic. Councillor Mulcahy attended virtually.

The meeting was framed as an interactive discussion to better understand the concerns and to better understand what they feel could meaningfully help to mitigate their concerns, in advance of the focused consultant study which will form part of the overall traffic calming policy to be undertaken this year. The goal of the meeting was to understand if there are any modifications which could be implemented in the near-term, as opposed to longer term strategies that might arise from the focussed study.

The following area specific concerns and potential mitigation was discussed:

1. Concerns regarding the speed and volume vehicles using Watson Street and Charles Street (to/from the west) to access the Waterfront.
 - Community Safety Zone signage along Watson Street between Victoria Street and Charles Street was approved through Report PDE 14-23. Signage will be installed when weather permits.
 - Request for consideration of the extension of a Community Safety Zone further east along Watson Street, to Dufferin Street, and along Charles Street, south of Watson Street.
 - Upgrade the existing wait-for-safe gap crosswalk at Victoria Fields and Watson Street with a Level 2, Type C Pedestrians Crossover (PXO). In 2024, through a change-order request of the current contract to construct/upgrade

nine (9) other crossings in Whitby, the Port Whitby PXO could be prioritized to be the first one that the contractor builds.

- Installation of traffic calming speed humps and radar message speed feedback signage on Charles between Watson Street and Front Street. In consultation with the Ward Councillor, Charles Street could form one of the ward-streets for the 2024 traffic calming project.
2. Heavy vehicles using Brock Street and Watson Street to access the industrial lands on South Blair Street, instead of using the designated truck routes of Victoria Street and South Blair Street. It is speculated that the short southbound left turn lane; short north-south green time due to the east-west priority; and truck turning radii; that truck drivers are choosing the easier path of heading southbound through the signals at Victoria Street/Brock Street and then turning left onto Watson Street despite the No Truck signed restriction.
- Installation of traffic calming speed humps and radar message speed feedback signage on Watson Street east of Brock Street to discourage truck traffic. In consultation with the Ward Councillor, this could potentially form one of the ward-streets for the 2024 traffic calming project.
 - Region be requested to upgrade the existing all-way stop controlled intersection of Brock Street and Watson Street to a signalized intersection with pedestrian crosswalks and signals on all legs. These unwarranted traffic signals would be subject to the Regions cost sharing protocols. Traffic signals may also address conflicts between truck movements and bussed student drop offs.
 - The residents requested consideration of providing an adult school crossing guard at the all-way stop controlled intersection to support bussed students. Durham Student Transportation Services (DSTS) provides bussing to students and has in the order of 850 stop locations for elementary students in Whitby. School crossing guards are provided to walking students only as school buses have flashing red lights and an extended stop sign. Drivers are legally not permitted to pass a school bus when the red lights are flashing and the stop sign is extended.
3. Community wide speeding concerns coupled with strained police enforcement.
- Town installation of Area Specific Speed limit of 40 km/hr on all the streets bounded by Victoria Street to the north, Victoria Fields to the west, Front Street to the south, and Dufferin Street to the east. This could be done following a Council approved amendment to the Traffic By-law amendment and installation of signage. It is noted that area specific speed limits will be considered as part of the Port Whitby focus study to be undertaken in 2024.
 - Town staff to request that truck traffic associated with construction projects on Water Street (e.g. MTC re-development and Regional Water Supply Plan development) use Water Street and South Blair Street rather than travel on Brock Street South.
 - Request to fully close Port Whitby streets between Brock Street and Victoria Fields during events that have fireworks, such as Canada Day. This request

has been with the Special Events team for consideration and discussion with Durham Regional Police Service.

Staff will bring forward a report in Q1 for Council consideration of the above, as well as other recommendations that may assist with vehicle routing and safety.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar

Report Title: Van Horne Outdoors/ AllVision Proposal

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 04-24

Department(s) Responsible:
Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

<p>Acknowledged by M. Gaskell, Chief Administrative Officer</p>
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For additional information, contact:

K. Afante Planner I, ext. 2836

1. Recommendation:

1. That Council consider the request from Van Horne Outdoors and AllVision to permit digital billboards on three railway bridges; and,
2. That should Council support the request from Van Horne Outdoors and AllVision, staff be authorized to enter into the necessary agreement substantially as outlined in Report PDP 04-24, and to the satisfaction of the Town Solicitor, and prepared amendments to Permanent Sign By-law #7379-18, to be brought forward for Council's consideration.

2. Highlights:

- Van Horne Outdoors and AllVision (VHO) has approached the Town of Whitby with a proposal to install digital billboards at three (3) railway crossings in the Town. Should Council support the request, Site-Specific Amendments to Permanent Sign By-law #7379-18 would be required for each of the proposed locations to permit digital billboards.

3. Background:

Council initially received a proposal from VHO at the March 2, 2020, Committee of the Whole meeting, Van Horne Outdoor made a presentation regarding the "Canadian Pacific Railway Bridge Enhancement and Modernization Program."

At the March 9, 2020, Council meeting, Staff were directed to:

“Identify relevant considerations related to the proposed program, along with an environmental scan of how other municipalities in the Greater Toronto Area are addressing the program, and other opportunities to improve the appearance of rail bridges in the Town.”

Staff reported back at the October 19, 2020, Committee of the Whole meeting (PL 44-20). At that time Council further directed Staff to:

“report back with a profile of how digital signage is being used and on reducing the size of digital signage outside of Schedules A and B of By-law #7379-18 to ensure the attention impact of digital signage is not larger than the impact of traditional signage.”

Staff reported back at the February 14, 2022, Committee of the Whole meeting (PDP 12-22). At that time Council further directed Staff to:

“report back on ways to manage digital signage consistent with the Council approved wayfinding and signage strategy.”

VHO presented a new proposal to the Planning Department in May 2023. The proposal was received and reviewed by Planning Services and circulated to Building, Engineering, Legal and Strategic Initiatives for consideration as well. After further discussion with the proponent regarding concerns with the Brock Street North and Maple Street location, an alternative proposal was presented for that location in which only the North side of the bridge will have a digital billboard sign.

4. Financial Considerations:

4.1. Digital Railway Bridge Sign Proposal

VHO proposes, through a site-specific sign bylaw amendment, to install digital signs on three (3) railway bridges to improve the aesthetic look of bridges and provide benefits to the municipality and community.

The proposed digital signs will be static digital displays that do not scroll, flash, or feature motion pictures to promote road safety and reduce driver distraction. The digital signs will be operated at an eight second dwell time. Modern digital signs are equipped with photocells to be compliant in illumination and brightness levels at different times of the day, adjusting for daylight hours and at sunset.

One half of each sign face will incorporate the Town's corporate logo and the other half will be available for third party advertising, including provision for municipal and community messages. The Town will be entitled to a minimum of 10% of the total aggregate annual advertising time on the digital signs.

The look of bridge overpasses will be improved by adding modern galvanized rust-proof metal cladding.

The visual area of the digital signs will each be 2.72 metres high by 8.56 metres in length, totalling 23.3 square metres.

4.2. Proposed Locations

The locations for the digital signs on overpasses include:

1. Brock Street North – north of Maple Street, facing North only (Refer to Attachments #1A and 2A);
2. Thickson Road South – north of Highway. 401 (Refer to Attachments #1B and #2B); and,
3. Dundas Street East – west of Hopkins Street (Refer to Attachments #1C and #2C).

Refer to Attachment #3 for an overview of all three of the proposed sign locations. Refer to Attachment #4 for renderings of the proposed digital signs at the respective locations.

4.3. Removing Existing Paper Copy Billboards

Under the proposed agreement, VHO will remove 19 existing static paper billboard faces to modernize the aesthetic of the area around the bridges at the following locations:

- Thickson Road South north of Highway 401;
- Hopkins Street south of Dundas Street East;
- Dundas Street East, east of Hopkins Street;
- Brock Street south of Manning;
- Brock Street north of Maple Street;
- Rossland Road 200 metres west of Coronation Road; and,
- Lakeridge Road 900 metres north of Rossland Road.

Refer to Attachment #5 for examples of the static paper billboard faces that are to be removed.

4.4. Permanent Sign By-law Amendment

The Town's Permanent Sign By-law regulates signage based on the zoning of a property. Digital signage is currently prohibited in Downtown Whitby and Downtown Brooklin.

Poster Panel signs (paper copy billboards) erected on Railway Lands require approval from the railway having jurisdiction over the lands. The poster panel signs have a maximum permitted sign area of 18.6 square metres and a maximum permitted sign height of 7.6 metres. When poster panel signs are located at a railway/street crossing, no more than two (2) signs are permitted at any one (1) railway/street crossing and no more than one (1) sign per street frontage is permitted.

Digital billboard signs, also known as billboard signs with electronic changing copy, are not permitted by the Town's Sign By-law #7379-18. Therefore, site-specific amendments to the Sign By-law to permit the digital signs on the above noted Railway bridges will be required, if supported by Council.

4.5. Proposed Agreement with VHO

The following provides a summary of key elements of the proposed agreement:

- The proposed Agreement between the Town and VHO will give VHO the right to construct, use, maintain and repair the signs at the noted locations.
- The term of the proposed agreement is twenty (20) years, with two renewal options for five (5) years each. The Agreement will automatically renew on the same terms unless one of the parties elects not to renew and provides written notice of that election at least 60 days before the expiry of the Term or renewal term.
- VHO is responsible for addressing public safety concerns to the Town's satisfaction.
- VHO will obtain insurance as required by the Town.
- The locations have been selected by VHO. VHO has provided plans for the signs, and the installation of the signs will be contingent on the Town providing approval, based on the drawings provided.
- VHO will be permitted to sell advertising to third parties that will be displayed on the signs.
- The Agreement will set a minimum dwell time for the advertisements of 8 seconds. The Agreement would allow for a longer dwell time if requested.
- The Town would be entitled to a minimum of 10% of the total aggregate annual advertising time on the signs. There is provision to allow the Town additional time based on availability. The display time for Town copy is evenly distributed throughout the day. Any display time for emergency messaging is not included in the Town's 10% display time.
- Any copy that the Town would like to display must be submitted to VHO at least 5 business days prior to the date that the copy is to be

displayed and is subject to review and approval by VHO. The Agreement states that VHO's approval will not be unreasonably withheld. The content of all advertising displayed on the digital bridge signs must comply with the Canadian Code of Advertising Standards and any Town policies related to placing advertisements with the Town.

- The Town is not able to sell or trade display time to a third party, with one exception. The Town is permitted to provide part of its 10% aggregate annual advertising time to not-for-profit organizations, provided the Town does not receive anything of value in exchange for the advertising time. If the Town were to consider providing advertising to non-profit organizations, further direction from Council is required to develop internal policies to ensure that any advertising does not lead to a breach of the terms.

4.6. Installation and Maintenance:

Under the proposed Agreement, VHO will be responsible for the installation and maintenance of the signs, including all the costs associated with installation and maintenance. They have full control over the companies that are used for both the installation and maintenance. VHO will be responsible for all utilities, flagging, traffic controls and other safety measures with respect to each sign.

VHO will be responsible for the repair of any damage that may be caused through installation, removal, maintenance, or repair of the signs. Any restoration outside of normal wear and tear must be completed to the satisfaction of the Town. The signs are owned by VHO, and they are responsible for their removal at the end of the Term.

VHO is responsible for the payment of the utilities and for setting up separate metering however, the Agreement does require the Town to assist with the coordination with the utility companies, to the extent possible.

The Town can inspect or review the work on reasonable notice to VHO and during normal business hours.

5. Financial Considerations:

All costs associated with manufacturing, installation, operation, and maintenance of the overall program will be at no cost to the Town of Whitby. The indirect financial impacts include potential revenue from increased participation in Town offerings and programming due to additional advertising.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The proposal was circulated to the following departments/divisions for consideration:

- Building Services;
- Engineering Services;
- Legal Services; and,
- Strategic Initiatives.

8. Strategic Priorities:

The Town of Whitby and other community groups (at the Town's discretion) will be provided with 10% of the overall display time, on the new digital signs, over an annual basis. This display time can be used for general community updates, transit updates, promotion of Town events and emergency override messaging. This will benefit the Town by increasing the communication channels with residents and visitors, increasing Town branding, and improving the aesthetic look of bridge overpasses.

9. Attachments:

Attachment #1A: Location Sketch – Brock Street North, north of Maple Street

Attachment #1B: Location Sketch – Thickson Road South north of Highway 401

Attachment #1C: Location Sketch – Dundas Street East west of Hopkins Street

Attachment #2A: Aerial Map – Brock Street North, north of Maple Street

Attachment #2B: Aerial Map – Thickson Road South north of Highway 401

Attachment #2C: Aerial Map – Dundas Street East west of Hopkins Street

Attachment #3: Proposed Digital Sign Locations

Attachment #4: Renderings of Digital Signs at the Proposed Locations

Attachment #5: Examples of Existing Paper Copy Billboard Signs to be Removed

Attachment #1A Location Sketch

PDP 04-24



Town of Whitby Planning and Development Department

Proponent:

Van Horne Outdoors/Allvision

Date:

February 2024

External Data Sources:

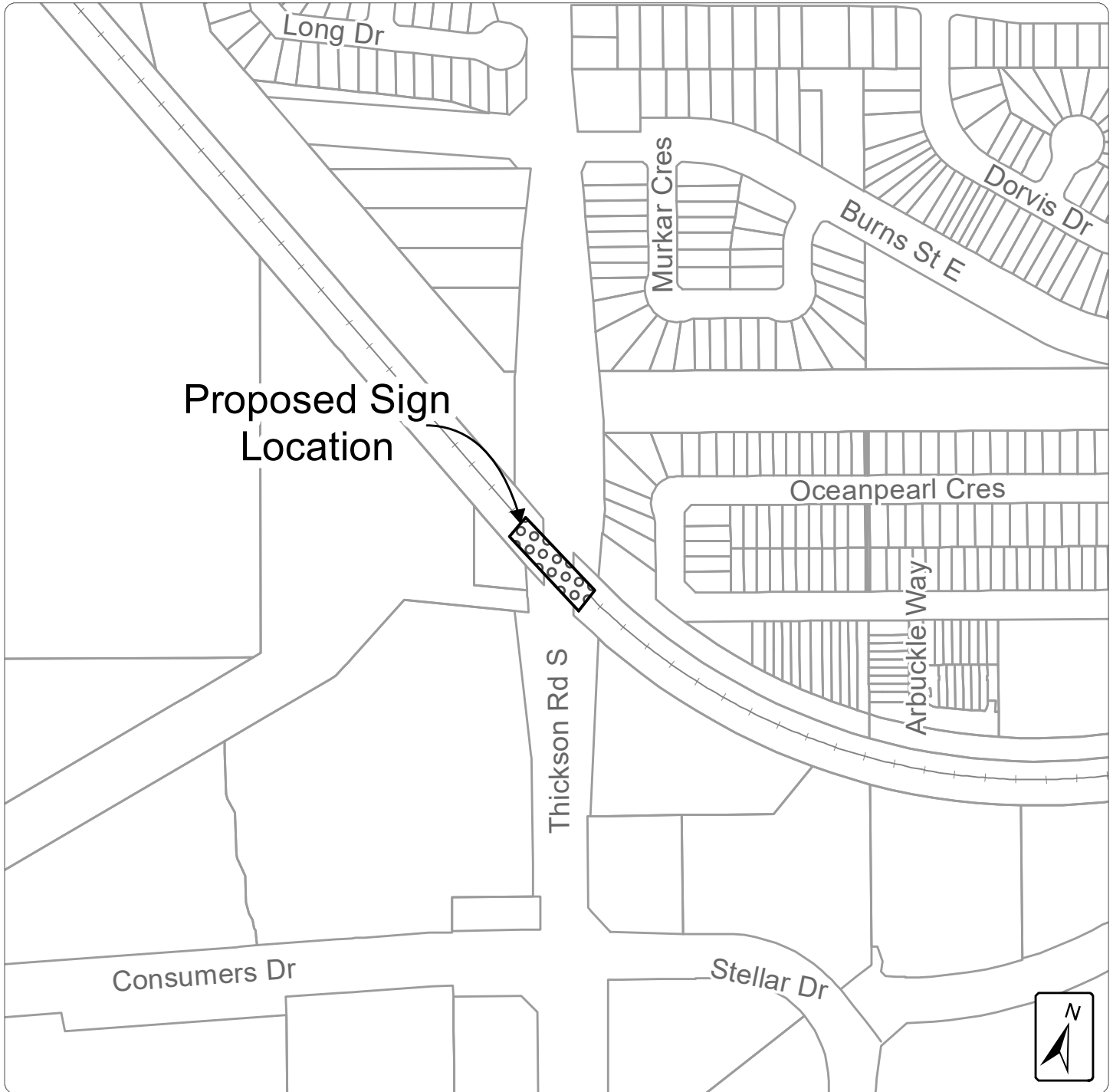
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Attachment #1B Location Sketch

PDP 04-24



Town of Whitby Planning and Development Department

Proponent:
Van Horne Outdoors/Allvision

Date:
February 2024

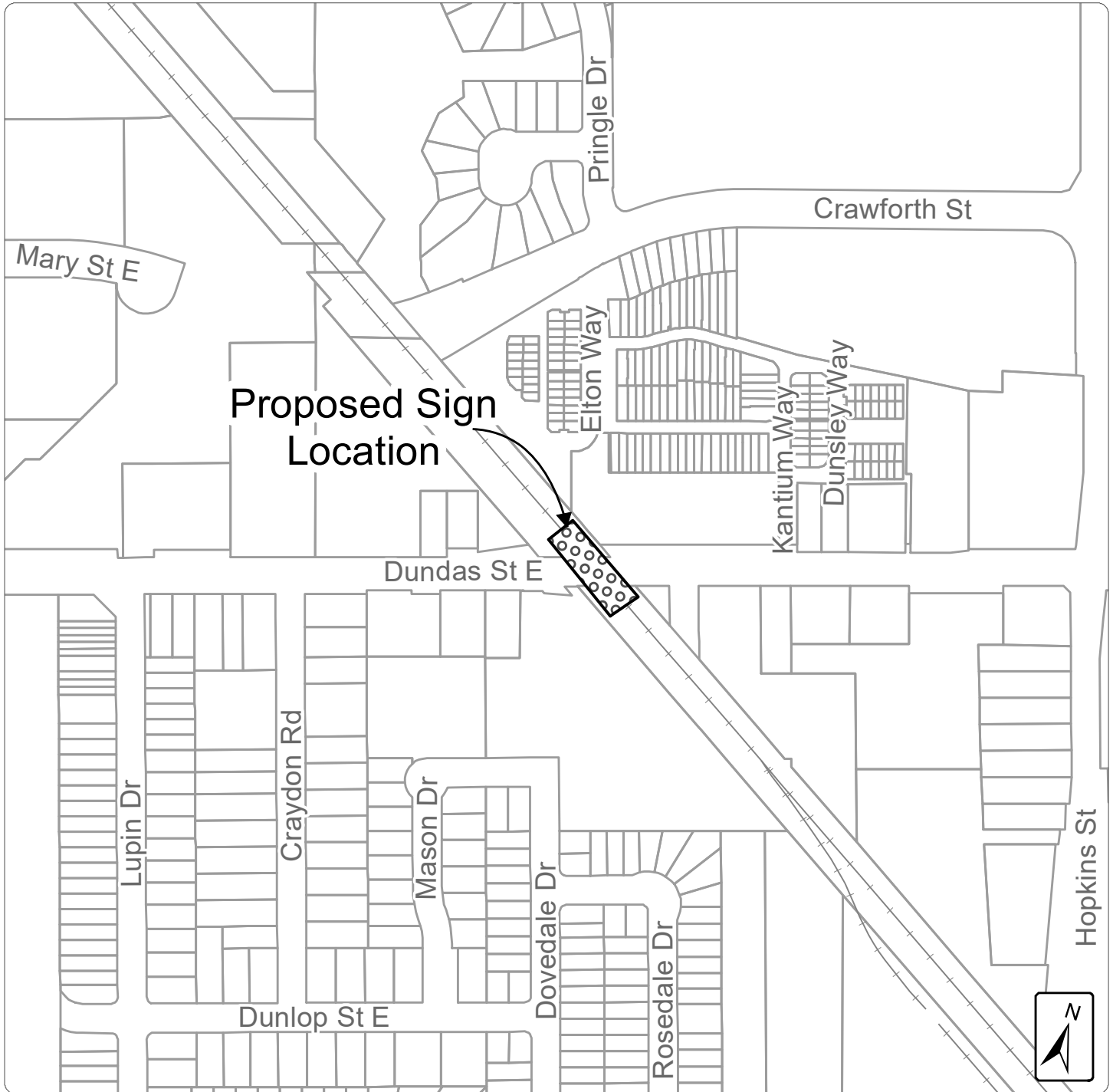
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Attachment #1C Location Sketch

PDP 04-24



Town of Whitby Planning and Development Department

Proponent:
Van Horne Outdoors/Allvision

Date:
February 2024

External Data Sources:
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Attachment #2A Aerial Context Map

PDP 04-24



Town of Whitby Planning and Development Department

Proponent:
Van Horne Outdoors/Allvision

Date:
February 2024

External Data Sources:
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Attachment #2B
Aerial Context Map

PDP 04-24



Town of Whitby Planning and Development Department

Proponent:

Van Horne Outdoors/Allvision

Date:

February 2024

External Data Sources:

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Attachment #2C Aerial Context Map

PDP 04-24



Town of Whitby Planning and Development Department

Proponent:
Van Horne Outdoors/Allvision

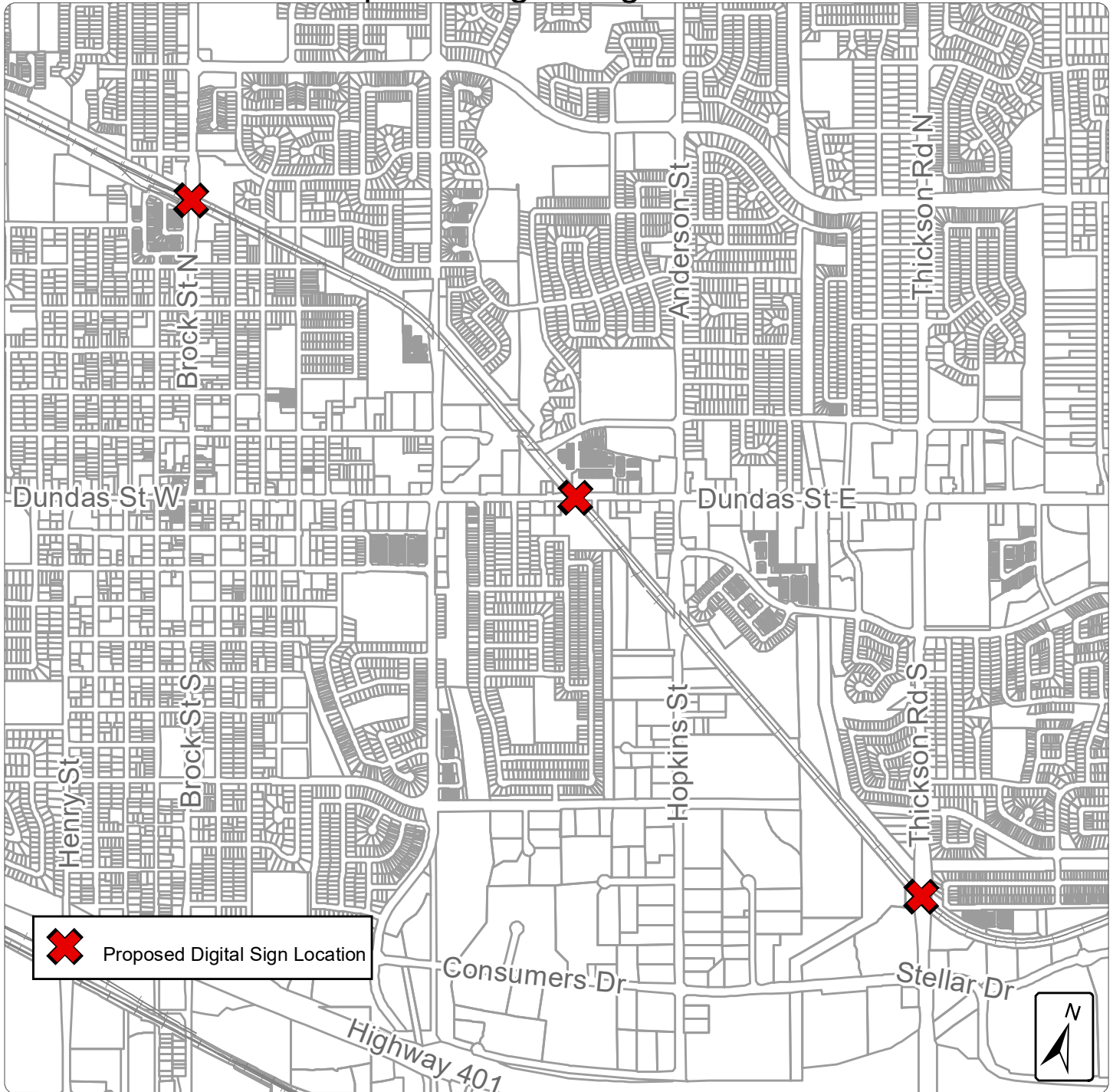
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Proposed Digital Sign Locations



Town of Whitby Planning and Development Department

Proponent:

Van Horne Outdoors/Allvision

Date:

February 2024

External Data Sources:

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Attachment #4 Renderings of Digital Signs



Brock Street North north of Maple Street



Thickson Road South north of Highway 401 – facing north



Thickson Road South north of Highway 401 – facing south



Dundas Street East west of Hopkins Street - facing east



Dundas Street East west of Hopkins Street - facing west

Attachment #5

Examples of Existing Paper Copy Billboard Signs to be Removed



Brock Street North north of Maple Street (facing south)



Thickson Road South north of Highway 401



Dundas Street East west of Hopkins Street

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Zoning By-law Amendment Application – Halls-Lake Ridge Limited Partnership – 1650 Halls Road North DEV-24-23 (Z-08-23)

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 05-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger Saunders, Commissioner of
Planning and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

M. Wianecki, Planner II, x. 2932

1. Recommendation:

1. That Council approve an amendment to Zoning By-law No. 1784 (File No. Z-08-23), as outlined in Planning Report PDP 05-24; and,
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council at the March 18, 2024 Council Meeting.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Halls-Lake Ridge Limited Partnership for land municipally known as 1650 Halls Road North.
- The Zoning By-law Amendment Application proposes to change the current zoning from Third Density Residential (R3) Zone and Agricultural (A) Zone to appropriate Zone categories to facilitate the proposed development of a warehouse distribution centre.
- All commenting departments and external agencies have reviewed the proposed development and have indicated their support for or no objection to the proposed development, subject to their comments being addressed through the future Site Plan Approval process.

3. Background:

3.1. Site and Area Description

The subject land is located at the northwest corner of Halls Road North and Dundas Street West (refer to Attachment #1). The subject land is municipally known as 1650 Halls Road North. The subject land is approximately 12.54 hectares (30.99 ac) in size and consists of vacant land which was formerly used for agricultural purposes (refer to Attachment #2).

Surrounding land uses include:

- agricultural lands to the north and west (future Prestige Industrial);
- commercial uses to the south; and,
- agricultural lands and residential uses to the east and southeast.

There are several existing residential lots fronting the west side of Halls Road North, immediately north of Dundas Street West, that abut the subject land. There are several existing residential lots fronting the east side of Halls Road North, immediately north of Dundas Street West, that are located within the Provincial Greenbelt.

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Halls-Lake Ridge Limited Partnership to change the current zoning from Third Density Residential (R3) Zone and Agricultural (A) Zone within Zoning By-law No. 1784, to appropriate Zone categories to facilitate the development of a warehouse distribution centre.

A future Site Plan application will also be required to facilitate the proposed development.

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- A Concept Site Plan, prepared by Ware Malcomb, dated September 9, 2022, revised June 14th, 2023 (refer to Attachment #3).
- A Planning Rationale Report, prepared by GHD Limited, dated December 2022.
- A Functional Servicing and Stormwater Management Report, prepared by MGM Consulting Inc., dated June 2023.
- An Environmental Impact Study, prepared by Beacon Environmental Limited, dated December 2022.
- A Geotechnical Report, prepared by EXP Services Inc., dated June 2022.

- A Hydrogeological Report, prepared by EXP Services Inc., dated October 2022, revised June 2023.
- A Noise Impact Study, prepared by GHD Limited, dated October 2022.
- A Stage 1-2 Archaeological Assessment, prepared by Lincoln Environmental Consulting Corporation, dated July 2022.
- A Phase I Environmental Site Assessment, prepared by GHD Limited, dated July 2023.
- A Phase II Environmental Site Assessment, prepared by GHD Limited, dated August 2023.
- A Transportation Impact Study, prepared by GHD Limited, dated December 2022.
- An Urban Design Brief, prepared by GHD Limited, dated July 2023.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated “Employment Areas” and is located on a “Regional Corridor” as identified on Schedule ‘A’ Map ‘A4’ of the Regional Official Plan (ROP).

The Regional Official Plan (8C.2.1) states that “permitted uses within Employment Areas may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

Regional Corridors are intended to be developed as high-density mixed-use areas supporting higher order transit services and pedestrian oriented urban environment. Prestige employment uses with high employment generating capacity are encouraged to locate along Regional Corridors.

The proposed development conforms to the policy directions of the ROP.

4.2. Whitby Official Plan

The majority of the subject land is designated Prestige Industrial on Schedule ‘V’ of the West Whitby Secondary Plan, with a portion of land located along the southern boundary being designated Environmental Protection Area. Furthermore, the subject land is subject to a Flood Policy Area and has been identified as a Gateway Area (refer to Attachment #4).

Prestige Industrial

The Official Plan (4.7.3.2.1) notes that areas designated as Prestige Industrial are comprised of lands in strategic locations that have prime exposure to Highways 401, 407, and 412.

Prestige Industrial areas generally include light industrial uses within enclosed buildings, professional, corporate, and industrial oriented office buildings, major office uses within Business Parks, data processing centres, commercial or technical schools, post secondary educational facilities, research and development facilities, and incidental sales outlets within industrial buildings (4.7.3.2.2).

The Official Plan (4.7.3.2.3) further notes that warehousing and wholesale distribution uses may be permitted on lands designated as Prestige Industrial, subject to the following criteria:

- a) located in proximity to Highways 401, 407, or 412;
- b) separated from residential areas;
- c) does not create additional traffic through residential areas; and,
- d) wholly enclosed in buildings with no outdoor storage.

The proposed development is situated on an Arterial Road near interchanges to provincial Highway 401 and Highway 412, which allows for further access to Highway 407.

The land use designation of the subject land as well as the adjacent properties on the west side of Halls Road North is Prestige Industrial. The land use designation for this area was changed to Prestige Industrial in 2014 through the approval of the West Whitby Secondary Plan. The residential dwellings located on the west side of Halls Road North were constructed in the 1930s, 1960s, 1970s, and 1980s. The West Whitby Secondary Plan (11.12.2.6.10) recognizes the existing single detached dwellings along the west side of Halls Road North as permitted uses to be continued into the future. However, Policy 11.12.2.6.10 also notes that over the long term, the integration of these lots with the remainder of the Prestige Industrial area shall be encouraged.

In support of this application, a Transportation Impact Study was completed. The Transportation Impact Study concluded that the traffic generated by the proposed development will not add adverse impacts on the nearby road network and no road improvements are required as a result of the proposed development.

The concept site plan illustrates that the future warehouse will be fully enclosed with no outdoor storage. Any refuse storage will be stored internally within the building.

Environmental Protection Area

The Official Plan (11.12.2.8.2) states that lands within the Environmental Protection Area designation include those lands having hazard land/floodplain, valley lands, woodlands, stream, and wetland characteristics, including all Provincially Significant Wetlands.

The Central Lake Ontario Conservation Authority (CLOCA) was circulated the development application and have no objection to the proposed development subject to all hazard lands being zoned such that no building and/or development is permitted on those lands without permission from the Conservation Authority.

Flood Policy Area

The Official Plan (11.12.7.4) recognizes that as a result of background work completed in support of the West Whitby Secondary Plan, an opportunity exists to reduce the size of the floodplain as a consequence of the upgrading of infrastructure in the surrounding area. Policy 11.12.7.4 further notes that the landowner must complete the work required and must secure the appropriate approvals from the Town of Whitby and the Central Lake Ontario Conservation Authority (CLOCA).

In addition to grading changes across the entirety of the subject land, the proposed development includes an on-site stormwater management pond to collect surface run-off generated by this development. In consultation with CLOCA, Whitby Engineering Services will review the proposed infrastructure in greater detail through the Site Plan Approval process to ensure compliance with policies and guidelines.

Gateway Areas

The Official Plan (11.12.2.6.8) states that lands within the Prestige Industrial designation in the immediate vicinity of Taunton Road, Rossland Road and Dundas Street are intended to function as gateway areas into the Town of Whitby. These areas shall establish visually attractive points of entry into the Town and shall also provide a location for services that are important to the support of the primary employment function of the Prestige Industrial area (11.12.2.6.8).

The proposed development complies with and meets the above objectives. Further design elements will be considered through the Site Plan Approval process.

4.3. Zoning By-law

The subject land is currently zoned Third Density Residential (R3) Zone and Agricultural (A) Zone within Zoning By-law No. 1784 (refer to Attachment #5), which does not permit the proposed use of a warehouse distribution centre.

Therefore, a Zoning By-law Amendment is required to rezone the subject land to a Prestige Employment (PE) Zone which would facilitate the proposed development of a warehouse distribution centre and provide conformity with the West Whitby Secondary Plan. The hazard lands located within the Environmental Protection Area will be rezoned Greenbelt (G) to ensure continued protection.

An implementing By-law will be brought forward for consideration by Council at the March 18th, 2024 Council Meeting.

4.4. Conclusion

The subject land is designated Prestige Industrial on Schedule 'V' of the West Whitby Secondary Plan, with a portion of land located along the southern boundary being designated Environmental Protection Area. Furthermore, the subject land is subject to a Flood Policy Area and has been identified as a Gateway Area.

The proposed development would meet the requirements of the Official Plan regarding warehousing and wholesale distribution uses within a Prestige Industrial designation. The Zoning By-law Amendment would implement the current land use designation of the subject land.

All commenting department and external agencies have reviewed the proposed development and have indicated their support for or no objection to the proposed development subject to their comments being addressed through the future Site Plan Approval process, as outlined in Section 7.

Based on the detailed review of the application and consideration of public and agency comments and requirements, it is concluded that the proposed development is consistent with the Provincial Policy Statement, and is in conformity with the Growth Plan, the Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the Zoning By-law Amendment application.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on December 6th, 2023, in accordance with the Town of Whitby Official Plan and the Planning Act. This Public Meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #6. There were several members of the public who spoke at the Public Meeting. The concerns raised at the Public Meeting included the following:

- increased traffic and site access concerns;
- increased flooding risks and environmental concerns; and,
- noise pollution.

Following the Public Meeting, the proponent was requested to further investigate the concerns that were raised. and the following provides a summary of the proponent's responses to the concerns that were raised.

Traffic / Site Access Concerns:

- In support of this application, a Transportation Impact Study was completed. The Transportation Impact Study concluded that the traffic generated by the proposed development will not add adverse impacts on the nearby road network and no road improvements are triggered as a result of the proposed development.
- The re-routing of truck traffic to Lakeridge Road through an exit located on the north side of the property is not a feasible option given the extensive grade change of approximately 10.5m from Lakeridge Road North to Halls Road North. An internal vehicle truck access connecting these two right of ways would require extensive retaining walls with a height of approximately 8m or 3:1 grading buffers of approximately 56m.
- The extension of Bonacord Avenue to Halls Road North and Lakeridge Road is not feasible at this time.
- The reduction of truck entrances is not feasible, as a minimum of two (2) truck entrances will be required for proper truck circulation on the site.

Environmental Concerns:

- In support of this application, a Functional Servicing and Stormwater Management Report, an Environmental Impact Study, a Geotechnical Report, a Hydrogeological Report, a Phase I Environmental Site Assessment, as well as a Phase II Environmental Site Assessment were completed.
- The Functional Servicing and Stormwater Management Report concluded that the subject land can be adequately serviced with storm,

water, sanitary servicing and can meet the necessary stormwater management and servicing requirements of the Town of Whitby and other approval agencies.

- The Environmental Impact Study noted that buffers, in accordance with policies and guidelines of the Official Plan and the Central Lake Ontario Conservation Authority, have been applied and are sufficient to protect the natural heritage features and their ecological functions from impacts of the proposed development.
- The Geotechnical Report concluded that the site will be suitable for the proposed industrial development.
- The Hydrogeological Report concluded that the temporary and localized construction dewatering activities (short-term) are not expected to have an effect on any of the potential receptors including surrounding residential wells, if still active, and existing residential and commercial developments surrounding the site. Furthermore, the Hydrogeological Report concluded that no change in regional groundwater flow direction is anticipated.
- The Phase I and Phase II Environmental Site Assessment concluded that no remediation at the site is required.
- The potential risks associated with flooding have been mitigated through technical review and design of the proposed stormwater management facility. The proposed stormwater management facility has been designed to control all post development flows to predevelopment levels. Furthermore, the site grading of the subject property has also been designed to direct flows to the proposed stormwater management facility which will improve the overall site drainage and mitigate potential flooding to neighbouring properties.
- The potential risks associated with septic system failure have been mitigated through coordinated technical review and design of proposed infrastructure with the Central Lake Ontario Conservation Authority. The proposed stormwater management pond and septic field are located well outside of the floodplain area. The interim septic system conforms to required setbacks to adjacent properties and site infrastructure. In addition, high water level alarms have been incorporated into the design which will provide a secondary level of protection in the event of blockage. The proposed septic system is an interim solution until such time that the Region of Durham extends sanitary services to the property. At that time, the septic field will be decommissioned, and the property will be connected to regional sanitary services. The interim septic system has been designed to meet standards of the Ministry of Environment, Conservation and Parks.

Noise Pollution:

- In support of this application, a Noise Impact Study was completed. The Noise Impact Study recommended that a 4.5m high noise attenuation barrier be installed to mitigate noise emissions. The location of the noise attenuation barrier has been proposed along the southern and eastern property line of the subject land that abuts 128 Halls Road North. The Noise Impact Study concluded that the proposed development is feasible and is not anticipated to result in land use compatibility issues with respect to noise emissions, provided that the recommended noise attenuation barrier measures are followed and implemented.

Written correspondence was also received regarding the Phase I and Phase II Environmental Site Assessments. The correspondence was forwarded to the Region, as the Region of Durham is responsible for the review of Environmental Site Assessments through the planning review process. The correspondence was also forwarded to the proponent's environmental consultant for review and response.

The response prepared by the proponent's environmental consultant outlined that the Phase I Environmental Site Assessment was completed in accordance with O. Reg. 153/04. The completion of the Phase I Environmental Site Assessment adhered to established protocols, ensuring that environmental considerations are appropriately addressed and that the project aligns with regulatory requirements. Furthermore, the proponent's environmental consultant outlined that the Phase II Environmental Site Assessment field investigation activities were completed in accordance with MECP protocols, GHD's standard operating procedures (SOPs), and industry standard practices. The proponent's environmental consultant concluded that the proposed foundation walls are not anticipated to act as a barrier to groundwater flow. The proponent's response has been forwarded directly to the interested party.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the February 26th, 2024 Committee of the Whole Meeting.

The submissions made by the public have been considered in determining the recommendation for approval of the proposed Zoning By-law Amendment Application.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Whitby Finance Services – Tax; and,
- Town of Ajax Planning and Development Services.

Refer to Attachment #7 for Agency and Stakeholder Detailed Comments.

Internal Departments

Whitby Fire and Emergency Services

No comments or objections on the Zoning By-law Amendment Application. The comments provided by Whitby Fire and Emergency Services outline site plan design requirements such as designating fire access routes and displaying the location of fire hydrants on the site plan. Refer to Attachment #7 for detailed comments. These comments will be addressed through the Site Plan Approval process.

Whitby Engineering Services

No objections on the proposed Zoning By-law Amendment Application, detailed comments will be provided through the Site Plan Approval process. Refer to Attachment #7 for detailed comments.

Whitby Financial Services – Development Charges

No objections on the Zoning By-law Amendment Application. Development Charges will be owing for the non-residential development. Parkland Dedication / Cash-in-Lieu shall be applicable as per the Planning Act and Town of Whitby By-Law for the non-residential development. The Parkland Dedication / Cash-in-Lieu will be determined through the Site Plan Approval process.

External Agencies

Region of Durham Planning and Economic Development Department & Works Department

The proposed warehouse facility supports mixed-use developments and compact built form along the Dundas Street West Regional Corridor. The development proposal also contributes to the diversification of the Region's economic base and increases employment opportunities for the residents of the community. The proposed application conforms with the Regional Official Plan and the new Regional Official Plan.

The Provincial Policy Statement (PPS) encourages urban areas consist of an appropriate mix of employment uses that offer a wide range of employment opportunities. The proposed application will facilitate a warehouse facility and contribute to the growth of the economy in Durham Region. The proposed application is consistent with the PPS.

The Growth Plan promotes economic development and competitiveness by efficiently using employment areas and vacant and underutilized employment lands. The proposed application makes efficient use of a vacant and underutilised

employment site, supports employment opportunities, and promotes compact built form. The proposed application conforms with the Growth Plan.

The Region of Durham has no objection to the Zoning By-law Amendment Application. As a condition of approval, the Region recommends a holding provision be implemented. Prior to lifting the holding symbol, the applicant shall enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other Regional municipal infrastructure required for the development of these lands.

Alternatively, we would support the Town imposing a condition of site plan approval requiring the applicant to enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other regional municipal infrastructure required for the development of these lands prior to the Town issuing a full permit for occupancy for the proposed warehouse building/ distribution centre.

The applicant will be required to satisfy the Region's comments concerning site contamination, noise, and transit requirements. The Region will also require the applicant to enter into a financially secured agreement with the Region for the extension of the sanitary sewer and any other Regional municipal infrastructure. Refer to Attachment #7 for detailed comments.

Region of Durham Health Department

The private sewage system would not fall under the jurisdiction of the Region of Durham's Health Department. The Total Daily Sewage Flow would be greater than 10 000 litres/day and approval would be required from the Ministry of the Environment, Conservation and Parks.

Central Lake Ontario Conservation Authority

The Central Lake Ontario Conservation Authority has no objection to the proposed development proposal, subject to all hazard lands being zoned such that no building and / or development is permitted on those lands without permission from the Conservation Authority. Refer to Attachment #7 for detailed comments.

8. Strategic Priorities:

The development of a warehouse distribution centre contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 3.1 under Pillar 3: Whitby's Economy by driving local economic growth.

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

9. Attachments:

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Applicant's Proposed Site Plan

Attachment #4 – Excerpt from Town of Whitby Official Plan - West Whitby
Secondary Plan

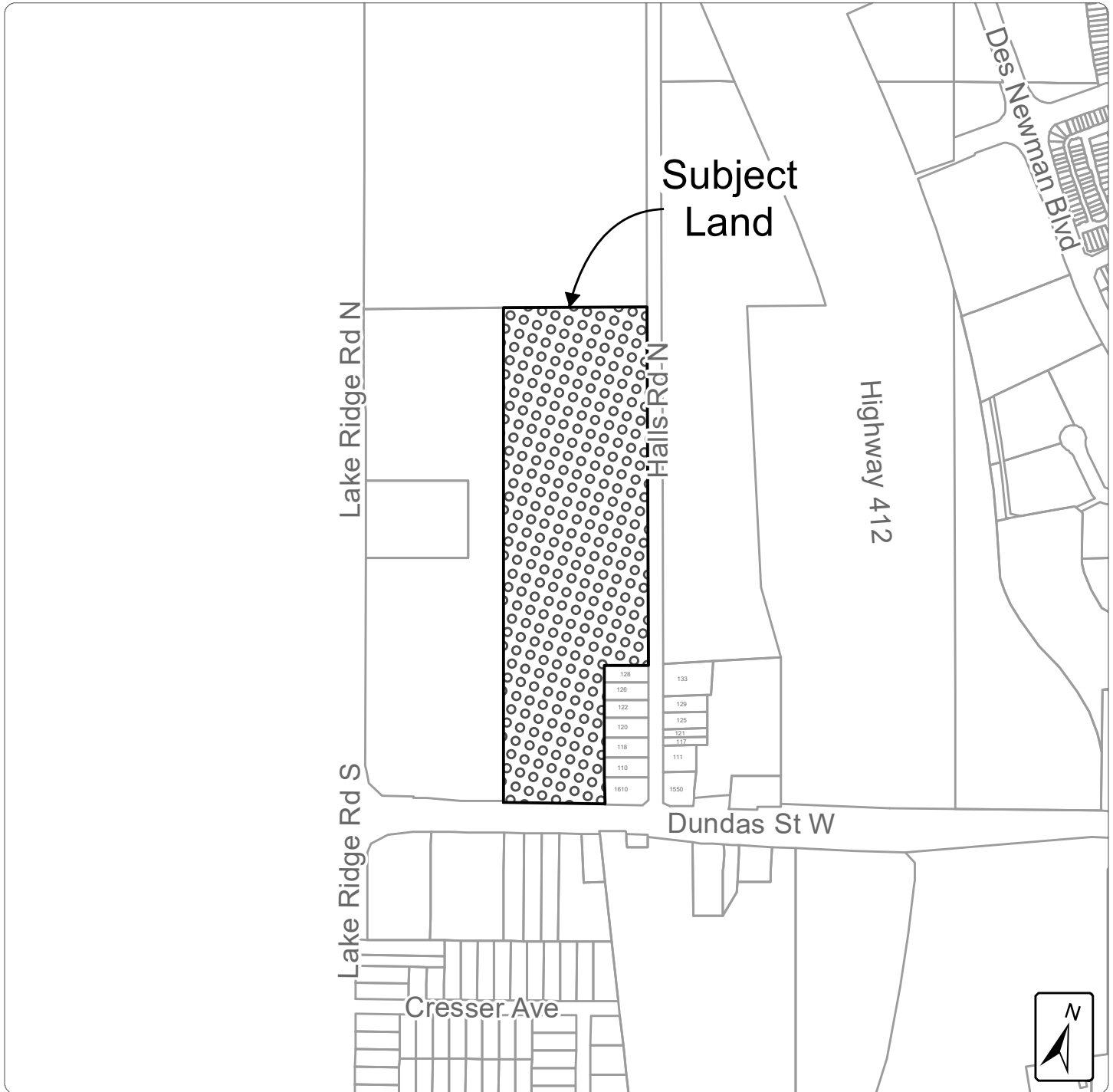
Attachment #5 – Excerpt from Zoning By-law No. 1784

Attachment #6 – Public Meeting Minutes

Attachment #7 – Agency and Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 05-24



Town of Whitby Planning and Development Department

Proponent:
Halls-Lake Ridge Limited Partnership

File Number:
DEV-24-23 (Z-08-23)

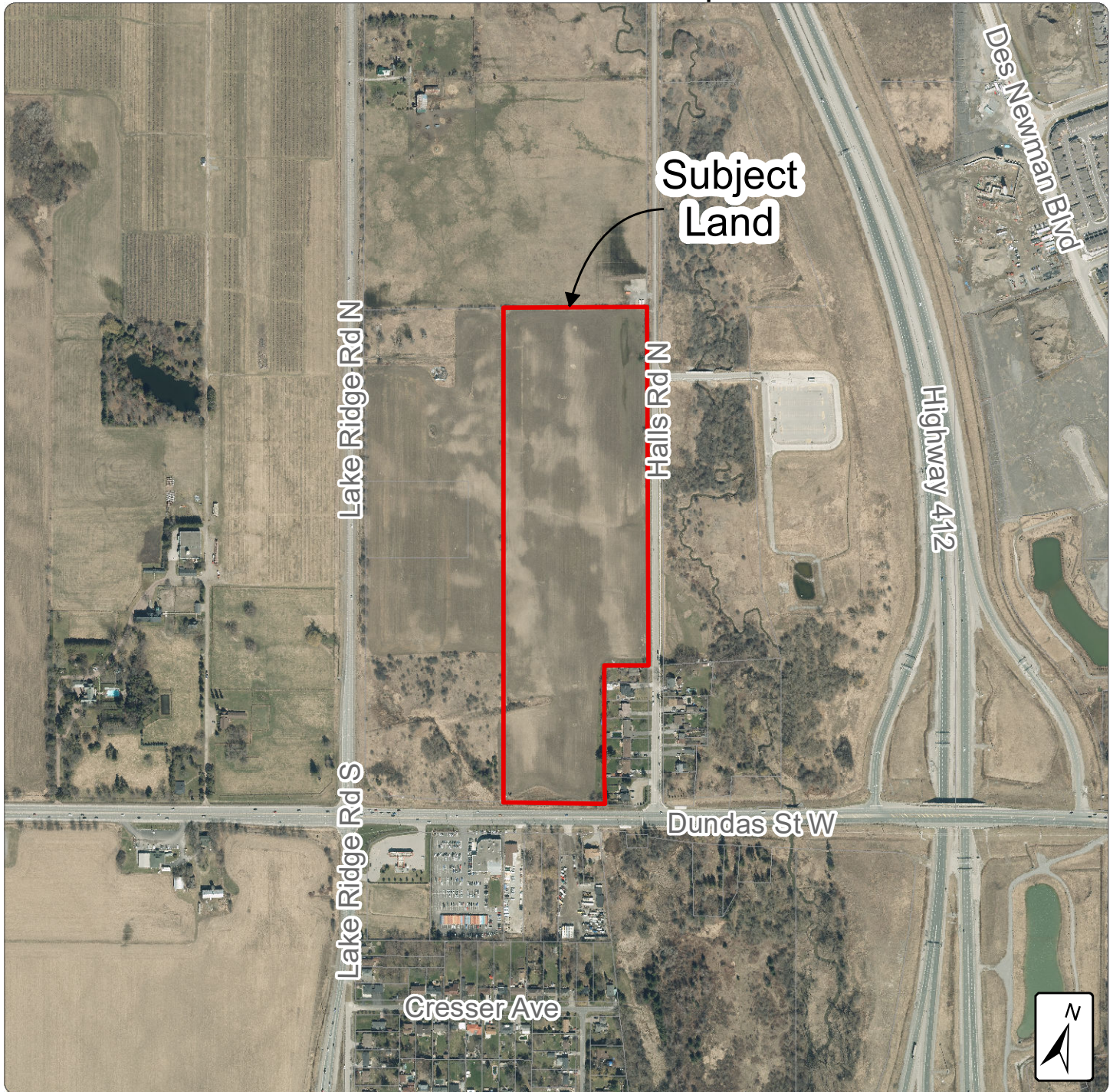
Date:
February 2024

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Attachment #2 Aerial Context Map

PDP 05-24



Town of Whitby Planning and Development Department

Proponent:
Halls-Lake Ridge Limited Partnership

File Number:
DEV-24-23 (Z-08-23)

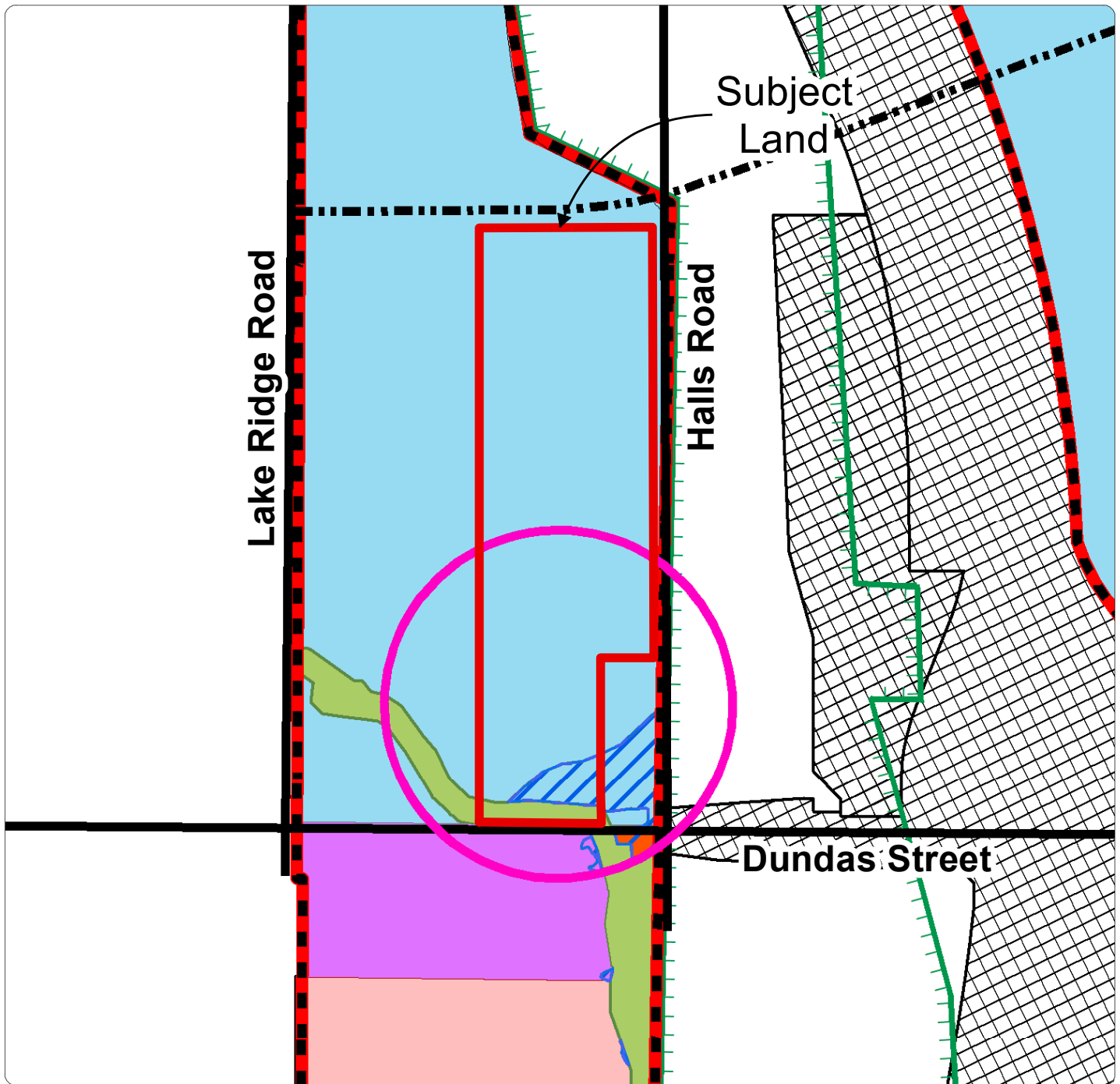
Date:
February 2024

External Data Sources:
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Excerpt from Town of Whitby Official Plan - West Whitby Secondary Plan



LEGEND

Land Use Designations

- Prestige Industrial
- Environmental Protection Area
- Major Open Space
- Mixed Use One
- Mixed Use Two
- Special Mixed Use Two Policy Areas (Refer to Section 11.12.2.2)
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Special Purpose Commercial
- Almond Village Special Policy Area

Boundaries

- Secondary Plan Boundary
- Greenbelt Plan Boundary
- Central Area Boundary

Transportation

- Existing Arterial Road Network
- Future Arterial Road Network
- Proposed Collector Road Network
- Railway
- West Durham Link (WDL)

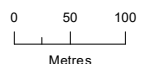
Symbols and Overlays

- Separate Elementary Schools
- Public Elementary Schools
- Public Secondary Schools
- District Park
- Local Park
- Flood Policy Area
- Gateway Areas

Excerpt from:
**West Whitby
Community
Secondary Plan**

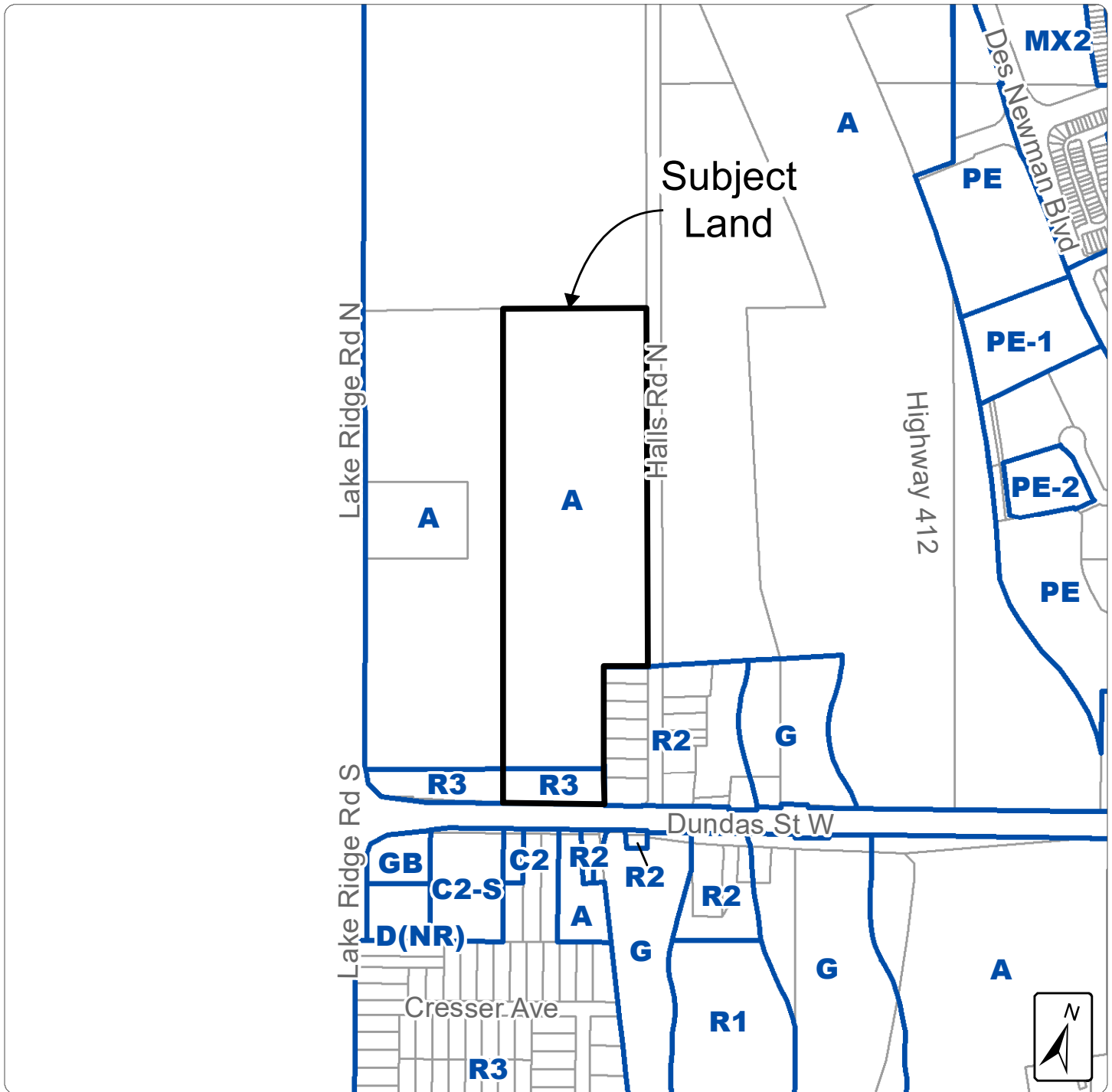
Town of Whitby

Schedule



Attachment #5 Excerpt from Zoning By-Law 1784

PDP 05-24



Town of Whitby Planning and Development Department

Proponent:
Halls-Lake Ridge Limited Partnership

File Number:
DEV-24-23 (Z-08-23)

Date:
February 2024

External Data Sources:
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Attachment #6

Public Meeting Minutes

DEV-24-23 (Z-08-23)

December 06, 2023 Public Meeting

Carl Geiger, Supervisor, Development and Principal Planner, provided a PowerPoint presentation which included an overview of the application.

Scott Waterhouse and Toni Wodzicki, representing Halls-Lake Ridge Limited Partnership, provided a PowerPoint presentation which included a detailed overview of the application.

The Chair indicated that comments would now be received by members of the public.

David Airdrie, Resident, expressed his opposition to the proposed Zoning By-law amendment application. Mr. Airdrie raised concerns regarding increased traffic, noise pollution, and the impact on the quality of life for residents in the neighbouring residential area. He commented on whether the proposed development aligns with the Town's Official Plan and stated goal of employment growth. Mr. Airdrie requested the following modifications to the proposed application be considered:

- routing truck traffic to Lakeridge Road through an exit on the north side of the property that would be shared with the existing development to the west;
- limiting the number of truck entrances;
- developing Bonacord Avenue from Halls Road to Lakeridge Road as the main thoroughfare to service the properties;
- conducting a comprehensive traffic study to measure the impact of a warehouse as opposed to other prestige industrial uses; and,
- consideration for alternative prestige industrial uses for the subject land.

Bonita O'Carroll, Resident, raised concerns regarding the increased risk of flooding into surrounding neighbourhoods due to poor drainage and the high water table of the subject land. Ms. O'Carroll requested clarification regarding the proposed grading, permitted use of a septic system, and whether future development may be permitted on surrounding green space. She raised concerns regarding the increased traffic through the surrounding residential neighbourhoods and noise pollution.

Louis Levine, Resident, noted his family history concerning a property adjacent to the subject land. Mr. Lavine requested that relevant studies and documents that have been submitted by the applicant in support of the zoning by-law amendment be made publicly available to all interested parties. He sought clarification regarding the following:

- construction of a bridge on Bonacord Avenue over the CP Rail line and Highway 412 to mitigate traffic congestion;

- the Functional Servicing and Stormwater Management Report;
- the impact on existing traffic concerns on Halls Road;
- orientation of the building and the proposed location of loading docks;
- consideration for the extension of Bonacord Avenue; and,
- the potential failure of the proposed septic system, which may cause contamination of surrounding groundwater and wetlands.

Kory Moffatt, Resident, raised concerns regarding the impact of the proposed development on the streetscape and existing traffic issues on Lakeridge Road and Halls Road. Ms. Moffatt noted the incidental waste created by warehouse facilities and the impact on wildlife. She requested clarification regarding the future intended use of undeveloped land surrounding the subject property.

Brad Oram, Resident, noted the potential impact of the proposed development on existing traffic concerns and noise pollution in the area.

Greg Jones, Resident, raised concerns regarding the noise and air pollution associated with transport truck traffic, as well as the number of loading docks in the proposed development. Mr. Jones noted the anticipated negative impact on the wellbeing and quality of life for residents. He sought clarification regarding the appropriate land use for a designated Gateway Area, and whether other prestige industrial uses may be more suitable and generate preferred employment opportunities.

John Gobby, Resident, raised concerns regarding the impact of the proposed development on traffic through residential areas and resident safety.

Panayiota Jones, Resident, provided details of the existing community landscape, community fundraising activities, quality of life, and the personal history of residents. Ms. Jones raised concerns regarding the impact on the safety and wellbeing of residents and wildlife. She noted the anticipated noise pollution from idling vehicle traffic where additional traffic signals will be installed.

Chris Hopley, Resident, raised concerns regarding the impact of the proposed development on the value of neighbouring residential properties. Mr. Hopley argued that a warehouse distribution centre will not generate desirable employment opportunities or support the Town's goal of employment growth.

Steve Foston, Resident, sought clarification regarding:

- existing industrial facilities in Whitby that generate truck traffic;
- the anticipated number of trucks travelling to and from the proposed development and at what times of the day;
- the legislated requirements for approving industrial truck traffic in residential neighbourhoods;
- requirements for approving a zoning by-law amendment application of this nature;

- the requirement for the Central Lake Ontario Conservation Authority (CLOCA) to approve the application;
- the installation of a septic system near wetlands;
- whether storage facilities are permitted on lands designated prestige industrial;
- access routes through the Town to and from the proposed development by truck traffic travelling from the east, considering there is no eastbound on-ramp to Highway 401 on Lakeridge Road;
- whether the results of the Noise Impact Study conform with the Town's Noise by-law;
- whether a Traffic Impact Study has been or will be completed;
- the proposed location of the loading docks;
- whether an Environmental Impact Study has been or will be completed;
- consideration for existing traffic concerns at the intersection of Dundas Street and Lakeridge Road; and,
- a desire to route traffic from the development to Lakeridge Road through an easement on the west side of the property that would be shared with the existing development to the west.

Scott Waterhouse, Staff, and the Chair answered questions regarding:

- matters that may be addressed during the current zoning amendment application stage and future site plan application stage;
- the Functional Servicing and Stormwater Management Report submitted for review by the applicant;
- the permitted use of a temporary septic facility to service the proposed development until the Region of Durham extends wastewater services to the subject property as part of the Dundas Street Rapid Transit project;
- requirements for the Ministry of Environment to approve the application;
- results of the Traffic Impact Study reviewed by Region of Durham and Town Staff, which indicates intersections and roadways will operate under acceptable parameters given the use and size of proposed development;
- questions and concerns that may be addressed during the site plan application stage; and,
- records submitted by the applicant that are available for public viewing.

There were no further submissions from the public.

Attachment #7

Agency and Stakeholder Detailed Comments

DEV-24-23 (Z-08-23)

Internal Departments

Whitby Engineering Services

The subject land is a 12.5-hectare site that is located in the Town's West Whitby Secondary Plan and is designated as 'Prestige Industrial'. The Zoning By-law Amendment is intended to rezone the subject site from Agricultural Zone (A) and Residential Type 3 Zone (R3) in By-law 1784, to Prestige Employment (PE) and be zoned to protect the Environmental Protection Area designation at the southern limit of the site. The use of a 'warehouse distribution centre' will also be added to the PE zone category.

Whitby Engineering Services does not object to the proposed Zoning By-Law Amendment Application, detailed comments will be provided at the Site Plan Approval Application stage.

Whitby Fire and Emergency Services

No comments or objections on the Zoning By-law Amendment Application. The following comments will be addressed at the Site Plan Approval Application stage:

1. Identify principal entrance on site plan.
2. Indicate location of fire hydrants on the site plan.
3. Indicate location of fire department connection on site plan.
4. A Water supply shall be provided as per OBC 3.2.5.7.
5. Standpipe System to be provided if building height is more than 14 m high measured between grade and the ceiling of the top storey as per OBC 3.2.9.1.
6. A fire access route shall be provided in accordance with OBC 3.2.5.6.
7. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97.

Whitby Financial Services – Tax

No comments or objections on the Zoning By-law Amendment Application.

Whitby Financial Services – Development Charges

No objections on the Zoning By-law Amendment Application. Development Charges will be owing for the non-residential development. Parkland Dedication / Cash-in-Lieu shall be applicable as per the Planning Act and Town of Whitby By-Law for the non-residential development. The Parkland Dedication / Cash-in-Lieu will be determined at the Site Plan Approval Application stage.

External Agencies

Central Lake Ontario Conservation Authority

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) as part of the first formal submission for a zoning by-law amendment for the development of a multi-unit industrial building on the above noted lands. CLOCA staff have reviewed this application for consistency with the natural hazard policies within the Provincial Policy Statement and conformity with Ontario Regulation 42/06 of the Conservation Authorities Act. We have also reviewed this application in the context of applicable watershed guidelines, such as the Lynde Creek Master Drainage Plan.

The subject lands are entirely within the Lynde Creek Watershed. A tributary of Lynde Creek crosses this property along the southern property boundary following the frontage of Dundas Street West. Floodplain and erosion hazards are associated with this tributary and exist within the boundaries of the subject lands. A riparian wetland community also exists along this corridor. All of these features are considered hazard lands and are regulated through Ontario Regulation 42/06 of the Conservation Authorities Act.

Policy 3.1 of the Provincial Policy Statement (PPS) directs all development to areas outside of hazardous lands adjacent to rivers and streams which are impacted by flooding hazards and/or erosion hazards. As such, to demonstrate consistency with the PPS, development should be directed outside of hazardous lands and should be zoned appropriately to limit development as part of this application.

Based on our review of the submitted materials for this development application, CLOCA staff offer the following comments to be addressed as part of this application for zoning by-law amendment.

Zoning By-law Amendment

1. CLOCA staff are satisfied that the documentation provided is adequate to support the proposed zoning by-law amendment to rezone the lands from A and R3 to Prestige Industrial and Greenbelt.
2. CLOCA staff recommend that all hazard lands and their associated access allowances as identified within the submitted site-specific materials reviewed as part of this application be zoned such that no buildings and/or development be permitted within these lands without permission from the Conservation Authority.

Ontario Regulation 42/06 of the Conservation Authorities Act

Part of these lands are regulated through Ontario Regulation 42/06 of the Conservation Authorities Act due to the presence of flooding and erosion hazards as well as associated wetlands. A permit from CLOCA will be required prior to any site alteration and/or development within the regulated lands. Please apply to CLOCA directly for this permit once all Planning Act applications have been obtained for development.

Town of Ajax

The Town of Ajax Planning and Development Services has reviewed the materials provided, and have concerns with the proposal.

Region of Durham Planning and Economic Development Department & Works Department

We have completed our review of the above-noted application and offer the following comments with regards to conformity with the Regional Official Plan (ROP) and the new adopted ROP, Provincial Plans and Policies, the Region's delated Provincial Plan Review responsibilities, Regional servicing, transportation, transit, and Regional Health.

The subject lands are located on the west side of Halls Road North, north of Dundas Street West. The site is approximately 12.41 hectares and is currently agricultural lands.

The purpose of this application is to rezone the subject lands from Agricultural Zone (A) and Residential Type 3 Zone (R3) to Prestige Employment (PE) and be zoned to protect the Environmental Protection Area designation at the southern limit of the site. The use of a 'warehouse distribution centre' will also be added to the PE zone category.

Conformity with the Regional Official Plan

The subject lands are designated as Employment Areas with a Regional Corridor overlay in the ROP. The permitted uses within Employment Areas may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

Regional Corridors are intended to be developed as a high-density mixed-use area supporting higher order transit services and pedestrian oriented urban environment. Prestige employment uses with high-employment generating capacity are encouraged to locate along Regional Corridors.

Region of Durham Adopted Official Plan

On May 17, 2023, Regional Council adopted the new Regional Official Plan. The new ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

We have reviewed the proposed development for conformity with the new ROP.

The subject lands are designated as Employment Areas on Map 1 – Regional Structure in the new ROP. Plan Employment Areas as locations for primary employment generating uses such as manufacturing, assembly, processing, generation, freight and transportation, warehousing, and storage.

Dundas Street West is designated as a Rapid Transit Corridor on Map 1 – Regional Structure in the new ROP. Rapid Transit Corridors are identified as Strategic Growth Areas where emphasis is on accommodating intensification and mixed uses in a compact urban-built form.

Dundas Street West is recognized as a Rapid Transit Spine on Map 3a – Transit Priority Network in the new ROP. Dedicated Rapid Transit Spines should accommodate a minimum density target of 160 people and jobs per hectare (72 uph).

Conclusion

The proposed warehouse facility supports mixed-use developments and compact built form along the Dundas Street West Regional Corridor. The development proposal also contributes to the diversification of the Region's economic base and increases employment opportunities for the residents of the community. The proposed application conforms with the ROP and the new ROP.

Provincial Plans and Policies

Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages urban areas consist of an appropriate mix of employment uses that offer a wide range of employment opportunities. The proposed application will facilitate a warehouse facility and contribute to the growth of the economy in Durham Region. The proposed application is consistent with the PPS.

Growth Plan

The Growth Plan promotes economic development and competitiveness by efficiently using employment areas and vacant and underutilized employment lands. The proposed application makes efficient use of a vacant and underutilised employment site, supports employment opportunities, and promotes compact built form. The proposed application conforms with the Growth Plan.

Delegated Provincial Plan Review Responsibilities

We have reviewed the application for delegated Provincial Plan Review responsibilities.

Soil and Groundwater Assessment

GHD Ltd. has conducted a Phase One Environmental Site Assessment, (ESA) dated July 10, 2023, and a Phase Two ESA, dated August 3, 2023, for the subject lands.

The Phase One ESA was conducted to identify any potential site contamination at the property. The southern portion of the site was identified as an Area of Potential Environmental Concern (APEC) associated with gasoline and the storage of products in fixed tanks. GHD Ltd. recommended that a Phase Two ESA be completed to assess the potential impacts associated with the APEC.

The Phase Two ESA reported that soil samples at the subject lands met the Ministry of the Environment, Conservation and Parks' (MECP) Table 2 Site Condition Standard (SCS). However, for groundwater chemical testing, the MECP's Table 3 SCS was used to compare the groundwater samples which were found to be below Table 3 SCS.

GHD Ltd. has completed a Reliance Letter dated August 22, 2023, and the Certificate of Insurance dated March 1, 2023, for the ESA Reports.

The Phase Two ESA indicated that the MECP Table 3 SCS had been used to assess groundwater conditions at the property. The Region will require GHD Ltd. to apply for a Non-potable Request with the Region to utilize Table 3 SCS.

Noise Impact Study

The Region has reviewed the Noise Impact Study prepared by GHD Ltd., dated October 21, 2022, submitted to support the proposed development. The noise control recommendations of the study comply with the MECP's noise guidelines. We will require the noise recommendations of the Noise Impact Study to be included in the related Town of Whitby's Site Plan Agreement with the applicant to the satisfaction of the Region.

Environmental Impact Study

Our mapping data shows a watercourse associated with a tributary of Lynde Creek located at the site's southerly property lot line. Beacon Environmental Ltd. has conducted an Environmental Impact Study, (EIS) dated December 2022, to support the proposed development.

The site is located within a regulated area of the Central Lake Ontario Conservation Authority (CLOCA). CLOCA has provided supporting comments for the proposed application dated January 3, 2024. The applicant will be required to satisfy CLOCA's conditions including to rezone all hazard lands and associated access allowances to prohibit any future development. CLOCA also requires a permit to be obtained for any development on the subject lands.

Archaeology Assessment

The subject lands are located in an area with archaeological potential. Lincoln Environmental Consulting Corp. has conducted a Stage 1-2 Archaeological Assessment (AA) of the property, dated July 2022. No archaeological resources were found during the Stage 2 AA.

The Ministry of Citizenship and Multiculturalism's letter dated November 8, 2022, has advised that the Stage 1-2 AA satisfies the Ministry's requirements and that any archaeological concern has been addressed at the site.

Regional Servicing

Municipal Water Supply

The applicant will need to extend a 400 mm diameter watermain from its current terminus on Dundas Street, northerly on Halls Road and across the north limit of the property to Lake Ridge Road and northerly on Lake Ridge Road and connect to the existing 400mm watermain stub at Rossland Rd. Given the scale of the development, looping of the water distribution system is required for security and supply of water. The Region will require an easement running parallel to the north property line for the proposed watermain.

Sanitary Sewer Services

The design work for the extension of a 450mm diameter sanitary sewer on Dundas Street from the existing 900 mm trunk sanitary sewer at Des Newman Drive extending westerly and crossing under Hwy 412 to Halls Road is currently included with the design assignment for the Bus Rapid Transit project in this area.

It will be the responsibility of the applicant to extend a 450mm sanitary sewer from the intersection of Dundas Street and Halls Road northerly on Halls Road and along the north property line on easement to the west limit of the property.

The applicant is proposing to install a private sewage disposal system as an interim solution to allow the development to proceed in advance of the availability of a municipal sanitary sewer to service the property. The applicant will be required to execute a Regional Agreement for the extension of the sanitary sewer as mentioned above, prior to issuance of a building permit, assuring the development will be connected to the regional sanitary sewer as soon as that service is available.

Transportation & SWM Report

Construction for the Bus Rapid Transit (BRT) project on Dundas Street is tentatively scheduled to commence in 2025. Construction is expected to span over two seasons until Fall 2026. The Region will complete a detailed review and comments on the Stormwater Management Report on submission of a site plan application.

We have no objection to the proposed zoning amendment application Z-08-23. As a condition of approval, the Region recommends a holding provision be implemented. Prior to lifting the holding symbol, the applicant shall enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other Regional municipal infrastructure required for the development of these lands.

Alternatively, we would support the Town imposing a condition of site plan approval requiring the applicant to enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other regional municipal infrastructure required for the development of these lands prior to the Town issuing a full permit for occupancy for the proposed warehouse building/ distribution centre.

Durham Region Transit

Durham Region Transit has requested that the applicant install sidewalks along Halls Road, from the subject site to Dundas Street.

Regional Health Department

Regional Health Department indicated that this property would not fall under its jurisdiction for the private sewage system. The Total Daily Sewage Flow would be greater than 10 000 litres/day, therefore approval from the Ministry of the Environment, Conservation and Parks will be required for the proposed development.

Conclusion

The proposed warehouse facility supports employment opportunities and diversifies the Region's economic base. The development proposal also supports mixed use developments and compact built form along the Dundas Street West Regional Corridor.

The applicant will be required to satisfy the Region's comments concerning site contamination, noise, and transit requirements. The Region will also require the applicant to enter into a financially secured agreement with the Region for the extension of the sanitary sewer and any other Regional municipal infrastructure.

Subject to the applicant satisfying the Region's comments, we have no objection to the proposed application.

Region of Durham Health Department

The private sewage system would not fall under the jurisdiction of the Region of Durham's Health Department. The Total Daily Sewage Flow would be greater than 10 000 litres/day and approval would be required from the Ministry of the Environment, Conservation and Parks.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: 780 Garden Street – Designation of a Property under Part IV, Section 29 of the Ontario Heritage Act - Update

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP-06-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger Saunders, Commissioner of
Planning and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

Dave Johnson, Planner II – Heritage:
905-444-3166

1. Recommendation:

1. That Council mutually agree to the owner's request for an extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 1(2) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Mayfield House, located at 780 Garden Street in Whitby; and,
2. That the extension be in effect until December 31, 2024.

2. Highlights:

- A Notice of Intention to Designate the existing House at 780 Garden Street was issued on December 4th, 2023. The objection period ended on January 3rd, 2024 and no objections were received by the Clerk.
- Under Part IV (Section 29) of the Ontario Heritage Act, the deadline for Council to pass a by-law to formally designate the property at 780 Garden St is 90 days from the end of the Objection Period.
- The owner is seeking an extension to the 90-day deadline, through mutual agreement between the owner and Whitby Council, which is permitted under Section 29(8) of the Ontario Heritage Act, and Section 1(2) of Ontario Regulation 385/21.

- The extension, if granted, would allow for the associated Site Plan and/or Subdivision application processes for the adjacent townhouse development on 780 Garden Street to be completed and a 40R-Plan or 40M-Plan for the Block on which the Mayfield House is located to be registered.

3. Background:

During the past few years, Staff consulted with the property owner (discussions; pre-consultations) regarding the designation of the Mayfield House under Part IV of the Ontario Heritage Act. The owner has indicated that they are amenable to the designation (Refer to Attachment #1).

On February 14, 2023, the Heritage Whitby Advisory Committee passed a motion recommending that Council designate the existing Mayfield House at 780 Garden Street

In 2023, the applicant submitted Draft Plan of Subdivision and Zoning By-law Amendment applications (DEV-23-23, SW-2023-02, Z-07-23), which identified retention of the Mayfield House (as a residential or office use) and proposed townhouse development on the remainder of the 780 Garden Street lands.

On November 13, 2023, Staff brought forward a report to Committee of the Whole to begin the Designation process under Part IV of the Ontario Heritage Act for the portion of the 780 Garden Street property on which the existing Mayfield House is located (Refer to staff report [PDP-42-23](#)). On November 27, 2023, Council authorized staff to begin the heritage designation process.

On December 4, 2023, the Notice of Intention to Designate (NOID) was issued on the Town website and was served on the owner and the Ontario Heritage Trust (Refer to Attachment #2). The objection period ended on January 3, 2024, and no objections to the NOID were filed with the Clerk.

Under the Ontario Heritage Act, if there are no objections to the NOID, and if Council wishes to designate a property, the deadline to pass a by-law to designate is 90 days from the end of the objection period.

On January 29, 2024, Council approved the Draft Plan of Subdivision and Zoning Amendment applications. (Refer to staff report [PDP 02-24](#)). The next step is the Site Plan application and approval process, and registration of the Draft Plan of Subdivision.

The legal description for the portion of the property on which the Mayfield House sits and would be designated, needs to be determined through the Site Plan approval process (final 40R plan of survey) or through the Subdivision approval process (registration of the 40M plan).

4. Discussion:

The property owner at 780 Garden Street is seeking an extension to the deadline for passing the Designation By-law through mutual agreement between the property owner and Whitby Council, as enabled under Section 29(8) of the Ontario Heritage Act, and Section 1(2) of Ontario Regulation 385/21. The extension would facilitate the registration of a 40R-Plan or 40M-Plan, in order to ensure the portion of the property where the Mayfield House is located is designated, rather than the entirety of the existing property being designated. (refer to Attachment #1)

Staff are supportive of a Council decision to extend this period to allow for the 40R-Plan or 40M-Plan to be registered. As the Subdivision and Zoning applications have been approved, and the Site Plan process is underway, the registration of a 40R-Plan or 40M-Plan identifying the Mayfield House is anticipated this year.

Should an extension not be granted, then the Designation By-law would need to use the current legal description for the entirety of the existing property. An amendment to the Designation By-law would then be required at a later date, to correct the legal description once the 40R-Plan or 40M-Plan has been registered defining the portion of the property containing the Mayfield House. Extension of the deadline would avoid a future amendment to the Designation By-law. Staff will report back to Committee and Council once the 40R-Plan or 40M-Plan is registered and the By-law to designate can be passed using the appropriate legal description for the portion of the property that contains the Mayfield House.

5. Financial Considerations:

N/A

6. Communication and Public Engagement:

Staff have been consulting with the property owner throughout the development application process and designation process, and the owner has indicated they are amenable to the designation of the portion of the existing property at 780 Garden Street that contains the Mayfield House.

7. Input from Departments/Sources:

At its meeting of February 14th, 2023, HWAC recommended that Council designate 780 Garden Street under Part IV of the Ontario Heritage Act (Refer to [Minutes of HWAC meeting.](#))

8. Strategic Priorities:

Protecting heritage properties supports Pillar #1 of the Community Strategic Plan, Whitby Neighbourhoods, by promoting and strengthening the local arts, culture, heritage, and the creative sector.

Heritage conservation further supports Pillar #2, Whitby's Natural and Built Environment, by enhancing community connectivity and beautification.

9. Attachments:

Attachment 1: Letter from Property Owner

Attachment 2: Notice of Intention to Designate



The Corporation of the Town of Whitby
Clerks Department
575 Rossland Road East
Whitby, ON
L1N 2M8

January 30, 2024

Attention: Clerk, and Members of Committee of Whole,

Re: Report PDP 42-23 Committee of the Whole Meeting November 13, 2023
Notice of Intention to Designate a Property under Part IV, Section 29, Ontario Heritage Act
780 Garden Street, Whitby

Dear Clerk and Members of Committee:

We are writing to you at the request of our client and as it relates to the captioned Staff Report which was considered by Committee on November 13, 2024.

We initially filed a letter to Committee on November 13, 2024, in advance of that meeting.

As indicated in our earlier letter our client advised Committee that they are amenable to the heritage designation of the current dwelling at 780 Garden Street, Whitby.

After Committee and Council approval of the November, Planning Staff has advised our client, that there is a 90-day period following the lapse of the appeal period, to bring the designation by-law forward unless an extension is granted by Council.

This letter is being sent on behalf of our client to request that Council provide an extension to the 90-day period.

Our client's request for an extension is related to following:

- i) The Reference Plan which will set out the legal limits to the future heritage property has not been completed. The legal plan is expected to be completed once Site Plan Approval for the adjacent townhouse development is completed and the final property limits between the two land uses are known.
- ii) Registering the Heritage Designation By-law on a larger parcel of land in the interim would create significant issues for our client as they are in the process of arranging development financing for the townhouse project. The Heritage By-law being applied to the development portion would create confusion and concerns for the financial institutions reviewing the property.

Our client would appreciate Council's co-operation and assistance in delaying the passage of the Designation By-law until such time as all land use planning approvals required the Townhouse development are in place and the new reference plan is registered.

We thank you for the opportunity to provide these comments to the Committee for their review.

Our client looks forward to working collaboratively on these matters.

Thank you.

R. Miller

Rodger Miller,

Principal

NOTICE OF INTENTION TO DESIGNATE AS A HERITAGE PROPERTY

Take notice that the Council of The Corporation of the Town of Whitby intends to designate the property described below, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990.

Mayfield House (aka John Thomson House)
Generally located at the northwest corner of Garden Street and Manning Road, on a portion of the property currently municipally known as 780 Garden Street, Town of Whitby, Ontario

Refer to attached General Location Sketch.

Reason for Designation

Council has authorized staff to proceed with designating the property under Part IV of the Ontario Heritage Act. The property meets two or more of the criteria for determining that it is of cultural heritage value or interest under Ontario Regulation 9/06.

Statement of Cultural Heritage Value and Interest

The Mayfield House located at 780 Garden Street has design or physical value because it is rare, unique and representative of the Georgian architectural style in the Whitby community. It was constructed entirely of Kingston limestone with a high degree of craftsmanship and artistic merit in detailed elements seen in many components of the dwelling.

The property has historical or associative value as it reflects the construction method, which is associated with an early Scottish settler in the Town of Whitby, specifically built for John Thomson, and its style is a demonstration of Scottish settler traditions. Thomson and his family are some of the earliest immigrants from Scotland to Durham County and are an important part of the cultural heritage of Whitby. The Mayfield House also has an important recent association with Christine Elliott and Jim Flaherty as important political leaders in this community.

The Mayfield House has contextual value because it contributes to the character and identity of the Town of Whitby. Being one of the finest built dwellings of the early stages in Whitby, its unique limestone construction makes Mayfield a local landmark, which is visible from both adjacent major streets.

Description of Heritage Attributes

Key attributes related to the Mayfield House and its style as a Georgian farmhouse constructed in 1845 include:

- Rectangular plan
- Simple massing with side gable roof and paired stone chimneys
- Symmetrical composition of the 3-bay principal elevation (south elevation)
- Wooden fascia, soffit, projected eaves & eave returns, and related mouldings
- Use of rectangular window and door openings throughout
- Wooden 8-over 8 sashes, double hung windows and flat stone arch lintels above
- The attic quarter fanlight wood windows and stone arch lintels above
- 12 over-8 sashes wood window at stair hall
- Principal entrance comprises enclosed panel recessed, exterior panel door with transoms, exterior woodwork including modified Doric pilasters with a dentilated entablature
- Kingston limestone masonry, including:
 - Rock-faced stone surface
 - Finely laid coursed ashlar with tight joints
 - Window/ door flat and arched stone lintels with the voussoirs and keystones

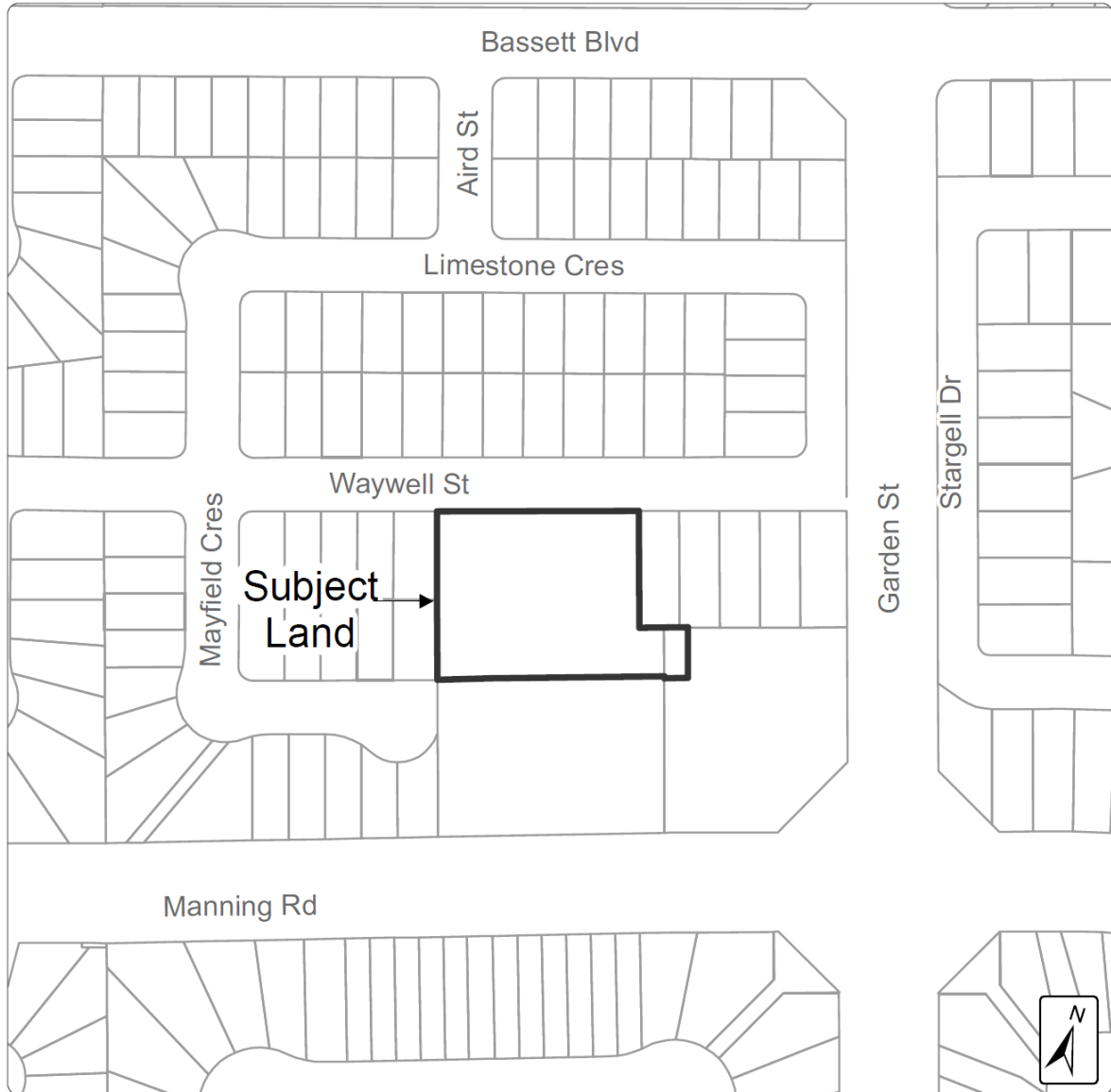
Further information regarding the proposed heritage designation of the Mayfield House can be obtained by contacting the Heritage Division of the Town of Whitby Planning and Development Department during regular business hours between 8:30 a.m. and 4:30 p.m. from Monday to Friday, 905.430.4306, heritage@whitby.ca

Objection

A person who objects to the proposed designation shall, within thirty (30) days after the date of publication of the Notice of the Intention to Designate, serve on the Clerk of the Town of Whitby, a notice of objection setting out the reason(s) for the objection and all relevant facts per Section 29 (5) of the Ontario Heritage Act. Such objection shall be received no later than 4:00 p.m. on January 03, 2024. If such notice of objection is received, the matter will be referred to Council for consideration.

Dated at the Town of Whitby this 4th day of December 2023.

General Location Sketch: Mayfield House Subject Land



Town of Whitby Planning and Development Department

Notice of Intention to Designate:

Mayfield House

File Number:

N/A

Date:

December 2023

External Data Sources:

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Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File DEV-05-19 (Z-03-19)

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP-07-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

Justin Malfara, Principal Planner, Zoning
& Administration x2930

1. Recommendation:

1. That Council approve an amendment to Zoning By-law 2585 (Z-03-19), subject to the comments included in Planning Report PDP-07-23; and,
2. That a by-law to amend Zoning By-law 2585 be brought forward for consideration by Council at such time as the Site Plan Application has been approved.

2. Highlights:

- An application has been submitted by 2622974 Ontario Inc. to amend the Town of Whitby Zoning By-law 2585 for the subject land located at 300 High Street.
- The subject land contains an existing 4 storey residential apartment building, which includes a total of 25 apartment dwelling units (1 and 2 bedroom);
- A Public Meeting was held on March 25, 2019. At this time, the proponent's proposal included a 4 storey, 13 unit apartment building within the front yard of the subject property. Based on public and staff input, the proposal was revised;

- The proponent's revised plan includes a second free standing three storey apartment building, consisting of 13 units, located within the easterly side yard toward the rear of the subject property;
- The existing zoning on the property is Residential Type 1 (R1-DT-1) in Zoning By-law 2585. An amendment to the Zoning By-law is required to permit the proposed development.
- All commenting departments and external agencies have indicated support for the proposed development.

3. Background:

3.1. Site Area and Description

The subject land is approximately 0.51 hectares (1.27 acres) in size and is situated southwest of Walnut Street West and High Street (see Attachment #1). The property has approximately 55.5 metres of frontage onto High Street to the east and 19.0 metres of exposure onto Ferguson Street to the west.

The property includes an existing 3.5 storey apartment building, containing 25 dwelling units. Access to the property is provided from High Street to an internal parking lot situated at the north and west portion of the site.

Single detached dwellings are located to the north, south, east, and west of the property. An institutional use (St. Andrew's Presbyterian Church) is also located to the south of the property.

3.2. Proposed Development and Application

The proposed development includes a new stand alone apartment building to the south of the existing apartment building, located within the interior side yard to the rear of the property. The proposed apartment building is 3 storeys in height and would include 13 dwelling units (see Attachments #3, #5 & #6).

The original proposal presented at the statutory public meeting, situated the proposed new apartment building within the front yard, south of the existing apartment building toward High Street (refer to Attachment #4).

The existing and proposed units are to be rental units.

Zoning By-law Amendment application Z-03-19 proposes to amend the existing R1-DT-1 zoning to permit 38 residential apartment dwelling units on the subject land, plus amendments to yard setbacks, lot coverage, parking, and other zone standards to permit the proposed development.

3.3. Documents Submitted in Support

A number of documents were submitted in support of the Zoning By-law Amendment application including the following:

- A Site Plan, prepared by Giamo, dated December 19, 2023 which illustrates the proposed development;
- Building Elevations, prepared by Giamo, dated December 19, 2023 which illustrates the façade of proposed apartment building (see Attachment #5);
- A Landscape Plan and Details, prepared by Tocher Heyblom Design Inc., dated May 26, 2023 (see Attachment #6). The landscape plan illustrates proposed planting areas as well as the location of existing vegetation to be removed;
- A Phase Two Environmental Site Assessment report prepared by BEN Engineering, dated May 9, 2018, states that none of the measured concentrations in the soil and groundwater samples exceeded the applicable MOECC standards;
- A Traffic Management Plan prepared by Giaimo, dated December 11, 2018;
- A Traffic Brief prepared by Paradigm Transportation Solutions Limited, dated December 2023. The Traffic Brief provided an assessment of existing transportation infrastructure, trip generation, traffic impact assessment, and a review of the parking supply.
- An Arborist Report and Tree Protection Plan prepared by Cohen and Master Tree and Shrub Services, dated July 9, 2018, which provides an overview of the trees to be removed and the suggested location of tree protection zones;
- A Stage I and Stage II Archaeological Assessment prepared by CRM Lab Archaeological Services, dated September 1, 2018, identifies that the subject property is partially cleared of archaeological concerns in areas where subsurface disturbance has been confirmed down to sterile subsoil;
- An Environmental Noise Assessment prepared by HGC Engineering, dated August 3, 2018, concludes that any ventilation systems and exterior wall and glazing constructions meeting the requirements of the Ontario Building Code will provide sufficient sound insulation;
- A Preliminary Stormwater Management Report prepared by Ram Engineering Inc., dated November 20, 2018, outlines how stormwater management for the proposed development will be implemented; and,
- A Cultural Heritage Impact Assessment (CHIA) prepared by Letourneau Heritage Consulting Inc., dated February 25, 2020. The CHIA concluded that no direct adverse impacts were identified based on the proposed development, but there is a potential for

indirect impacts on the existing structure due to construction. It was recommended that a Temporary Protection Plan be prepared by a qualified individual with heritage experience to address and mitigate potential impacts. This will be addressed as part of the future Site Plan Approval process.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1 Region of Durham Official Plan

The subject land is designated “Living Area” in the Durham Region Official Plan (ROP).

Lands designated as Living Areas are to be used predominantly for housing purposes. Development is to incorporate a wide variety of housing types, sizes, and tenure in a compact form by intensifying and redeveloping existing areas.

4.2 Town of Whitby Official Plan

The subject land is designated “Medium Density Residential” in the Downtown Whitby Secondary Plan (see Attachment #7). The land is also designated Medium Density Residential in the Council adopted Downtown Whitby Secondary Plan (under appeal).

Medium Density Residential areas are to be developed up to a maximum of 75 units per net hectare, and may consist of block townhouses, stacked townhouses, triplex, and apartment dwelling units, converted dwellings, and boarding and lodging houses, as well as those unit types permitted in the Low Density designation (Section 11.3.6.2(b)). The maximum permitted building height is 4 storeys.

The proposed development will have a density of approximately 74 units per net hectare, and the proposed building will be 3 storeys in height.

The proposed development conforms to the policies of the Official Plan, including height and density.

4.3 Zoning By-law

The subject land is zoned Residential Type 1 (R1-DT-1) in Zoning By-law 2585 (see Attachment #8). The R1-DT-1 Zone permits one building on the subject land, containing a maximum of twenty-four (24) apartment dwelling units.

Amendments to the provisions of the R1-DT-1 Zone are required to permit the proposed development, including the following:

- Permit two (2) apartment buildings on the property, whereas only one building is currently permitted;
- Increase the total number of apartment dwelling units from 24 to 38;
- Increase the maximum permitted lot coverage from 14% to 22%;
- Reduce the minimum required rear yard setback 22.0m to 6.0m;
- Reduce the minimum required interior side yard setback (south) from 18.0m to 3.5m; and,
- Reduce the minimum number of required parking spaces from 58 to 43 spaces.

4.4 Other Applications

A Site Plan application will be required to be submitted at a later date for the proposed development.

4.5 Heritage Considerations

The subject land is listed on the Town's Heritage Register. The proponent's proposal does not include the removal of the existing apartment building on the property. As part of any future Site Plan application associated with the proposed development, the proponent will be required to consult with the Town's Heritage Division with regards to the preparation of a Temporary Protection Plan to address and mitigate potential impacts during any site alteration or building activity.

5. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes; and,
- Durham District School Board.

The following internal departments and external agencies have reviewed the application and have no objection to the proposed Zoning By-law Amendment, but will provide detailed comments at the future Site Plan Application stage:

- Whitby Fire and Emergency Services;
- Whitby Planning Services - Landscape;
- Whitby Planning Services - Urban Design;
- Whitby Strategic Initiatives Division;
- Whitby Engineering Services; and,
- Durham Region Planning Department.

6. Financial Considerations:

Not applicable.

7. Communication and Public Engagement:

A Public Meeting was held on March 25, 2019 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #9.

There were approximately 41 individuals who registered as interested parties to this application, and 4 individuals who provided deputations at the Public Meeting.

There was support for the establishment of additional rental apartment dwelling units, however there were concerns raised, including the following:

- Increased traffic and lack of parking;
- Noise and construction activity impacts;
- Replacement of vegetation proposed to be removed;
- Stormwater management and infrastructure (water/sewer) capacity; and,
- Loss of heritage value.

The proponent has provided a Traffic Impact Study which included an analysis of parking and traffic. This report supported the proposal and was reviewed and deemed acceptable by the Town's Engineering Services Department.

With regards to noise abatement during the construction period, the proponent will be required to submit a Construction Management Plan to Engineering Services for review and approval prior to the issuance of any permits. The proponent will also be required to adhere to the Town's Noise By-law.

Following the statutory public meeting and after further consultation with staff, the proponent revised the location of the proposed building to situate it toward the rear of the property away from High Street. This will reduce the exposure to High Street and will reduce the number of impacted trees in the front yard of the property. There is vegetation that will have to be removed within the southerly interior side yard, however the proponent is proposing compensation planting for any mature trees that are removed.

Regarding stormwater management and infrastructure (water/sewer) capacity, the proposed development has been reviewed by the Town's Engineering Services and Durham Region Works Department. The proponent will be required to obtain sign-off from both the Town and the Region on the site servicing and grading plans as part of the future Site Plan Approval process.

As part of any future Site Plan Application associated with the proposed development, the proponent will be required to submit, a Temporary Protection

Plan to address and mitigate potential impacts during any site alteration or building activity as it may impact the existing apartment building. A Heritage Permit would also be required.

8. Strategic Priorities:

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility, and any future Site Plan approval will ensure proper accessible standards are implemented.

The proposed development increases the density on the subject land which provides a more efficient use of existing infrastructure, which implements the Town's strategic priority of sustainability.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Revised Site Plan

Attachment #4: Proponent's Original Site Plan

Attachment #5: Proposed Building Elevations

Attachment #6: Proposed Landscape Plan

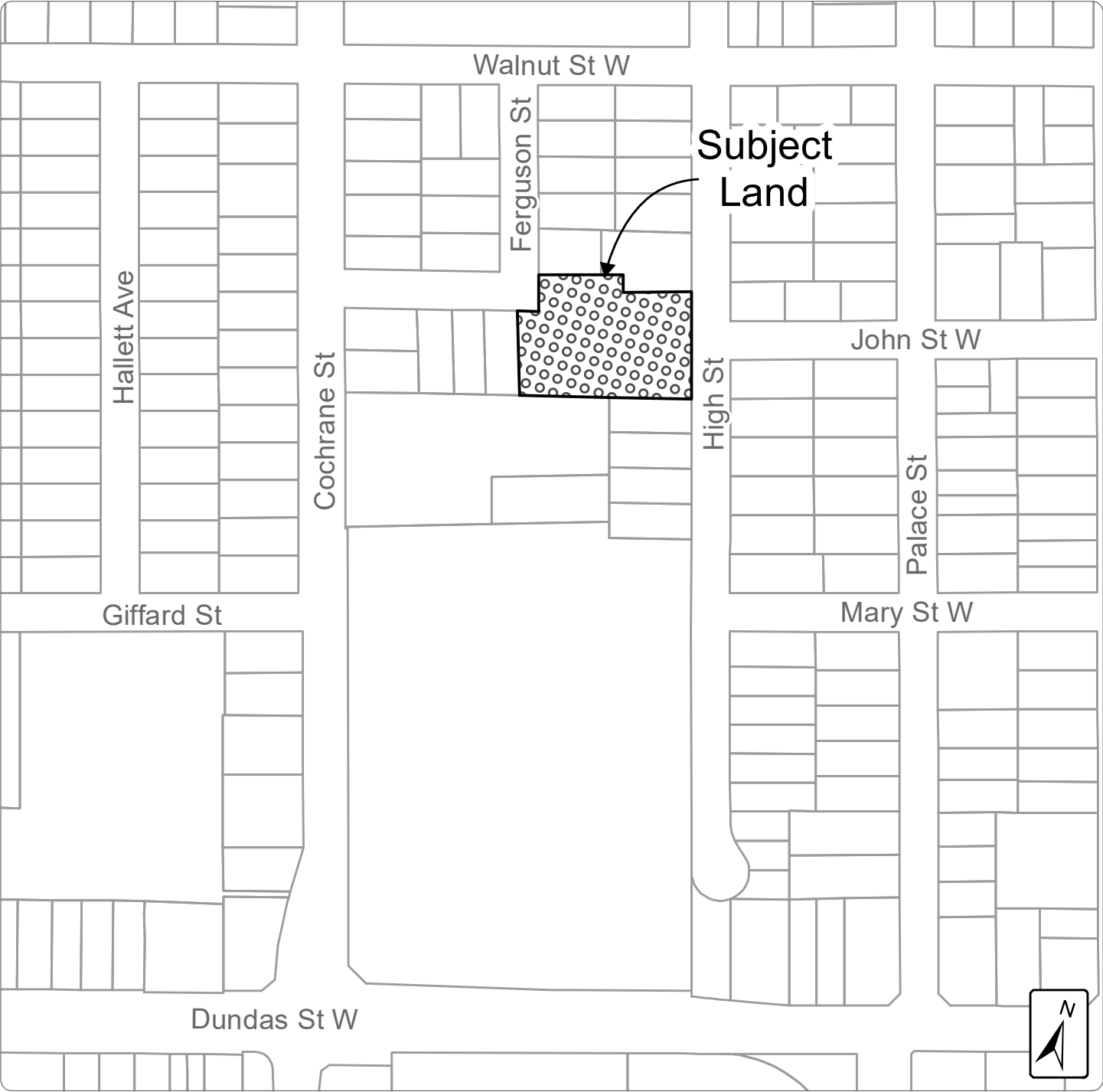
Attachment #7: Excerpt from Downtown Community Secondary Plan Schedule 'H'


Attachment #8: Excerpt from Zoning By-law 2585

Attachment #9: Public Meeting Minutes

Attachment #1
Location Sketch

PDP 07-24




Town of Whitby Planning and Development Department

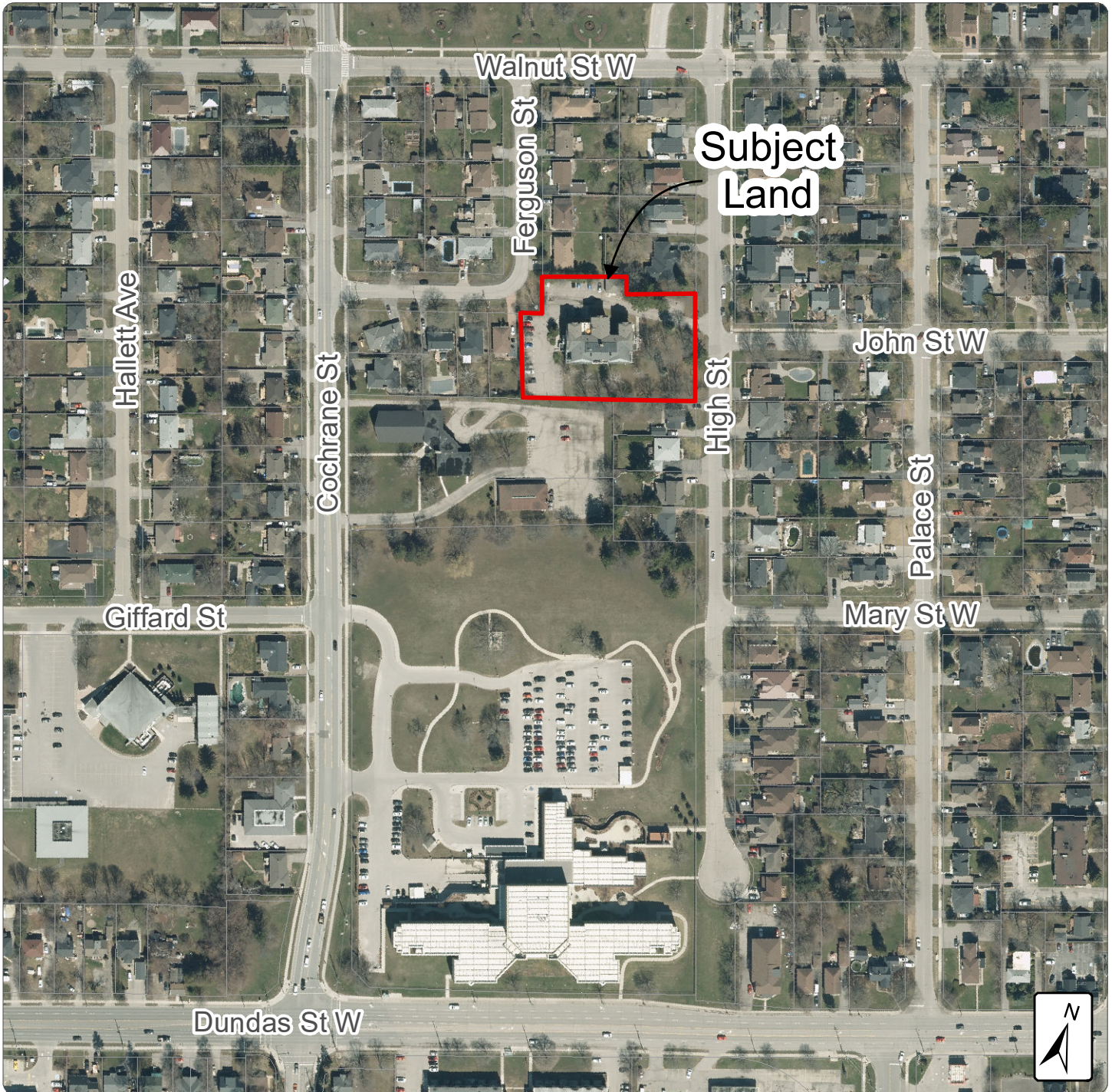
Proponent: 2622974 Ontario Inc.	File Number: DEV-05-19 (Z-03-19)	Date: February 2024
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Attachment #2 Aerial Context Map

PDP 07-24



Town of Whitby Planning and Development Department

Proponent:
2622974 Ontario Inc.

File Number:
DEV-05-19 (Z-03-19)

Date:
February 2024

External Data Sources:
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Giaimo.

211 YONGE ST, SUITE 300
TORONTO, ON M5B 1M4

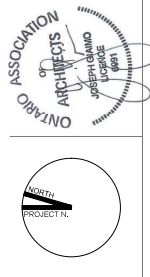
O. 647 479 4121
E. info@giaino.ca

thinc design
LANDSCAPE ARCHITECT
171 E LIBERTY ST., UNIT 266
TORONTO, ON M5K 3P6
T. 416 236 3335

17a PROPERTIES
OWNER
258 GLEBEHOLME BLVD.
TORONTO, ON M4J 1T2

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REV	DESCRIPTION	DATE	BY
1	ISSUED FOR REZONING	26.11.2018	QI/MNO
2	ISSUED FOR PRE-ZONING REVIEW	12.06.2023	QI/MNO
3	ISSUED FOR ZBA	21.07.2023	QI/MNO
4	ISSUED FOR ZBA	24.07.2023	QI/MNO
5	ISSUED FOR ZBA	19.12.2023	QI/MNO



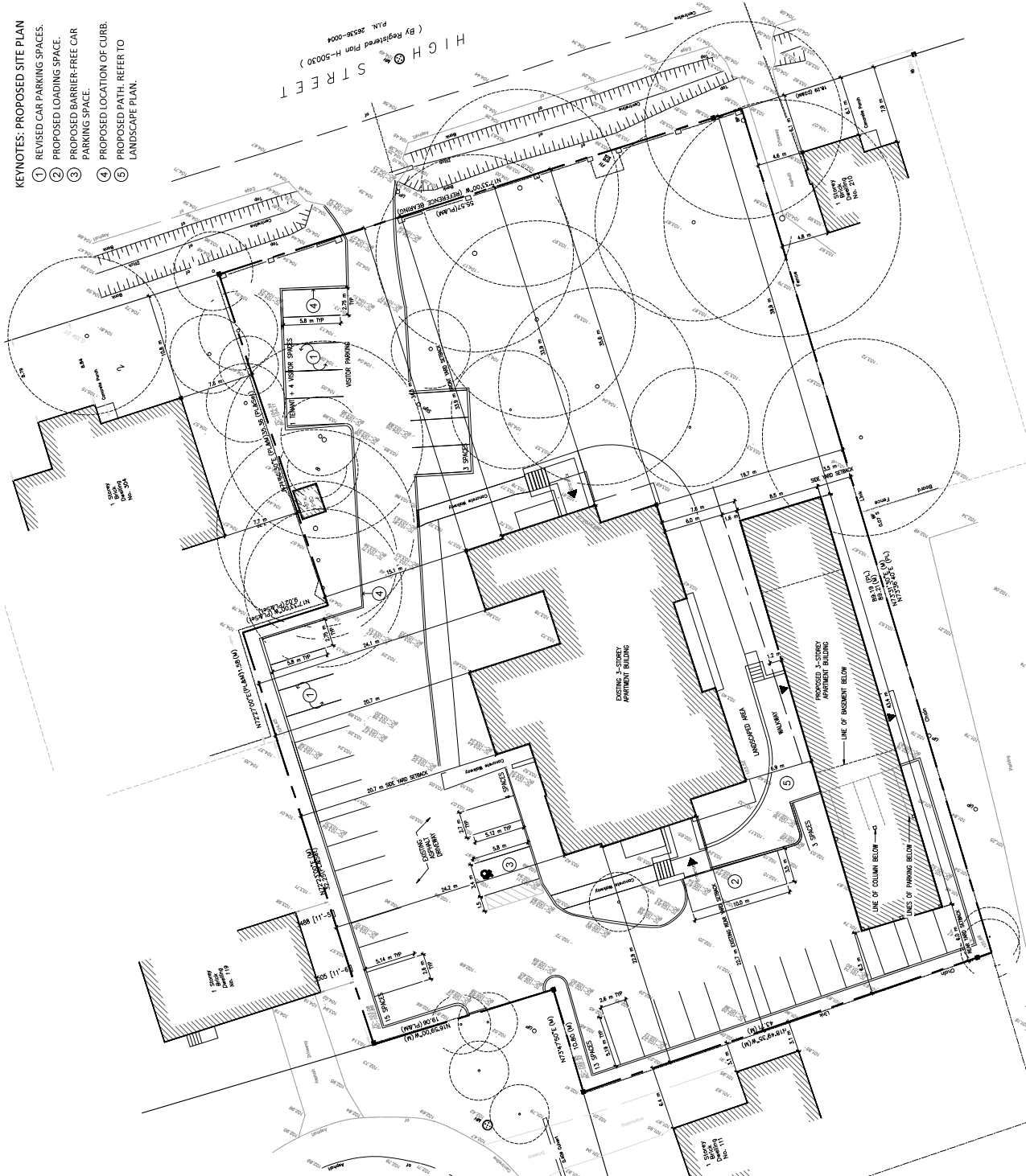
MANOR INFILL
300 HIGH STREET
WHITBY, ON L1N 5H6

SITE PLAN - PROPOSED

DRAWING TITLE	SCALE	DATE	PROJECT NO.
1:250	19 DEC 2023	17024	
A007		SHEET NO.	

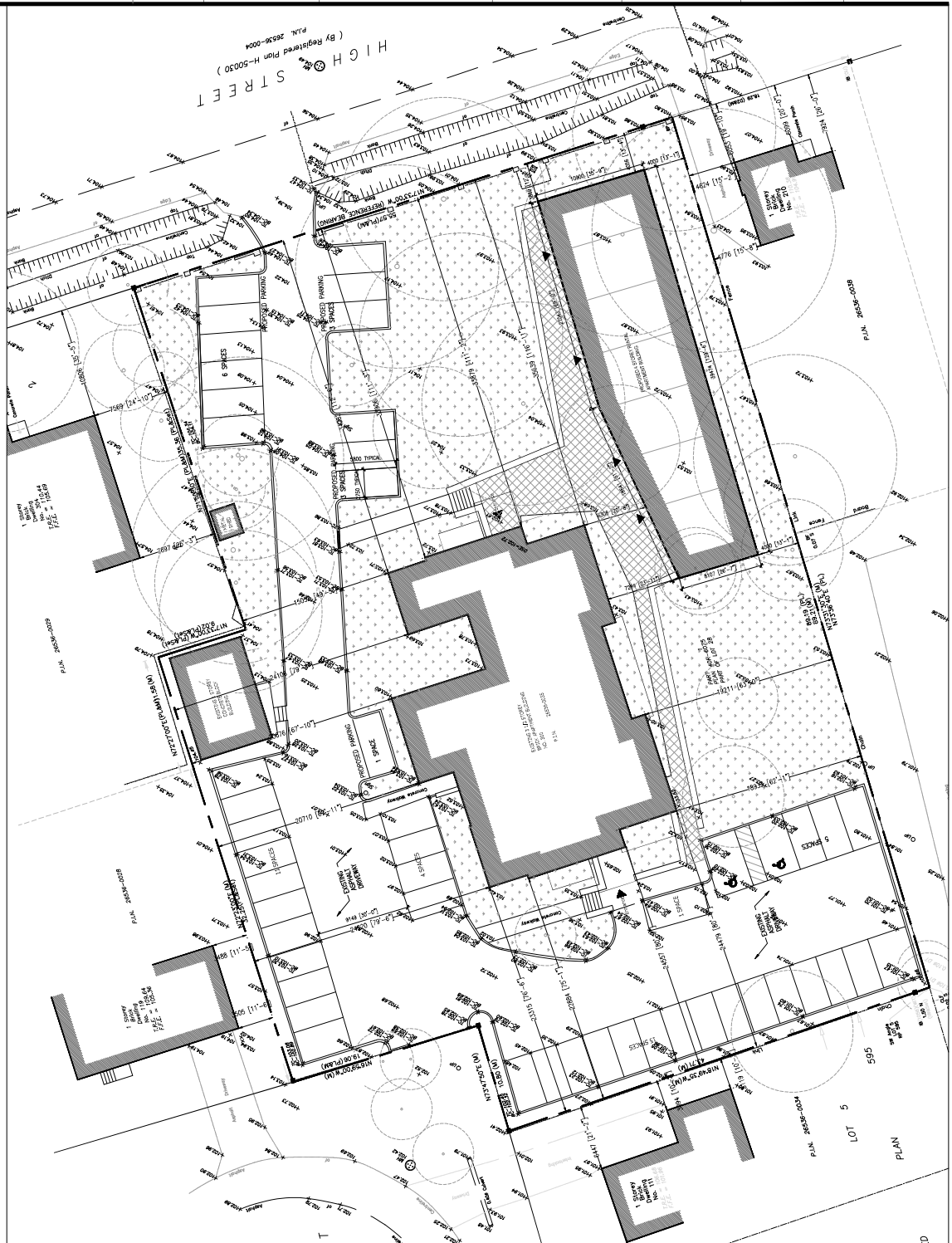
KEYNOTES: PROPOSED SITE PLAN

- ① REVISED CAR PARKING SPACES.
- ② PROPOSED LOADING SPACE.
- ③ PROPOSED BARRIER-FREE CAR PARKING SPACE.
- ④ PROPOSED LOCATION OF CURB.
- ⑤ PROPOSED PATH, REFER TO LANDSCAPE PLAN.



SITE PLAN - PROPOSED	1
	A007
	1:250

SHEET NO.



Attachment #5

Proposed Building Elevations

PDP 07-24

Giaimo.

211 YONGE ST, SUITE 300
TORONTO, ON M5B 1M4

O. 647 479 4121
E. info@giainmo.ca

thinc design
LANDSCAPE ARCHITECT
171 E LIBERTY ST., UNIT 266
TORONTO, ON M5K 3P6
T. 416 236 3335

17a PROPERTIES
OWNER
258 GLEBEHOLME BLVD.
TORONTO, ON M4J 1T2

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Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the Work and report any discrepancies with the Contract Documents to the Architect before commencing the work.

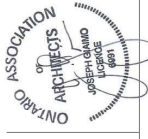
Positions of exposed or finished mechanical or electrical devices, fittings, and schedules are indicated on the Architectural drawings. The locations shown on the Architectural drawings govern over the Mechanical and Electrical drawings. These items are closely located as directed by the Architect.

Do not scale this drawing.

Do not scale this drawing.

5	ISSUED FOR ZBA	19.12.2023	GIAMMO
4	ISSUED FOR ZBA	24.07.2023	GIAMMO
3	ISSUED FOR ZBA	21.07.2023	GIAMMO
2	ISSUED FOR PREZONING REVIEW	12.06.2023	GIAMMO
1	ISSUED FOR REZONING	26.11.2018	GIAMMO

REV	DESCRIPTION	DATE	BY
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NORTH ARROW SEAT

**MANOR INFILL
300 HIGH STREET
WHITBY, ON L1N 5H6**

PROJECT NAME AND ADDRESS

ELEVATIONS -
PROPOSED

DRAWING TITLE

1:150

SCALE

19 DEC 2023

DATE _____

17024
PROJECT NO.

SHEET NO.

A410

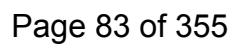
PROPOSED ELEVATION - NORTH	1
	A410
	1:150

PROPOSED ELEVATION - SOUTH

PROPOSED ELEVATION - EAST	4
	A410

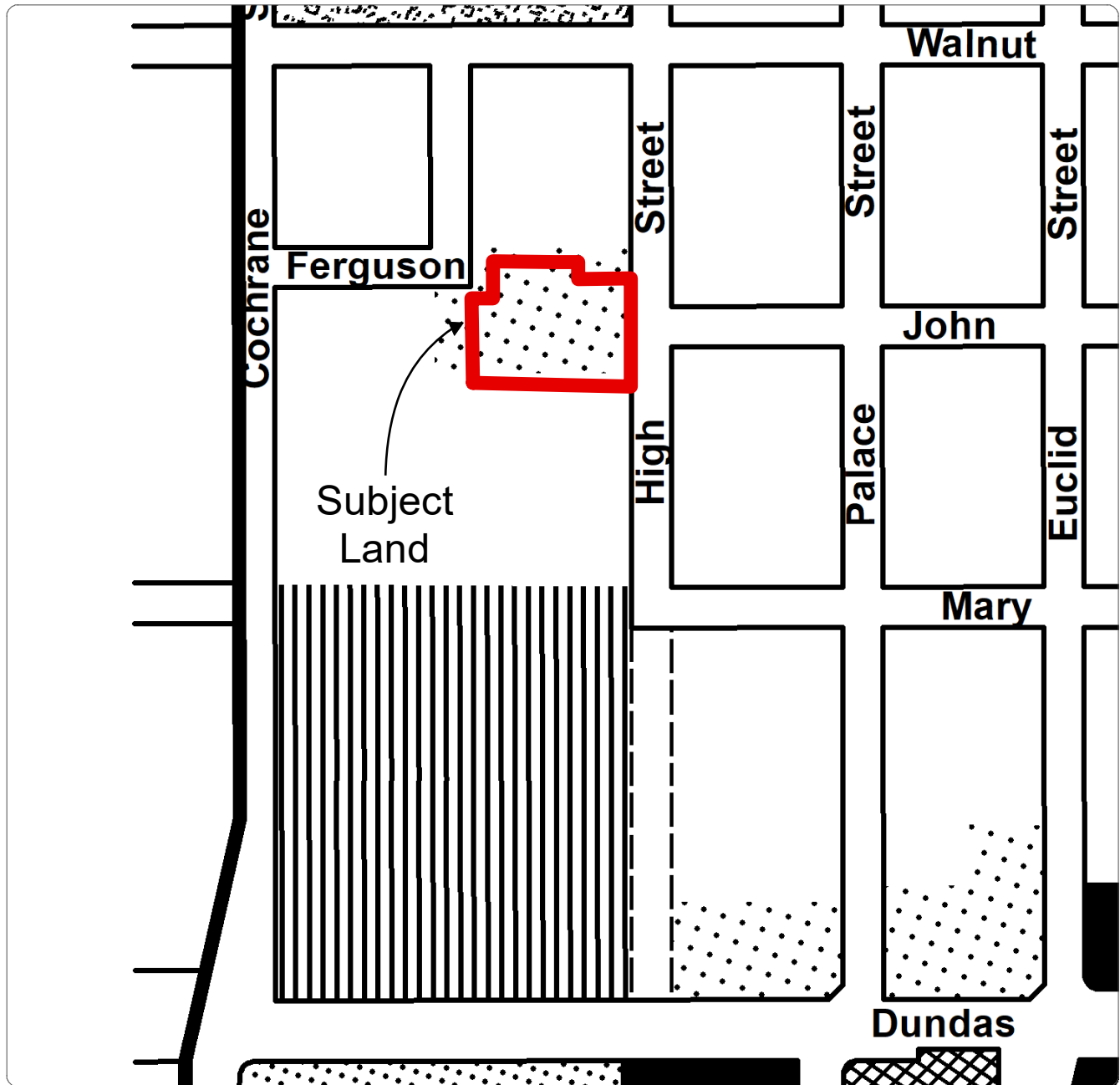
Page 82 of 355

PDP 07-24



Attachment #7

Excerpt from Downtown Community Secondary Plan Schedule 'H'



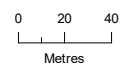
Legend:

	Commercial	S	Elementary School
	Mixed Use		
	High Density Residential		
	Medium Density Residential		
	Low Density Residential		
	Institutional		
	Open Space		
	Secondary Plan Area Boundary		

Excerpt from:
Downtown
Secondary Plan
Land Use
Town of Whitby

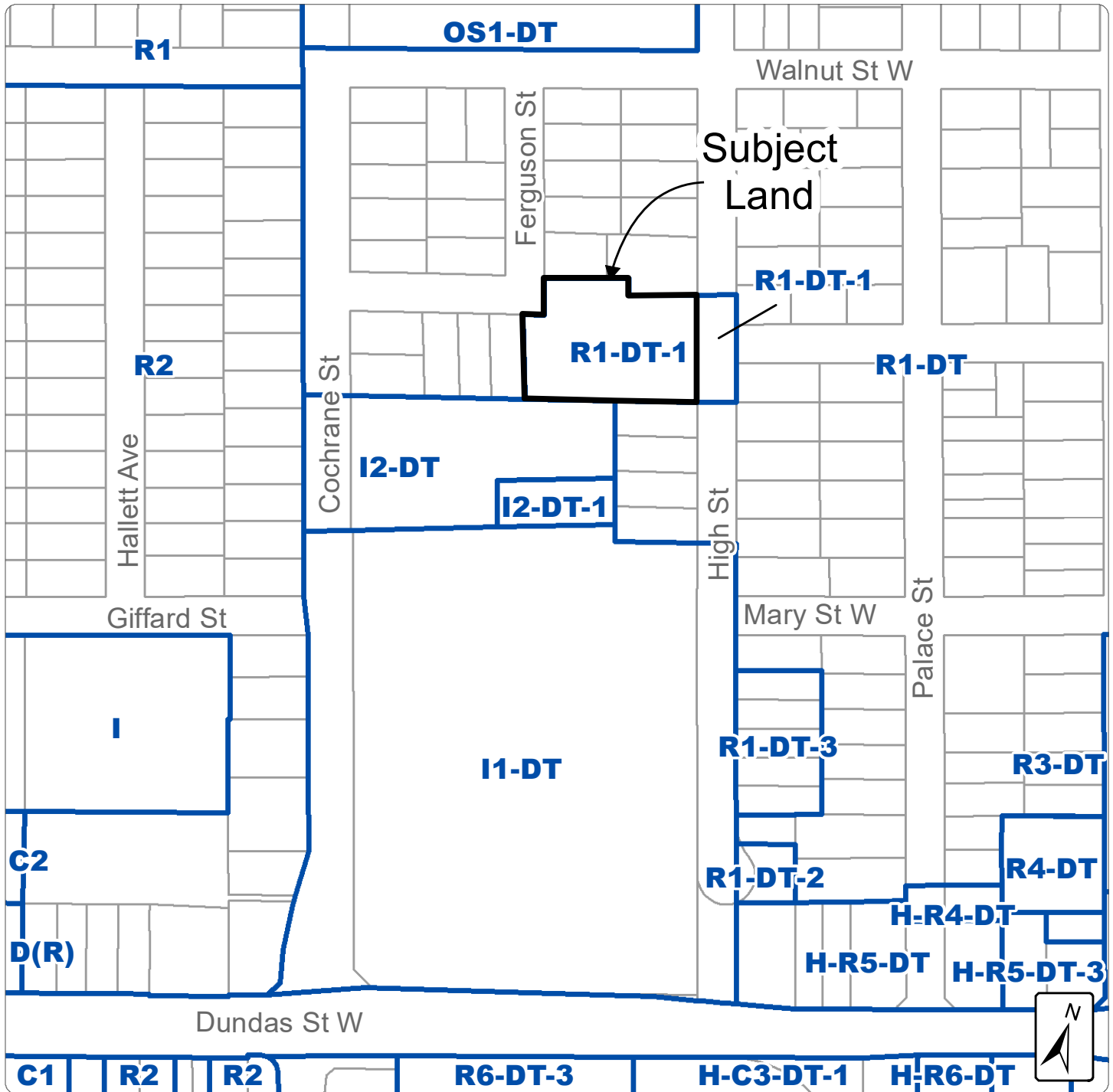
Schedule

H



Attachment #8 Excerpt from Zoning By-Law 2585

PDP 07-24



Town of Whitby Planning and Development Department

Proponent:
2622974 Ontario Inc.

File Number:
DEV-05-19 (Z-03-19)

Date:
February 2024

External Data Sources:
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Attachment #9

Public Meeting Minutes

PDP 07-24

Public Meetings Minutes
March 25, 2019 - 7:00 PM

-
4. Planning and Development Department Report, PL 29-19
Re: Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File: DEV-05-19 (Z-03-19)

J. Malfara, Planner I, provided a PowerPoint presentation which included an overview of the application.

Mike Zavershnik and Joey Giaimo, representing High St. Manor at 300 High Street, provided an overview of the application.

The Chair opened the floor for comments from the public.

Cristal Diemer-Ewles and Mark Ewles, 303 High Street, raised concerns that the new development would result in additional traffic, add to congestion, and impact the existing neighbourhood. Ms. Diemer-Ewles stated that High Street had aging infrastructure and lacked curb space for vehicle parking. She stated that the area had ditches and culverts and that the development could create groundwater issues. She expressed concern that the construction would destroy mature trees on the property.

The Chair asked the proponent to comment on the concern related to mature trees on the property.

The proponent stated that the proposed building would be located in a clearing on the property. He stated that 3 small trees would be impacted by the development and that mature trees would not be destroyed.

Lesley Dath and Brian Heringer, 117 High Street, raised concerns that the 4-storey building would cast shadows into neighbour's backyards and create privacy issues. The neighbourhood used culverts, and they were concerned if the culverts would be able to handle drainage from the new development. Ms. Dath stated that development would add to parking issues and would cause congestion in the neighbourhood. She stated that the building would be within 12 feet from the street and that in her opinion would be too close. Mr. Heringer stated that the current zoning permits one building on the lot, whereas the proposed development was for two buildings. He stated that the maximum permitted lot coverage was 14 percent and the development proposed was at 21 percent. He also indicated that the development would result in congestion and traffic concerns.

Kerry Maxwell, 300 High Street, stated that the existing building had long-term tenants. She indicated that several tenants chose to live at the location due to its proximity to Fairview Lodge. She stated that the

building housed young families with children, nurses who worked at Fairview Lodge, and other tenants who chose to live there due to the building's proximity to services. She stated that an additional development in the same location would offer more people with an opportunity to enjoy the benefits of the location.

Hazel Holt, 300 High Street, stated that High Street was used for parking by people in the neighbourhood and tenants of the building. She indicated that visitors to the neighbourhood use on-street parking.

There were no further submissions from the public.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Draft Plan of Subdivision Application and Zoning By-law Amendment Application for 5035 Anderson Street, by Whitby Anderson Estates Inc. File No. DEV-14-21 (SW-2021-04, Z-09-21)

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 08-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

Justin Malfara, Principle Planner, Zoning
& Administration x2930

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-04) and approve an amendment to Zoning By-law #1784 (Z-09-21), subject to the comments included in Planning Report PDP-08-24 and the Conditions of Draft Approval included in Attachment #10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

2. Highlights:

- Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Humphries Planning Group Inc. on behalf of Whitby Anderson Estates Inc. for the land located at the northeast corner of Anderson Street and Colin Road, otherwise municipally known as 5035 Anderson Street.
- The proposed Draft Plan of Subdivision includes 30 street townhouses, 88 common element townhouses, 43 stacked townhouse dwellings, and a 3 storey, 20 unit apartment building with at grade commercial.
- The existing zoning on the property is Agricultural (A) in Zoning By-law 1784. An amendment to the Zoning By-law is required to permit the proposed Draft Plan of Subdivision.
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions of Draft Plan Approval.

3. Background:

3.1. Site and Area Description

The subject land is municipally known as 5035 Anderson Street and is situated on the northeast corner of Conlin Road and Anderson Street (refer to Attachment #1). The subject land is approximately 4.05 hectares (10.0 ac.) in area and is currently occupied by a vacant one storey detached residential dwelling and a detached garage.

The subject land is located within the southern limits of the Brooklin urban boundary and is surrounded by vacant future development lands to the north, low density residential uses (single detached dwellings) to the west, a hydro corridor to the east, and agricultural lands to the south. (refer to Attachment #2).

3.2 Applications and Proposed Development

Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Humphries Planning Group Inc. on behalf of Whitby Anderson Estates Inc. to permit a proposed Plan of Subdivision on the subject land (refer to Attachment #3).

3.2.1 Draft Plan of Subdivision

The proposed Draft Plan of Subdivision is comprised of:

- 4 street townhouse blocks, which include 29 street townhouse dwellings;
- a common element condominium block, which includes 82 common element townhouse dwellings;
- a mixed use block, which is anticipated to include 43 stacked townhouse dwellings and a 3 storey 20 unit apartment building with

approximately 929.0 sq.m (10,000 sq.ft) of at grade commercial floor space (refer to Attachment #4).

Access to the land is proposed by way of a proposed public roadway connected to Conlin Road and Anderson Street. These roads identified as Street “A” and Street “B” on the Draft Plan of Subdivision will provide access to the proposed mixed-use block (Block 6) and street townhouse dwellings (Blocks 1-4). Three additional private streets extending south from Street “B” will provide access to the proposed common element townhouse dwellings located within the central area of the property (Block 5).

3.2.2 Zoning By-law Amendment

The Zoning By-law Amendment Application proposes to change the existing zoning from Agricultural (A) to appropriate residential and commercial zone categories to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. The proponent is seeking to rezone the land from Agricultural (A) to Medium Density (MD-B) for the proposed street and block townhouses, and Mixed Use (MX1-B) for the proposed mixed use block.

A Zoning By-law will be brought forward for Council consideration at a future meeting upon draft approval.

3.3 Documents Submitted in Support

A number of documents were submitted in support of the applications, including the following:

- A proposed Draft Plan of Subdivision, dated August 2023, prepared by Humphries Planning Group Inc. which illustrates the configuration of the proposed subdivision (refer to Attachment #3);
- A proposed Concept Plan, dated November 2020, prepared by Humphries Planning Group Inc. provides additional details related to the proposed development of the Blocks (refer to Attachment #4);
- A Sustainability Rationale Report, prepared by Humphries Planning Group Inc, dated November 2023. Sustainability measures identified will be addressed within the future Subdivision and Site Plan Agreements;
- A Land Use Compatibility Assessment, prepared by Cambium Inc., dated May 2023. This report assessed the potential influence of surrounding land uses on the subject land;

- An Arborist Report and Addendum, prepared by Beacon Environmental, dated, March 2021 and July 2023. The report confirms removal of approximately 22 trees;
- A Functional Servicing and Stormwater Management Report, Sanitary Trunk Sewer Alignment Plan, Grading and Servicing Plan, Sediment and Erosion Control Plan, and Drainage Plan dated March 2021, prepared by Candevcon East Limited. The reports and plans identify how the proposed development can be graded and serviced (storm, sanitary, water). The submitted materials also provided a summary of the stormwater management criteria. Detailed erosion and sediment control protocols will be completed during the detailed design stage of the development, in accordance with municipal requirements;
- A Sub-Area Study (SAS), prepared by Candevcon East Ltd., dated March 2021. The study outlined stormwater drainage and management practices, as well as hydraulic modeling for the subject land and surrounding area;
- A Master Transportation Study, prepared by BA Group, dated March 2021. This study concluded that the proposed development can be acceptably accommodated on the planned future road network in the area;
- A Stage 1-3 Archaeological Assessment, dated November 2019, prepared by Irvin Heritage Inc. A clearance letter was also received from the Ministry of Tourism, Culture, and Sport dated September 13, 2021 confirming that the subject land holds no further Cultural Heritage Value or Interest and the report has been entered into the Ontario Public Register of Archeological Reports;
- A Species at Risk Screening Assessment, dated March 2021, prepared by Beacon Environmental;
- An Urban Design Brief for the Mixed Use Block, dated March 2021, prepared by the Biglieri Group Ltd.;
- A Planning Rationale Report, dated April 2021, prepared by Humphries Planning Group Inc. This report provided an overview of how the proposal confirms with the Town of Whitby Official Plan, as well as the Durham Region Official Plan, and other guiding policy documents; and,
- A Noise Impact Study, dated March 2021, prepared by the Sonair Environmental. The study outlined noise abatement measures that will be included in a future Subdivision Agreement for the proposed development;

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1 Region of Durham Official Plan (ROP)

The ROP designates the subject land as “Living Areas” within the Urban System. The subject lands are also situated within the built boundary of the Whitby Urban Area.

Living Areas are intended to accommodate a full range of housing options at higher densities. Neighbourhood commercial uses such as convenience stores, home occupations, limited office uses and retailing of goods and services as components of mixed-use developments are also permitted within this designation.

The proposed draft plan provides for a range of housing types, with higher density development and a mixed-use block at the northeast corner of Anderson Street and Conlin Road in accordance with the Town of Whitby's Brooklin Community Secondary Plan. The proposed development will increase the residential density on the subject land to approximately 86 units per gross hectare and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare.

The proposed development will contribute to the allocation of units for intensification within Whitby's built boundary and conforms to the policy directions of the ROP.

4.2 Whitby Official Plan

The subject land is designated “Mixed-Use 3” and “Medium Density Residential” within Schedule ‘K’ of the Brooklin Community Secondary Plan (refer to Attachment #5).

4.2.1 Mixed-Use 3 Land Use

The intent of the Mixed-Use 3 designation is to accommodate a mix of two or more land uses on a site, as set out in Section 4.6.3.1 of the Town of Whitby Official Plan, either within the same building or integrated as separate buildings on the lot.

For lands outside of the Downtown Brooklin Major Central Area (subject land), the range of permitted commercial uses are to include those permitted in the Local Commercial designation as set out in Section 4.5.3.3 of the Official Plan.

The minimum permitted density in the Mixed-Use 3 designation is 60 units per net hectare and the maximum density is 85 units per net hectare.

The proposed mixed-use block (Block 6) is 0.94 ha in area and is proposed to include 43 stacked townhouse dwelling units, as well a 3 storey, 20 unit apartment building with 929.0 sq.m of ground floor commercial space. The

density of the mixed-use block will be approximately 67 units per net hectare.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan, Mixed-Use 3 designation.

4.2.2 Medium Density Residential Land Use

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas.

Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4 storeys, are permitted with a density range of greater than 30 and up to 65 dwelling units per net hectare. The minimum building height is 3 storeys abutting arterial roads outside of mature residential neighbourhoods.

Blocks 1-5 of the proposed Draft Plan of Subdivision will be comprised of 29 street townhouse dwellings, and a common element condominium block with 82 common element block townhouse dwellings. The density of the land designated Medium Density Residential will be approximately 48 units per net hectare.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan Medium Density Residential designation.

4.3 Zoning By-law

The subject land is zoned Agricultural (A) in Zoning By-law 1784. The Agricultural (A) zone does not permit residential uses (refer to Attachment #6).

A Zoning By-law Amendment is required to rezone the subject land to a variety of zone categories to conform to the Brooklin Community Secondary Plan and to implement the proposed Draft Plan of Subdivision.

4.4 Other Applications

Site Plan applications will be required to be submitted at a later date for the proposed block townhouse and mixed-use blocks.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for these blocks.

4.5 Control Architect

A Control Architect will be required to oversee the design of the subdivision's built form, in accordance with the Urban Design policies of the Official Plan and the Brooklin Architectural Control Guidelines. It is recommended that Williams and Stewart be appointed as the Control Architect for the proposed Draft Plan of Subdivision and future Site Plan applications.

4.6 Fire Break Lots

The proponent must submit a Firebreak Lot Plan for review and approval by the Town of Whitby Fire and Emergency Services Department. The plan must demonstrate which blocks will remain unbuilt to serve as firebreaks within the development during the construction period.

4.7 Composite Transportation Component Plan

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, multi-use paths and road right-of-way dimensions (refer to Attachment #7). These elements will be further refined and implemented through the future detailed engineering design process.

5. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes;
- Town of Whitby Accessibility Division;
- CS Viamonde (French Public School Board);
- Durham Catholic District School Board;
- Durham District School Board;
- Enbridge;
- Elexicon Energy Inc.;
- MTO;
- Canada Post;
- Bell; and,
- Rogers.

The following section provides a summary of key comments provided by Town of Whitby departments/divisions, as well as external agencies. Refer to Attachment #9 for a summary of all detailed comments and Attachment #10 for Conditions of Draft Plan of Subdivision Approval.

5.1 Internal Departments

Community Services – Parks Development

The Town of Whitby Official Plan, as amended and further delineated by the Brooklin Secondary Plan, does not identify the development of a Park within this proposed development. As such, the Parks department will be seeking Cash-in-Lieu of parkland. Refer to Attachment #9 for additional comments and Attachment #10 for conditions of approval.

Engineering Services

Engineering Services supports a favourable decision to the applications based on the following comments and conditions as outlined in Attachment #9 and Attachment #10.

Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment #7 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

Strategic Initiatives (Sustainability)

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4 of the Whitby Green Standard. The WGS Checklist and Sustainability Rationale Report shall be updated prior to final Draft Plan approval.

Landscape Section

In response to the proponent's Tree Preservation Plan and Arborist Report, both are acceptable.

Fire and Emergency Services

As part of the detailed design phase of the subdivision process, a fire break layout and hydrant location plan shall be submitted to the fire department for approval prior to construction.

The location of all fire hydrants for the subdivision shall be indicated on the site plan, and fire route signs shall be provided for the Common Element Condominium (Block 5).

5.2 External Agencies

Region of Durham – Planning

The Regional Official Plan (ROP) designates the subject land as “Living Areas” within the Urban System. The subject land is also situated within the built boundary of the Whitby Urban Area.

Living Areas are intended to accommodate a full range of housing options at higher densities. Neighbourhood commercial uses such as convenience stores, home occupations, limited office uses and retailing of goods and services as components of mixed-use developments are also permitted within this designation.

The ROP classifies Anderson Street and Conlin Road as Types ‘B’ and ‘C’ Arterial Roads. Policy 11.3.35 of the ROP requires new development applications that about arterial roads where access opportunities are limited to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

The proposed development will increase the residential density on the subject lands to approximately 86 units per gross hectare, which will contribute to the allocation of units for intensification as outlined in the ROP.

The ultimate development of the proposed plan of subdivision will contribute to the Town’s residential growth targets and provide for an array of housing options in general conformity to the Living Areas permissions of the ROP.

Region of Durham – Works

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way. The Region will not permit the construction of sanitary sewer and water mains within the rear laneways. In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

The subject land is located within the Zone 3 water supply system for Whitby (Brooklin). The following works must be completed for water servicing to be available:

- A 600 millimetres (mm) Zone 3 feedermain on Conlin Road from Anderson Street to the Region owned driveway, just west of Garrard Road;
- A 900 mm Zone 3 feedermain on the Region owned driveway from Conlin Road to the Garrard Road Zone 3 Pumping Station;
- Upgrades of the Garrard Road Zone 3 Water Pumping Station; and
- A 400 mm Zone 3 feedermain on Anderson Street from Conlin Road to Clair Avenue.

Sanitary servicing to the subject land will require the extension of a local sanitary sewer on Conlin Road from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street.

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area.

Durham Region Transit

The subject area is currently served by On Demand transit. The route ahead transit plan includes Anderson Street as a potential local route once the demand for transit grows within the subject area. The conceptual site plan shall be updated to protect for a northbound far side bus stop at the intersection of Anderson Street and Conlin Road. Sidewalks are to be built along Anderson Street and Street "C" in tandem with this development; and additional comments may be provided at the site plan stage for the mixed-use block regarding pedestrian connectivity and access to future transit.

Central Lake Ontario Conservation Authority

CLOCA staff have no objection to the proposed development subject to the provided Draft Plan Conditions as outlined in Attachment #10.

Hydro One

The transmission lines abutting the subject land operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Hydro One does not object to the proposed development subject to conditions of draft plan approval included within Attachment #10.

Oshawa Airport

The proponent must ensure the maximum height of the development, all of its associated features and any cranes used do not exceed the maximum zoning as outlined in the Transport Canada Zoning Regulations for the Oshawa Executive Airport.

The proponent will be required to submit an application to the NAV Canada land use process. The proponent shall also submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form.

If the proponent requires a temporary obstacle (i.e. crane) to be above the maximum height(s) as permitted by zoning at any time during the construction project they must complete a Transport Canada – Temporary Zoning exemption request prior to construction.

If applicable, the proponent shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace. The proponent shall ensure the new structure(s) and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.

The applicant shall also ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.

Lastly, the proponent shall undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify noise mitigation measures which should be included in the building design and same must be included in the final building design.

6. Financial Considerations:

Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Engineering Services Asset Management annual report.

Asset	Quantity
Roads	0.58 lane-km
Sidewalks/Multi-Use paths	1.0 km
Storm Sewers	0.46 km

7. Communication and Public Engagement:

A Public Meeting was held on May 31, 2021 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Plan of Subdivision and Zoning By-law Amendment Applications. Refer to Attachment #8 for the Minutes of the Public Meeting.

There were no attendees or deputations made with respect to the proposed development and associated Draft Plan of Subdivision and Zoning By-law Amendment Applications.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town have been provided notice of the February 26, 2024 Committee of the Whole Meeting.

8. Strategic Priorities:

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The proposal is to construct a compact, transit-supportive development within an area of the Town designated for residential growth.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Draft Plan of Subdivision

Attachment #4: Proponent's Concept Plan

Attachment #5: Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

Attachment #6: Excerpt from Zoning By-law # 1784

Attachment #7: Composite Transportation Component Plan

Attachment #8: Public Meeting Minutes


Attachment #9: Agency & Stakeholder Detailed Comments

Attachment #10: Conditions of Draft Plan of Subdivision Approval

Attachment #1
Location Sketch

PDP 08-24



 **Town of Whitby Planning and Development Department**

Proponent: Humphries Planning Group Inc. on behalf of Whitby Anderson Estates Inc	File Number: DEV-14-21 (SW-2021-04) (Z-09-21)	Date: February 2024
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External Data Sources:
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Attachment #2 Aerial Context Map

PDP 08-24



Town of Whitby Planning and Development Department

Proponent:
Humphries Planning Group Inc. on behalf of
Whitby Anderson Estates Inc

File Number:
DEV-14-21
(SW-2021-04) (Z-09-21)

Date:
February 2024

External Data Sources:
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DEVELOPMENT STATISTICS:	
LAND USE	UNITS
Freehold Townhouses	29
Common Element Condominium	1
Mixed Use	6
Office	7
0.3m Reserve	8
Roads	1
Sheet 10 - 1/2 @ 10.0m R.O.W.	
TOTAL	29

LOTS & AREA (ha)		
UNITS	BLK #	AREA
29	1-4	0.65
6	5	1.66
7	6	0.94
8	7	0.05
1	8	0.01
1	9	0.53
TOTAL		4.05

OWNERS CERTIFICATE: I, the undersigned, being the owner of the land hereinafter described, do hereby certify that the information contained in this plan is true and correct and that the same are accurate and correctly shown on this plan.

SURVEYOR'S CERTIFICATE: I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the information contained in this plan is true and correct and that the same are accurate and correctly shown on this plan.

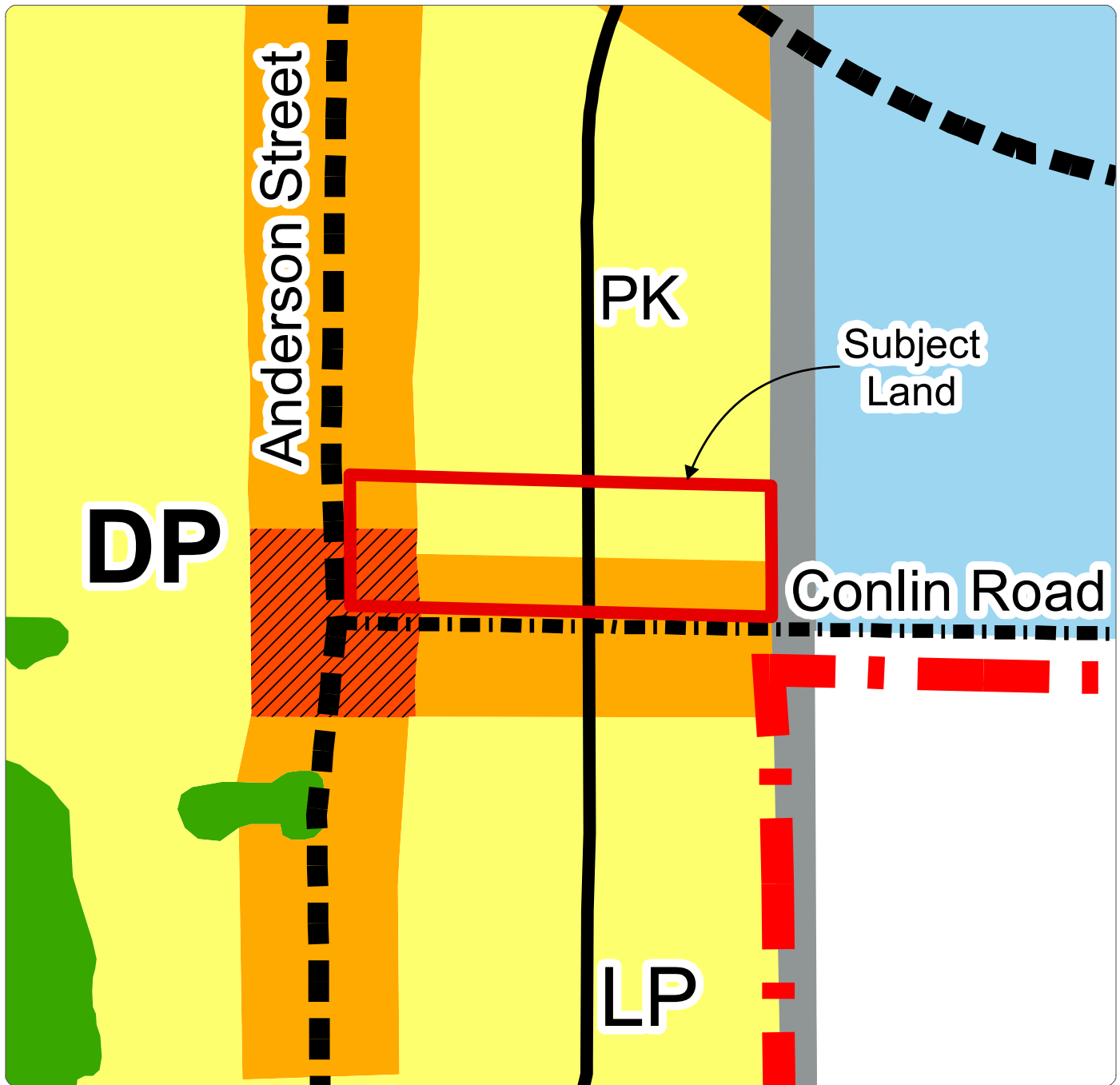
DATE: _____

DATE: _____

J.D. Barnes, Surveyor
115 South Court, #404, White, South, L.N. 877
Tel: (905) 752-1222 Fax: (905) 752-4258

Attachment #5

Excerpt from the Brooklin Community Secondary Plan Schedule 'K'



LEGEND			
 Low Density Residential	 Medium Density Residential	 High Density Residential	 Local Commercial
 Special Purpose Commercial	 Heritage Commercial	 Major Commercial	 Major Commercial -1
 Mixed-Use 1 - Community Central Area	 Mixed-Use 2 - HCD	 Mixed-Use 3	 Prestige Industrial
 Business Park	 General Industrial	 Major Open Space	 District Park
 Local Park	 Parkette	 Town Park	 Institutional
 Secondary Schools	 Elementary Schools	 Natural Heritage System	 Linkage in NHS
 D1 Deferred by the Region of Durham	 Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2	 Natural Hazards	 Utility
 Health Precinct Special Policy Area	 Community Central Area	 Major Central Area	 Heritage Conservation District Boundary
 Secondary Plan Boundary	 Special Policy Area - Refer to Section 11.5.31.6	 Full Interchange	 Potential Interchange (Subject to Further Study)
 Grade Separation	 Potential Grade Separation	 Future Transitway Station	 Controlled Access Highway (Freeway)
 Type A Arterial	 Type B Arterial	 Type C Arterial	 Collector Road
 Greenbelt Plan Boundary			

Excerpt from: Schedule

Brooklin Community Secondary Plan

Town of Whitby

K

Attachment #6
Excerpt from Zoning By-Law 1784

PDP 08-24



Town of Whitby Planning and Development Department

Proponent:
Humphries Planning Group Inc. on behalf of
Whitby Anderson Estates Inc

File Number:
DEV-14-21
(SW-2021-04) (Z-09-21)

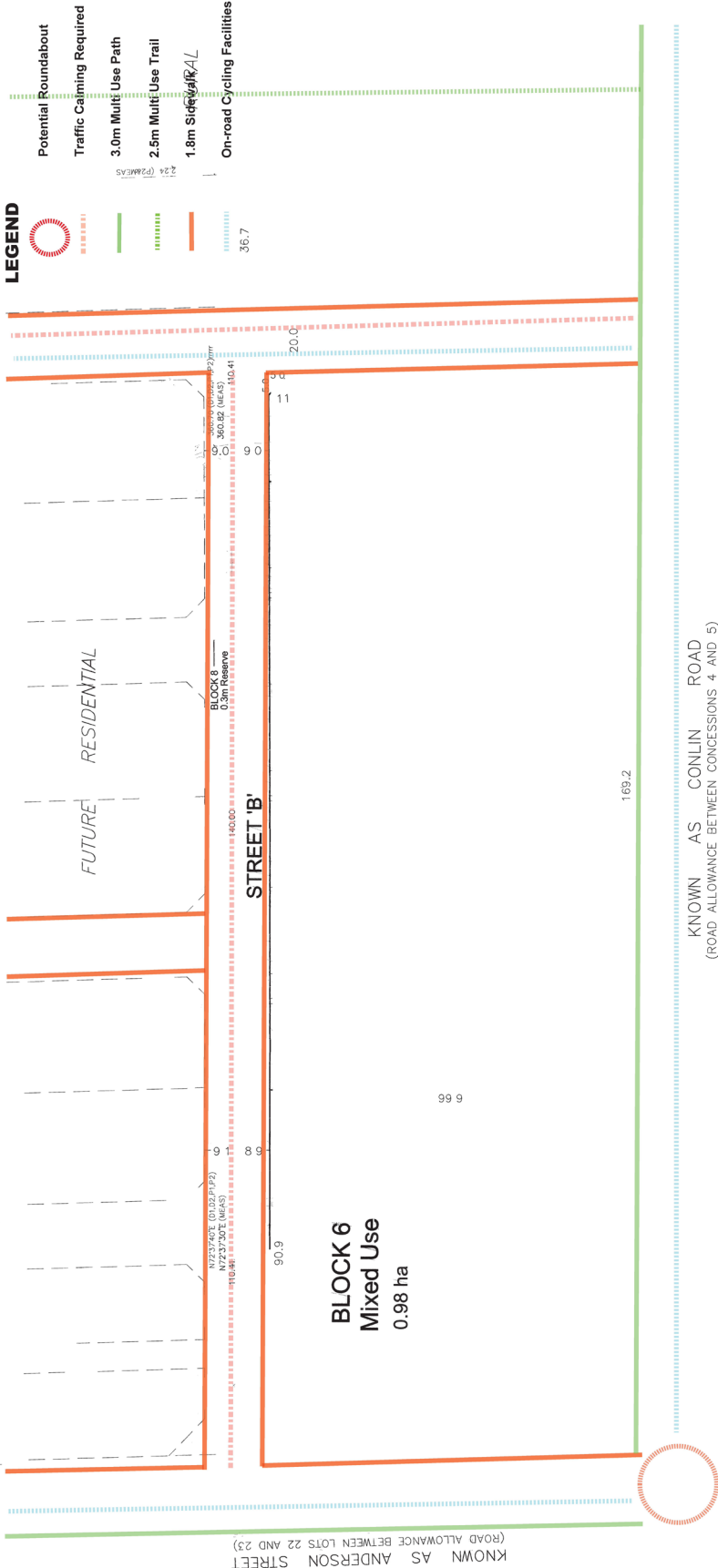
Date:
February 2024

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Attachment #7
Composite Transport Component Plan

ATTACHMENT 1.0 COMPOSITE TRANSPORTATION COMPONENT PLAN (CTCP)
SW-2021-04 5035 Anderson - Mosaik



Attachment #8

Public Meeting Minutes

PDP 08-24

Public Meetings Minutes
May 31, 2021 - 7:00 PM

4. Planning and Development Department Report, PL 30-21
Re: Draft Plan of Subdivision and Zoning By-law Amendment
Applications, 5035 Anderson Street, Whitby Anderson Estates Inc., File
Numbers: DEV-14-21 (SW-2021-04, Z-09-21)

Justin Malfara, Planner I provided a PowerPoint presentation which included an overview of the applications.

Jonathan Sasso representing Whitby Anderson Estates Inc., provided a PowerPoint presentation which included a detailed overview of the applications.

There were no submissions from the public.

Jonathan Sasso answered a question regarding opportunities to engage in discussions with Hard-co Construction Ltd. to address their concerns.

K. Narraway, Manager of Legislative Services/Deputy Clerk, indicated how members of the public could submit comments and be placed on the Interested Party List regarding this matter.

Attachment #9
Agency Comments
File No. DEV-14-21 (SW-2021-04)

CS Viamonde (French Public School Board)

The Conseil scolaire Viamonde has no comments regarding applications for Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Approval.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed development of 30 street, 88 common element condominium and 43 stacked townhouse residential units, as well as a 3-storey apartment building with 20 residential units.

This development is located within the boundary of St. Leo C.S. Located at 120 Watford Street, Brooklin. Whitby.

Durham District School Board

Under the mandate of the Durham District School Board, staff has no objection to the development proposed in this application.

Enbridge

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing AreaPlanning40@Enbridge.com to determine gas availability, service, and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Elexicon Energy Inc.

Elexicon Energy Inc. has no objection. The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs, and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a) The timely provision of supply to new and upgraded premises; and/or
- b) The availability of adequate capacity for additional loads to be connected in the existing premises

Please ensure that a minimum of 4.8m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

MTO

The Ministry has reviewed the following application DEV-14-21 (SW-2021-04, Z-09-21) - 5035 Anderson Street, in the town of Whitby. The proposed application is outside of the Ministry's permit control and therefore has no comments to provide.

Canada Post

Canada Post has no objections for the proposed development.

Service type and location

1. Canada Post will provide mail delivery service to this development through Community Mailboxes.
2. Street Townhouses, Common Element Townhouses, Stacked Townhouses dwellings: Will be serviced through Community Mailbox. The location of these sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm. Given an anticipated 161 units in the Draft Plan of subdivision, we have estimated 21 Mailbox Sites are required.
3. 3 Storey Apartment Building & Commercial Units: As the building in this project consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install, and maintain a centralized mail room facility to Canada Post's specifications. Buildings with more than 99 self-contained units, require mandatory rear loading lockboxes.
4. Please see attached linked for delivery standards:
http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual_en.pdf

Developer timeline, obligations, and installation:

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
2. If applicable, please ensure that any street facing installs have a depressed curb or curb cut. Contact Canada Post Corporation – Delivery Planning for further details.
3. If applicable please ensure that any condominiums apartments with more than 100 units, incorporates a mailroom with rear loading lock box assemblies (mailboxes).
4. Finally, please provide the expected first occupancy date and ensure the future site is accessible to Canada Post 24 hours a day.

It is recommended that the owners contact Canada Post as completion draws near so as to finalize the location and compartment they will be assigned to.

Bell Canada

The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Rogers Communications

Rogers Communications ("Rogers") has reviewed the application for the above Subdivision and has determined that it intends to provide cable and telecommunications services. Accordingly, we request that municipal approval be granted subject to the following conditions:

1. Prior to registration of the plan of Subdivision, the Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Subdivision (collectively, the "Communications Service Providers"). Immediately following registration of the Plan of Subdivision, the Developer/Owner will cause these documents to be registered on title.
2. Prior to registration of the plan of Subdivision, the Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.

Whitby Community Services – Parks Development

Parks Planning Staff are generally satisfied with the proposed development, subject to the comments listed below and ultimately the inclusion of the below condition of Draft Plan Approval.

Official Plan Park Requirements:

The Town of Whitby Official Plan, as amended and further delineated by the Brooklin Secondary Plan, does not identify the development of a Park within this proposed development. As such, the Parks department will be seeking Cash-in-Lieu of parkland conveyance, discussed below.

Conditions of Draft Plan Approval

The following conditions shall be incorporated into any future development agreement.

1. This development application may or may not be subject to a Parks Master Plan Agreement (PMPA) which is a cost sharing agreement between the Landowners Group. The PMPA is intended to address the parkland dedication/cash-in-lieu of parkland and required park facilities for the subject plan and overall Brooklin Development Area. Should the Master Plan Agreement not get finalized or this landowner is not part of the agreement, then;
2. The Town's will require the maximum rates for cash in-lieu for parkland dedication in accordance with the Planning Act as amended.

Whitby Engineering Services

Engineering Services has conducted a preliminary review of the circulated materials outlined below for the draft plan of subdivision and zoning applications:

- Draft Plan of Subdivision (Humphries Planning Group Inc.) dated August 17, 2023.
- Detailed Concept Plan (Humphries Planning Group Inc.) dated November 25, 2020.
- Conlin Road and Anderson Street, Functional Servicing and Stormwater Management Report (FSSR) (Candevcon East Limited) dated March 2021.
- Brooklin Secondary Plan Area, Sub-Area Study (SAS) Sub-Area 5 (Candevcon East Limited) dated March 2021.
- Conlin-Anderson Master Transportation Study (MTS), Whitby, Ontario (BAGroup) dated March 2021.
- Arborist Report (Beacon Environmental Limited) dated March 2021. Arborist Report Addendum (Beacon Environmental Limited) dated July 4, 2023.
- Endangered and Threatened Species Screening Assessment Report (Beacon Environmental Limited) dated March 31, 2021. Endangered and Threatened Species Screening Addendum (Beacon Environmental Limited), dated November 23, 2021
- Noise Impact Study (Sonair Environmental) dated March 29, 2021.
- Stage 3 Archaeological Assessment (Irvin Heritage Inc.) dated November 11, 2019.

We have reviewed the drawings and reports, and they are generally acceptable for a preliminary review. There are revisions, however, that will be required through the detailed design process for the proposed subdivision to conform to our Design Criteria and Engineering Standards.

Please provide a copy of these comments to the Subdivider.

A. Conditional Comments

Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

1. Prior to final acceptance of the Draft Plan of Subdivision, the following shall be addressed to the satisfaction of Engineering Services.

1.1. Revise the Draft Plan (DP) as follows:

- a. Illustrate the final road allowance & lot layout for the lands immediately to the north (SW-2021-03) as per the approved Draft Plan.
- b. Remove reference to Block 8, 0.3m Reserve from the Development Statistics table.

Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report: With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Engineering Services Asset Management annual report.

Asset	Quantity
Roads	0.58 lane-km

Sidewalks/Multi-Use paths	1.0 km
Storm Sewers	0.46 km

2. Engineering Services requires the following Conditions of Draft Approval:

2.1. The Subdivider shall convey the following to the Town:

- a. Block 7 for Road Widening on the east side of Anderson Street and north side of Conlin Road.

2.2. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the Master Transportation Study (MTS) as it relates to:

- a. Sight distance/decision sight distance/stopping sight distance analysis for the location of Street 'A' at Conlin Road.
- b. The final right-of-way width, turning lane requirements, visibility triangles, alignment, and horizontal and vertical design of the Anderson Street – Conlin Road intersection.
- c. The final right-of-way width, turning lane requirements, visibility triangles, alignment, and horizontal and vertical design of the Conlin Road – Street 'A' intersection.
- d. Visibility triangles are to accommodate the ultimate intersection requirements.

2.3. The Subdivider shall be responsible for sidewalk and/or multi-use path installation in the following locations:

- a. 1.8m wide sidewalk concrete on the east side of Anderson Street along the frontage of the proposed development;
- b. 3.0m wide asphalt multi-use path on the north side of Conlin Road along the frontage of the proposed development;
- c. 2.5m wide asphalt multi-use trail within the adjacent Hydro corridor; and,
- d. 1.8m wide concrete sidewalk on both sides of all other streets.

2.4. The Subdivider shall revise the SAS Sub-Area 5 to address the KSGS peer review comments, dated May 26, 2021 (Attachment 2), including any resultant plan changes, all to the Town's satisfaction.

2.5. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.

2.6. The Subdivider shall be fully responsible for the reconstruction/widening of Anderson Street to accommodate any of the MTS identified intersection improvement requirements to support the development, while maintaining the existing 2-lane rural cross-section and on-road bike lanes.

The subdivider shall be responsible for the construction of a 1.8m wide concrete sidewalk on the east side of Anderson Street. Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan. Priority shall be given to placing these facilities at their ultimate location and grade where feasible while maintaining the existing road cross-section.

Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.

Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4-lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages may be accommodated.

2.7. The Subdivider shall be fully responsible for the reconstruction of Conlin Road from Anderson Street to the east limit of development to a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a 1.8m sidewalk on the south side, on-road bike lanes, and any required turning lanes and entrance works required to support the development.

2.8. The Subdivider shall be responsible for the implementing the recommendations of the MTS, including but not limited to, installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls on Anderson Street and Conlin Road and the ultimate traffic signals on Anderson Street.

Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.

2.9. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

2.10. The Subdivider shall provide an updated Master Transportation Study (MTS) to address the May 11, 2021, Paradigm peer review comments (Attachment 3) prior to or with the submission of detailed engineering drawings:

- a. The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'A' and Street 'B' to support safe travel speeds and a comfortable environment for all users.
- b. Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO)) at Anderson Street / Street 'C'/Street 'AE' and Conlin Road/Street 'F'/Street 'H'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.
- c. While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
- d. As part of the MTS the consultant has identified that the intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.

2.11. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing and maintaining both temporary and permanent signage and pavement markings for the development.

2.12. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.

2.13. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices. Construction traffic shall be restricted to time windows that do not conflict with the typical peak school drop-off and pick-up times of the nearby school(s).

2.14. The Subdivider shall implement all recommended noise control measures identified in the Noise Impact Study and revise the plan as required to accommodate recommended noise control measures prior to registration.

2.15. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.

2.16. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.

2.17. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.

2.18. A second public access may be required for the subdivision until Street 'B' is fully constructed and extended to Street 'A'. Any lots or blocks affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots or blocks to be placed on 'Hold' will be determined at the engineering design stage.

2.19. The Subdivider shall be responsible for providing service connections, and a suitable storm drainage outlet, for flows associated with the future development of Blocks 5 and 6, to the satisfaction of Engineering Services.

2.20. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.

2.21. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.

2.22. Construction phasing of the development shall be to the satisfaction of Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

Construction staging details will be required for the proposed servicing and road work on Conlin Road and Anderson Street, including coordination with the proposed adjacent developments and the Region of Durham.

2.23. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The first engineering submission will not be reviewed until it is confirmed that the drawing set-up conforms to this requirement.

2.24. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

2.25. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.

2.26. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.

2.27. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

2.28. Any concerns raised through future re-submissions of the geotechnical report for the site shall be addressed by the Subdivider to the satisfaction of the Public Works Department. This includes, but is not limited to, pavement design specifications based on street classifications, confirmation of design parameters and preliminary layout for LID measures, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

2.29. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

2.30. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.

2.31. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

2.32. The Subdivider shall be responsible for satisfying any additional requirements identified by Engineering Services not specifically listed above.

All other items related to the subdivision can be addressed through the subdivision agreement process following Draft Plan Approval.

B. Informational Comments

3. The following items can be addressed through the Engineering Submission and Subdivision Agreement process:

3.1. An initial deposit for the Engineering Review Fee in the amount of \$9,686.50 (plus HST) or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater, shall be paid to the Town prior initiating processing of the engineering drawings. Any balance owing of the final Engineering Review Fee shall be paid at the earlier of, third engineering submission or prior to final approval of the engineering drawings by the Town.

3.2. It is noted that the runoff coefficients specified within the Town's Design Criteria and Engineering Standards are minimum values to be utilized for sizing of the storm sewer system. Sample calculations shall be provided for all housing types (not just

single detached) and shall be demonstrated by the consultant that the use of these minimum values is appropriate for the subject development. If required, the values shall be increased to represent the actual development proposal.

Ensure that the runoff coefficients in the Functional Servicing and Stormwater Management Report meet the minimum Town Design Criteria, unless otherwise approved as noted above.

3.3. Functional Servicing and Stormwater Management Report:

Unless significant changes are made to the Draft Plan a revised FSSR is not required therefore, comments provided below are to be considered as part of the detailed engineering design and Stormwater Management Report submission following Draft Plan approval.

a. Report comments:

1. The servicing of the subject Draft Plan of Subdivision is wholly dependant on the downstream development to the north. This development must be constructed after the downstream services are in place and accepted by the Town.
2. The use of rear yard catch basins (RYCBs) is to be minimized. Every effort shall be made during the detailed grading design to eliminate the need for RYCBs through the use of mixed lot drainage types (i.e. pairing rear to fronts or pairing rear to fronts with split draining lots). If required, a minimum 3.0m wide easement as per Town Standard 107.20 shall be used for all RYCBs.
3. Section 4.3 to reflect Town Design Criteria requirement that both front and rear roof leaders for townhouse units be connected to the storm sewer system unless otherwise directed. Clearly indicate the location of all proposed Low Impact Development measures.
4. The profile design for the proposed grading within Conlin Road and proposed Street 'F' (in the adjacent development) shall be coordinated. For external road improvements, proposed lot grades are to match future boulevard elevations along the ultimate right-of-way.
5. Intersection grading is to include vertical curves to minimize the depth of low points to reduce any potential flooding in the event of catch basin blockage. Ensure catch basins are located at low points, and that the start / end of vertical curves are just beyond the edge of the adjacent travelled lane, including allowance for future improvements on Anderson Street and Conlin Road. Single catch basins are suitable at intersection low points.

6. Subdivider to clarify which uncontrolled storm areas are directed to Anderson Street and Conlin Road. Applicant to confirm that the pre-development condition is not adversely affected.
7. The SAS indicates that runoff from Conlin Road is to be directed to SWM Pond L4. However, the FSSR does not account for Conlin Road (EXT-5). The grading, servicing and stormwater management designs are to account for drainage from Conlin Road.
8. Please clarify the overland flow direction from the lands adjacent to this site and how they will interact with each other.
9. Provide conceptual servicing and grading details to illustrate internal and/or external servicing for Blocks 5 and 6 and include additional information on Functional Grading Plan (FGP) and Functional Servicing Plan (FSP) to clarify these requirements. Entrance locations are subject to the Site Plan Application and approval process and currently have no status.
10. Incorporate in the FSSR report typical Right-of-Way cross sections.
11. Preliminary storm design sheets have not been provided so it is unclear if pipes are properly sized and if they have proper cover.

b. Functional Grading Plan (FGP) comments:

1. The design criteria specified in the Town of Whitby design standards Table C3.01 shall be used. Specific revision to the FGP include but are not limited to:
 - a. Intersection through grades in the FGP exceed Table C3.01
 - b. Sight distance analysis for the Conlin Road – Street ‘A’ intersection.
2. Provide additional information for the proposed grading on Conlin Road and Anderson Street including:
 - a. Impact of grading activities on adjacent roadside ditches and properties and on the intended transition between the existing boundary grades and proposed elevations along the ROW limits. Provide cross sections to clarify the grading intent for the transition from the site to the interim and ultimate boulevard elevations.
 - b. Vertical curve for proposed vertical point of intersection (VPI) at the intersection of Street ‘A’ and Conlin Road and at the intersection of Street ‘B’ and Anderson Street.
3. Provide vertical curve K-Value for all proposed vertical curves to show compliance with Table C3.01.

4. Clarify limits of proposed work and temporary measures to tie into existing conditions.

3.4. To address lot level low impact development (LID) recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.

3.5. The Consultant is to provide the Town with a dual drainage (minor/major system) storm model for the entire development using Personal Computer Stormwater Management Model (PCSWMM) as part of the detail design and confirmation of HGL elevations.

3.6. The use of Inlet Control Devices (ICDs) is discouraged and shall be limited to roadway sags, as per Town requirements, to the greatest extent possible. The model shall illustrate the implications of conventional ICD placement at CBs, per Town standards and documentation regarding the recommended use of ICDs within the proposed subdivision shall be provided.

3.7. Site specific comments for the block developments will be subject to Site Plan application and review.

3.8. On-road cycling facilities are to be integrated with the Community Services trails network at locations where off-road facilities are provided (e.g. signage, rest stops and/or other enhancements).

3.9. Noise fence/barrier design may need to accommodate surface drainage outlets depending on the lot type and grading design. At the design stage, once detailed grading information is available, a letter will be required from the noise consultant to confirm that the recommendations of the Noise Report provided for the development remain relevant to the accepted grading.

Any transition in height of the noise barrier is to occur at lot lines so that the noise barrier height across individual lots is consistent.

3.10. The Subdivider shall address mail delivery provisions for any proposed phasing of the development as required.

3.11. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.

3.12. The Subdivider shall provide a Topsoil Management Plan at the detailed design stage and place lots on hold as required to facilitate the topsoil stockpile. Every effort shall be made to minimize stock piling of excess topsoil.

3.13. Per the recommendation within the Sub Area Study, topsoil thickness for landscaped areas within the development is to be increased.

3.14. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

3.15. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

This concludes the conditional comments of Engineering Services.

Strategic Initiatives (Sustainability)

Sustainability Staff acknowledge and appreciate the updated Whitby Green Standard (WGS) Checklist and Sustainability Rationale Report. However, we will require that the WGS Checklist and Sustainability Rationale Report be updated based on comments below to demonstrate that the requirements of Tier have been satisfied.

Whitby Green Standard Draft Plan of Subdivision Checklist

Please update the WGS Checklist, in the following areas:

- SW1.5, LSF1.1 and TT1.4 – These three criteria are missing from the WGS Checklist. Please note that only Town of Whitby staff can determine if criteria can be determined not applicable and this decision is made based on the explanations provided within the completed Green Standard Checklist. As such, please update the Checklist to provide a description of why it is believed that these criteria are not applicable so that we can make an informed decision.
- TT1.1, TT1.2 & TT1.5 – Please provide details on how these criteria are being met.

It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4 of the Whitby Green Standard. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

Sustainability Rationale Report

Please update the Sustainability Rationale Report based on the comments below:

- In the Executive Summary, please ensure the municipal address is correct and confirm the number of common element condominium townhouses is 82 and not 88 as listed in the “Proposal” section above.
- When reviewing the Whitby Green Standard, it wasn’t clear that any Tier 2 to 4 criteria have been met, so please revise the Checklist to include this or update the sentence, “In certain instances, additional Tier 2 to 4 criteria have been met, where practically possible, to achieve higher-performance sustainable development on a voluntary basis” in the executive summary section.
- Section 5.3 states “The mandatory performance measures, a description of how the proposal meets the standards and their related reference document(s) in provided in the table below”, however there is no table provided.

Landscape Section

In response to the proponent’s Tree Preservation Plan and Arborist Report, both are acceptable. Detailed comments will be provided at the future Site Plan Application stages.

Fire and Emergency Services

A firebreak layout shall be submitted to the fire department for review and approval prior to site plan application.

The location of all fire hydrants for the subdivision shall be indicated on the site plan.

Fire route signs shall be provided for the Common Element Condominium (Block 5) and the fire route signage shall be indicated on the site plan.

Region of Durham – Planning

The applicant proposes to rezone the subject lands from ‘A’ – Agricultural zone to appropriate residential categories to facilitate a subdivision development consisting of 137 residential units over 4.05 hectares (ha). A breakdown of the following land uses is provided below:

- Four street townhouse blocks totaling 29 units over 0.7 ha (Previously 30 units);
- One common element townhouse block totaling 82 units over 1.66 ha (previously 88 Units);

- One mixed use block supporting a three-storey building with 20 residential units, 43 townhouses and 929 square metres of grade-related commercial floor space over 0.94 ha;
- Road widening blocks covering 0.26 ha;

Conformity to the Durham Regional Official Plan (ROP)

The ROP designates the subject lands as “Living Areas” within the Urban System. The subject lands are also situated within the built boundary of the Whitby Urban Area.

Living Areas are intended to accommodate a full range of housing options at higher densities. Neighbourhood commercial uses such as convenience stores, home occupations, limited office uses and retailing of goods and services as components of mixed-use developments are also permitted within this designation.

The ROP classifies Anderson Street and Conlin Road as Types ‘B’ and ‘C’ Arterial Roads. Policy 11.3.35 of the ROP requires new development applications that abut arterial roads where access opportunities are limited to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

The proposed development will increase the residential density on the subject lands to approximately 86 units per gross hectare, which will contribute to the allocation of units for intensification as outlined in Schedule E – Table ‘E9’ of the ROP.

The ultimate development of the proposed plan of subdivision will contribute to the Town’s residential growth targets and provide for an array of housing options in general conformity to the Living Areas permissions of the ROP.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

The Provincial Policy Statement (PPS) contains policy direction on matters of Provincial interest related to land use planning. The PPS encourages settlement areas to be the focus of growth and development and supports a range and mix of land uses and housing types. New development in designated growth areas are to be compact and allow for the efficient use of land, infrastructure, while also supporting the health and well-being of communities. The PPS aims to also ensure no land use compatibility issues between residential and industrial land uses.

The proposed development provides a range of housing types allowing for compact, efficient use of land and infrastructure. However, consistency with the PPS will be

determined once the Region completes its peer review of the proponent's Land Use Compatibility Study.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

In accordance with Policy 2.2.2.2 of the Growth Plan, a minimum of 40 percent of all residential development occurring annually in the Region must be within "Built-up Areas." Policy 2.2.7 requires all new development within designated greenfield areas to accommodate a minimum density target of 50 residents and jobs combined per hectare.

The Growth Plan also requires all intensification areas to support vibrant neighbourhoods by providing a diverse and compatible mix of land uses, including residential and employment uses.

As previously noted, subject lands are almost equally within both Whitby's "Built-up Area" and the designated Greenfield Area. The proposal will help contribute to the annual intensification targets and designated greenfield minimum density targets for the Town of Whitby and the Region, as well as provide a diverse and compatible mix of land uses within the Brooklin Urban Area. As such the proposal generally conforms with A Place to Grow.

Provincial Plan Review Responsibilities

Environmental Site Screening Questionnaire

The proponent has submitted a Regional Site Screening Questionnaire (SSQ) form for Identifying Potentially Contaminated Development Sites. In accordance with the Region's Soil and Groundwater Assessment Protocol, where new lots are created, the proponent's Qualified Person (QP) must review and the SSQ's results and affix their professional stamp on the form.

Depending on the QP's findings on the SSQ form, the proponent may be required to provide additional Environmental Site Assessment work in accordance with the Region's Site Contamination Protocol.

We note that the above-noted documents will have to be updated periodically at the Region's discretion and can be included as a future condition of draft approval.

Archaeological Site Assessment

According to the Region's archaeological modelling tool, the subject lands are within an area of high archaeological potential.

The applicant has submitted a stage 1 and 2 Archaeological Assessment dated October 23, 2017. The applicant also submitted clearance letter from the Ministry of Tourism, Culture and Sport.

The Ministry's clearance indicated that the Stage 1 and Stage 2 reports have been entered into the Ontario Public Register of Archaeological Reports.

The Ministry has also indicated that a comprehensive Stage 3 Archaeological Assessment must be undertaken, in accordance with the 2011 Standards and Guidelines for consultant Archaeologists set by the Ministry, prior to any intrusive activity that may result in the destruction or disturbance to the archaeological site documented in this assessment. The Stage 3 AA should be conducted to define the site extent, gather a representative sample of artifacts, and aid in the determination of a Stage 4 mitigation strategy.

Irvin Heritage Inc. (IHI) prepared a Stage 3 Archaeological Assessment dated November 11, 2019 for two archaeological sites on the subject lands [known as the Wilkinson Site (AIGr-479) and the Fringe Site (AIGr-480)]. The results of IHI findings identified that both sites contained low Cultural Heritage Value or Interest. As such, IHI recommended that the sites are no longer of archaeological concern.

As such, we have no concerns with IHI's findings but will require the proponent to provide a clearance letter from the Ministry of Heritage, Sport, Tourism and Culture that recognizes that the supporting report were prepared in accordance with the Ministry's requirements.

The proponent will be required to provide the above-noted information to the satisfaction of the Region of Durham.

This can be included as a future condition of draft approval.

Species-at-Risk Screening Assessment

Beacon Environmental (Beacon) prepared a Species-at-Risk Screening Assessment dated March 31, 2021 for the subject lands. The assessment reviewed 18 flora and/or fauna species that were threatened/endangered and were also considered possible suitable habitat or occurrence records within 5 kilometres (km) of the subject lands.

Beacon concluded that there is a possible suitable habitat for six species and that seasonal surveys will be completed to confirm the presence or absence of species at risk avian species.

An updated letter dated October 27, 2021, was submitted from CLOCA stating that they have no issues granting approval of the proposal a, subject to the proponent satisfying the conditions outlined in their October 27th letter.

Land Use Compatibility

The subject lands are also in proximity to industrial uses within an Employment Area. The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less sensitive than the proposed residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility.

A Land Use Compatibility study was submitted prepared by Cambium, dated May 4, 2023, and Noise study was submitted prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

The Region is generally satisfied that the principle of development can be supported on the subject lands. In accordance with the Region's practices, a peer review of the submitted reports shall be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region of Durham.

Conclusion

The proposed subdivision and zoning by-law amendment applications will facilitate the development of 348 residential units and provide a range of housing types in conformity with the ROP.

A consolidated LUC and Noise Mitigation Study was submitted to the Region and concludes the proposed residential uses would meet applicable provincial standards and guidelines. As such, the Region is satisfied this matter may proceed to the draft approval stage. However,

in accordance with regional requirements, a peer review of the submitted reports will need to be conducted. The peer review and any of its findings and/or recommendations must be addressed to the satisfaction of the Town of Whitby and the Region of Durham prior to registration.

Accordingly, the Region offers the following conditions of draft approval of the plan of subdivision application. The attached conditions of approval are to be fulfilled to the satisfaction of the Region prior to registration of the plan of subdivision.

The Town of Whitby should also be advised that the Owner must provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region of Durham. The land use table should confirm the lot area calculations for the proposed land use(s), as well as the total number of units and parking allocated within the draft plan of subdivision.

Region of Durham – Works

The theoretical servicing population for the townhouses is approximately 483 people. Without knowing the unit break down (e.g., the number of 1- bedroom units, number of 2-bedroom units etc.) for the apartment building, we cannot determine the proposed population for this development at this time. However, if the Regional Design Criteria is used for a 2-bedroom unit of 2.5 persons per unit, the theoretical population for the 20-unit apartment building would be approximately 50 people.

As such, we estimate that the total approximate theoretical population for the subject property is 533 people. As part of a subsequent submission of this draft plan of subdivision, the proponent shall provide a detailed unit breakdown for our review.

Municipal Servicing

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way. The Region will not permit the construction of sanitary sewer and water mains within the rear laneways.

In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system.

Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

Water Supply

The subject lands are located within the Zone 3 water supply system for Whitby (Brooklin). The estimated static water pressure for this area ranges between 500 kilopascals (kpa) or 70 pounds per square inch (psi) to 627 kpa (91 psi). The estimated static water pressure in parts of the site exceeds the maximum allowance of 550 kpa (80 psi), therefore, private pressure reducing valves will be required within each unit fronting a centreline road elevation below 164 metres (m).

The following works must be completed for water servicing to be available:

- A 600 millimetres (mm) Zone 3 feedermain on Conlin Road from Anderson Street to the Region owned driveway, just west of Garrard Road;
- A 900 mm Zone 3 feedermain on the Region owned driveway from Conlin Road to the Garrard Road Zone 3 Pumping Station;
- Upgrades of the Garrard Road Zone 3 Water Pumping Station; and
- A 400 mm Zone 3 feedermain on Anderson Street from Conlin Road to Clair Avenue.

The design of the sections of feedermain along Conlin Road, east of Thickson Road and along the Region owned driveway to the Garrard Road Zone 3 pumping station is currently underway. The details related to construction phasing and timelines are still being developed but this project is expected to be tendered in 2021.

It is our understanding that the sections of proposed Zone 3 feedermain on Conlin Road, west of Thickson, and Anderson Street from Conlin to Street A, along with the 400 mm diameter (dia.) watermain on Anderson Street from Street 'A' to the north side of highway 407 to Clair Avenue will be constructed by the developers.

Ultimately, the proposed development will require two water connections to the Zone 3 water supply system with a water feed from the east along Conlin Road and one water feed from the north along Anderson Street.

Details regarding implementation, timing and cost sharing will need to be discussed and confirmed.

The internal watermain sizing should be reviewed with the surrounding development applications. Currently, the Region anticipates that 300 mm watermains are likely on Streets 'F' and 'B' from the north abutting subdivision development (Whitby Subdivision Application file number S-W-2021-03).

Further review of the watermain sizing will be determined upon subsequent submissions.

Sanitary Servicing

Sanitary servicing to the subject lands will require the extension of a local sanitary sewer on Conlin Road from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street.

Based on a theoretical population of 533 people, the sanitary flow would equate to approximately 10 litres per second (l/s).

Brooklin Sanitary Diversion to the Courtice Water Pollution Control Plant

The existing trunk sanitary sewer located within the existing easement west of Anderson Street conveys sanitary sewage flows from Brooklin to the Corbett Creek Water Pollution Control Plant (WPCP).

As the Brooklin Urban Area expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is important to note that the Class EA that planned the Courtice WPCP included Brooklin within the service area.

Similarly, the recently completed Class EA that planned the Courtice Trunk Sanitary Sewer also included Brooklin within its service area.

The additional proposed servicing works are outlined within the current Development Charge Background Study at a conceptual level; however, they will be subject to further study as part of the Class EA for the diversion of sanitary sewage to service North Whitby and North Oshawa. This Class EA is underway and is anticipated to be completed late 2022 early 2023. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area, but this will need to be reviewed and may change as development within the Brooklin Expansion Area proceeds.

Function Servicing and Stormwater Management Report

In support of the proposed development, Candevcon prepared a Functional Servicing and Stormwater Management Report dated March 2021. We have reviewed this report and request that the report and associated Functional Servicing Plan (FSP) drawing reflect the above-noted comments.

Waste Management

Guidelines for municipal waste collection service on Private Property are outlined in Schedule "P" of the Regional Waste Bylaw 46-2011. The Region of Durham only provides recycling service in the Town of Whitby. The Town provides all other waste collection. The set out of waste by each unit within a new development must adhere to the Technical and Risk Management Guidelines, showing clear delineation of set out for each residential unit where waste collection will occur.

For additional information the link is provided below:

<https://www.durham.ca/en/doing-business/commercial-waste.aspx>

Any dead-end road(s) must be designed and built with a permanent or temporary, T-turn or Cul-de-sac. The turn arounds will be reviewed in detail at the Engineering review stage to ensure it complies with the Waste Bylaw 46-2011.

Currently, the Ontario Ministry of Environment, Conservation and Parks introduced a draft regulation under the Resource Recovery and Circular Economy Act, 2016. The regulation will make producers responsible for blue box programs' operation including collection, as part of the Province's full producer responsibility framework. Subject to the filing of the new regulation and amendments, the Region of Durham cannot confirm that it will be the recycling service provider for this development upon the completion of Durham Region's Blue Box program transition, anticipated to occur in 2024.

For additional information the link is provided below:

<https://www.ontario.ca/page/waste-management#section-1>

Durham Region Transportation

The proposed development was also reviewed from a Regional transportation operational and planning perspective. The BA Group prepared the Conlin-Anderson Master Transportation Study dated March 2021 in support of the proposed development and adjacent properties. We have reviewed this report and have provided the following comments.

1. The Master Transportation Study is in support of the Conlin-Anderson Comprehensive Block Plan (CBP), covering 5095, 5125, 5245 and 5034 Anderson Street. The CBP comprises of development of 1850 residential units, 10,000m² commercial and 400 pupil school, lands within the Brooklin Community Secondary Plan area.
2. The transportation network within the study area is all within the jurisdiction of the Town of Whitby, with no direct Regional Road impacts. However, the Region has been involved in the ongoing Mid-Block Arterial Road EA and the multi-resolution modelling process, undertaken by BA Group for the Brooklin North Landowners Group. The following comments/recommendations are for the Town to consider in determining if additional submissions or revisions are required.
3. Based on the proposed CBP design, the modelling zones were increased and updated in the development area. When comparing the original assumptions made in the modelling with the updated assumptions, as set out in Table 4 (Page 19) there is shown to be an overall decrease in the residential trips (and total trips) when compared.

4. To match the Region's standards for operation of signals, please ensure all modeling of signalized locations is in accordance with the following:
 - Minimum initial should be 8 seconds for side streets, 20 seconds for main streets, and 5 seconds for advance phases;
 - Permitted protected lefts should have an amber of 3 seconds and all red of 0 seconds;
 - Recall mode should be C-max for main street phases and none for side street (with actuation by stop bar detection), recalls for advances should also be none for main streets and side streets and actuated by detectors setback 15 m. All signals should have Anderson as main street and Conlin as side street.
 - Advise against the use of an advance left phase at shared left/through/right lane as was modeled at Anderson & Street 'T'/Street 'N'.
5. Sections 3.1 Proposed Network (pg. 11) and Section 6.0 Summary and Conclusions (pg. 39) – identify the inclusion of pedestrian and cycling amenities in the development to promote sustainable transportation. We recommended that 0.6 spaces/unit of long-term bicycle parking facilities and 0.1 spaces/unit or 3 spaces of short-term bicycle parking facilities be included at all properties and referenced in the report. We also recommended that both the longer term and short-term bicycle parking facilities be located near building / property entrances to help encourage sustainable transportation. The provision of bike parking and end-of trip facilities on the site of all properties can help encourage people to use active modes and engage in multi-modal transportation options for residents, visitors, and employees (for the mixed-use commercial property). Identifying bike parking and end-of-trip facilities can also help support Transportation TDM and achievement of sustainable mode share targets for the Town and Region. These comments should also be reflected in the associated site plan.
6. It is recommended that the proponent consider including Electric-Vehicle (EV) charging stations on site or "roughing-in" parking stalls for future ability to install charging stations for residents and/or visitors. Including EV charging stations can help support TDM and the achievement of sustainable mode share targets for the Town and Region.
7. To promote sustainable commuting options for businesses and employees located at the mixed-use commercial segment of the proposed development, we recommend that carpool priority parking spots be provided and that information about the Region's Smart Commute program for businesses and employers in Durham region to encourage sustainable transportation options.
8. Section 6.0 Summary and Conclusions (pg. 39) – indicate that current transit service in the area is limited and acknowledge that as the lands located in the Conlin-Anderson master plan area are developed, opportunities to expand transit

service may arise. It is recommended that the Figure 10 Connectivity Map (page 33) be updated to denote where sidewalks as well as current and future / potential transit stops adjacent to the site are located, to help identify pedestrian-transit connections and to the site. Durham Regional Transit (DRT) should be consulted on potential transit stop locations.

The above noted file was reviewed from a transit perspective, and Durham Region Transit has offered the following comments:

1. The subject area is currently served by On Demand transit. The route ahead transit plan includes Anderson Street as a potential local route once the demand for transit grows within the subject area. Based on this, please update the conceptual plan to protect for a northbound far side bus stop at the intersection of Anderson Street and Conlin Road. Please refer to the attached S-12 standard drawing;
2. Sidewalks are to be built along Anderson Street and Street "C" in tandem with this development; and
3. Further comments may be provided at the site plan stage for the mixed-use block regarding pedestrian connectivity and access to future transit.

Central Lake Ontario Conservation Authority

Further to our letter dated June 23, 2021, Central Lake Ontario Conservation Authority (CLOCA) has received all of the review fees required prior to issuance of conditions of draft plan approval. Given this, and the results of our review of the submitted documents and reports associated with the above-noted Planning Act applications please accept the following comments and recommendations.

Zoning By-law Amendment (Z-09-21)

CLOCA staff have no objection to any approval of the proposed zoning by-law amendment submitted as part of this proposal.

Draft Plan of Subdivision (SW-2021-04)

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading, construction or final approval of the plan, the Owner shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:

- a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.
 - b. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
 - c. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
2. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the Endangered Species Act and the Species at Risk Act will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP).
3. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
4. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
 - a. The Subdivider agrees to carry out the works referred to in Condition 1 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

Hydro One

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted subdivision application. As the subject land is abutting and/or encroaching onto a HONI high voltage transmission corridor (the

“transmission corridor”), HONI does not approve of the proposed subdivision at this time, pending review and approval of the required information.

Please be advised that the transmission corridor lands affected by the proposed development and identified as such herein are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of The Electricity Act, 1998, as amended. The owner of these lands is Her Majesty, The Queen In Right of Ontario, as represented by The Minister of Infrastructure (“MOI”). Ontario Infrastructure & Lands Corporation (“OILC”) as agent for the Province, must review and approve all secondary land uses such as roads that are proposed on these lands. HONI is currently acting as a service provider to OILC and undertakes this review on their behalf.

The comments detailed herein do not constitute an endorsement of any element of the subdivision design or road layout, nor do they grant permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

Should the developer require any use of and/or access to the transmission corridor at any time, the developer must contact Greg Gowan, Sr. Real Estate Coordinator at 416-527-3487 in order to ensure all of HONI’s technical requirements are met to its satisfaction and acquire any applicable agreements.

The following should be included as Conditions of Draft Approval:

1. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
2. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.
3. At the developer’s expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
4. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

5. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the Town of Whitby.

Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

In addition, HONI requires the following be conveyed to the developer as a precaution:

6. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

Oshawa Airport

1. The location appears to be within the approach surface of the Transport Canada Oshawa Executive Airport zoning. The proponent must ensure the maximum height of the development, all of its associated features and any cranes used do not exceed the maximum zoning as outlined in the Transport Canada Zoning Regulations for the Oshawa Executive Airport. We ask that the proponent prepare drawings that reflect the ASL elevations on-site with the completed structures, along with a drawing that shows the airport zoning overlaid on the property to ensure the structures and construction crane(s) are at or below the zoning.

2. The proponent will be required to submit an application to the NAV Canada land use process. No impact on the instrument approaches at the airport will be accepted. This would be for both the development and any cranes used to construct the development. We would want to see the response letter from NAV Canada illustrating no impacts.
3. The proponent must submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form. We would want to see the response letter from Transport Canada.
4. If the proponent requires a temporary obstacle (i.e. crane) to be above the maximum height(s) as permitted by zoning at any time during the construction project they must complete a Transport Canada – Temporary Zoning exemption request prior to construction.
5. The proponent shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace.
6. The proponent shall ensure the new structure(s) and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.
7. The applicant shall ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.
8. The proponent must undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify and noise mitigation measures which should be included in the building design and same must be included in the final building design.

Attachment #10**Conditions of Draft Plan of Subdivision Approval****File No. DEV-14-21 (SW-2021-04)**

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of approved draft plan of subdivision, prepared by Humphries Planning Group Inc., identified as drawing number 17511-A1, plotted August 23, 2023, which illustrates the following land uses: 29 freehold townhouses, 82 units for common element townhouses, one mixed used block supporting a three-story building with 20 residential units, and 43 townhouses, one reserve block, road widening's and municipal road.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Protocol.
5. The Subdivider shall carry out an archaeological assessment of the subject site and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
6. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the Acoustical Consultant's recommendations of the noise report, entitled "Environmental Noise and Vibration Study" prepared by Valcoustics and dated October 25, 2022, which specifies noise attenuation measures for the development. These measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date, and any revisions/addenda) and shall include warning clauses identified in the study.
7. Prior to registration the Subdivider shall demonstrate that the proposed uses comply with MECP LUC Guidelines and are in accordance with the findings of the peer review of the Land Use Compatibility study prepared by Cambium and dated May 4, 2023, and the Noise study prepared by Valcoustics and dated

October 25, 2022, to the satisfaction to the Region of Durham and Town of Whitby.

8. The Subdivider shall agree to implement any of the recommendations and mitigation measures contained in the "Land Use Compatibility Study - Air Quality", prepared by Cambium dated May 4, 2023, and/or any modifications stemming from the Region of Durham's peer review process in the Subdivision Agreement between the Subdivider and the Town of Whitby to the satisfaction of the Region of Durham.
9. The Subdivider shall submit plans showing the proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
10. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
11. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
12. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
13. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads, and other Regional services.
14. The Subdivider shall, to the satisfaction of the Region, revise the draft plan of subdivision based on the final Brooklin Major Roads Environmental Assessment with respect to all matters addressed therein, as may be required by the Region, including any impacts on sanitary sewerage, water supply, Regional roads and stormwater management facilities servicing Regional roads.
15. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:

16. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.
- a) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
 - b) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
17. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the Endangered Species Act and the Species at Risk Act will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP).
18. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
19. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
- a) The Subdivider agrees to carry out the works referred to in Condition 15 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
20. The Subdivider shall convey the following to the Town:
- a) Block 7 for Road Widening on the east side of Anderson Street and north side of Conlin Road.
21. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the Master Transportation Study (MTS) as it relates to:

- a) Sight distance/decision sight distance/stopping sight distance analysis for the location of Street 'A' at Conlin Road.
 - b) The final right-of-way width, turning lane requirements, visibility triangles, alignment, and horizontal and vertical design of the Anderson Street – Conlin Road intersection.
 - c) The final right-of-way width, turning lane requirements, visibility triangles, alignment, and horizontal and vertical design of the Conlin Road – Street 'A' intersection.
 - d) Visibility triangles are to accommodate the ultimate intersection requirements.
22. The Subdivider shall be responsible for sidewalk and/or multi-use path installation in the following locations:
- a) 1.8m wide sidewalk concrete on the east side of Anderson Street along the frontage of the proposed development;
 - b) 3.0m wide asphalt multi-use path on the north side of Conlin Road along the frontage of the proposed development;
 - c) 2.5m wide asphalt multi-use trail within the adjacent Hydro corridor; and,
 - d) 1.8m wide concrete sidewalk on both sides of all other streets.
23. The Subdivider shall revise the SAS Sub-Area 5 to address the KSGS peer review comments, dated May 26, 2021 (Attachment 2), including any resultant plan changes, all to the Town's satisfaction.
24. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.
25. The Subdivider shall be fully responsible for the reconstruction/widening of Anderson Street to accommodate any of the MTS identified intersection improvement requirements to support the development, while maintaining the existing 2-lane rural cross-section and on-road bike lanes.
26. The subdivider shall be responsible for the construction of a 1.8m wide concrete sidewalk on the east side of Anderson Street. Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan. Priority shall be given to placing these facilities at their ultimate location and grade where feasible while maintaining the existing road cross-section.

27. Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.
28. Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4-lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages may be accommodated.
29. The Subdivider shall be fully responsible for the reconstruction of Conlin Road from Anderson Street to the east limit of development to a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a 1.8m sidewalk on the south side, on-road bike lanes, and any required turning lanes and entrance works required to support the development.
30. The Subdivider shall be responsible for the implementing the recommendations of the MTS, including but not limited to, installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls on Anderson Street and Conlin Road and the ultimate traffic signals on Anderson Street.
31. Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.
32. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
33. The Subdivider shall provide an updated Master Transportation Study (MTS) to address the May 11, 2021, Paradigm peer review comments (Attachment 3) prior to or with the submission of detailed engineering drawings:
 - a. The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'A' and Street 'B' to support safe travel speeds and a comfortable environment for all users.
 - b. Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO)) at Anderson Street / Street 'C'/Street 'AE' and Conlin Road/Street 'F'/Street 'H'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.

- c. While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
 - d. As part of the MTS the consultant has identified that the intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.
34. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing and maintaining both temporary and permanent signage and pavement markings for the development.
35. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.
36. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices. Construction traffic shall be restricted to time windows that do not conflict with the typical peak school drop-off and pick-up times of the nearby school(s).
37. The Subdivider shall implement all recommended noise control measures identified in the Noise Impact Study and revise the plan as required to accommodate recommended noise control measures prior to registration.
38. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property Subdividers.
39. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.
40. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.

41. A second public access may be required for the subdivision until Street 'B' is fully constructed and extended to Street 'A'. Any lots or blocks affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots or blocks to be placed on 'Hold' will be determined at the engineering design stage.
42. The Subdivider shall be responsible for providing service connections, and a suitable storm drainage outlet, for flows associated with the future development of Blocks 5 and 6, to the satisfaction of Engineering Services.
43. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
44. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
45. Construction phasing of the development shall be to the satisfaction of Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
46. Construction staging details will be required for the proposed servicing and road work on Conlin Road and Anderson Street, including coordination with the proposed adjacent developments and the Region of Durham.
47. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The first engineering submission will not be reviewed until it is confirmed that the drawing set-up conforms to this requirement.
48. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.
49. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario

Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.

50. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
51. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
52. Any concerns raised through future re-submissions of the geotechnical report for the site shall be addressed by the Subdivider to the satisfaction of the Public Works Department. This includes, but is not limited to, pavement design specifications based on street classifications, confirmation of design parameters and preliminary layout for LID measures, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
53. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
54. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
55. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
56. The Subdivider shall be responsible for satisfying any additional requirements identified by Engineering Services not specifically listed above.
57. This development application may or may not be subject to a Parks Master Plan Agreement (PMPA) which is a cost sharing agreement between the Land Subdividers Group. The PMPA is intended to address the parkland dedication/cash-in-lieu of parkland and required park facilities for the subject plan and overall Brooklin Development Area. Should the Master Plan Agreement not get finalized or this land Subdivider is not part of the agreement, then;

58. The Town's will require the maximum rates for cash in-lieu for parkland dedication in accordance with the Planning Act as amended.
59. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes. The Subdivider will indicate these locations on the appropriate servicing plans.
60. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
61. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
62. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
63. The Subdivider shall prepare an updated Sustainability Rationale Report to the satisfaction of the Town of Whitby Strategic Initiatives Division.
64. Through the Site Plan / Plan of Subdivision Agreement, the Subdivider / Developer shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the Subdivider.
65. That the new home construction be designed to meet the Energy Star standards or equivalent.
66. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.
67. That the Subdivider covenants and agrees to enter into the cost sharing agreeing amongst the benefitting land Subdividers in accordance with Section 11.5.31.5 e) and f) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 67 upon receipt of a letter of clearance from the "Trustee" representing the Brooklin Cost Sharing Agreement.
68. The following clause shall be included in all offers of purchase and sale for all lots and blocks within the Subdivision Plan:

All purchasers are advised that the Subdivider/Builder within the subdivision plan are responsible for the maintenance of all unassumed roads which shall include but not be limited to snow plowing, salting/sanding, street sweeping, dust control

measures and repairs to the base coat of asphalt until the subdivision road allowances are assumed by the Town.

69. No building permits shall be issued for any lots or blocks until the Land Use Compatibility and Noise Study has been accepted by the Region of Durham and the Town.
70. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
71. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.
72. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
73. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
74. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval. Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the Town of Whitby. Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

75. The Subdivider is required to submit an application to the NAV Canada land use process. No impact on the instrument approaches at the airport will be accepted. This would be for both the development and any cranes used to construct the development. We would want to see the response letter from NAV Canada illustrating no impacts.
76. The Subdivider must submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form. We would want to see the response letter from Transport Canada.
77. If the Subdivider requires a temporary obstacle (i.e. crane) to be above the maximum height(s) as permitted by zoning at any time during the construction project they must complete a Transport Canada – Temporary Zoning exemption request prior to construction.
78. The Subdivider shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace.
79. The Subdivider shall ensure the new structure(s) and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.
80. The Subdivider shall ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.
81. The Subdivider must undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify and noise mitigation measures which should be included in the building design and same must be included in the final building design.

Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

- a) The Regional Municipality of Durham, how conditions 1-14 have been satisfied;
- b) The Central Lake Ontario Conservation Authority, how conditions 15-19 have been satisfied;
- c) Hydro One, how conditions 70-74 have been satisfied;
- d) City of Oshawa, how conditions 75-81 have been satisfied.

Note: Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. This approval may be extended pursuant to

Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the Subdivider wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of the request, shall apply.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 09-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

J. Malfara, MCIP RPP

(Acting) Supervisor, Zoning and
Regulation, Principal Planner

1.0 Recommendation:

1. That Council approve Amendment 133 to the Whitby Official Plan, regarding the updated Whitby Official Plan and Secondary Plans, as shown on Attachment #1 to Planning and Development Report PDP 09-24, and that a by-law to adopt Amendment 133 be brought forward for Council's consideration;
2. That the Clerk forward a copy of Planning of Planning and Development Report PDP 09-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment 133 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and
3. That the Clerk send a Notice of Council's decision regarding adoption of Amendment 133 to those persons and agencies who have requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

2.0 Highlights:

- At the June 5, 2023 Committee of the Whole meeting, Council authorized Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 - Parent Official Plan (OP) and Part 2 - Secondary Plans and Schedules.
- The Proposed Official Plan Amendment (OPA) consists of the following:
 - Minor text changes to policies for consistency and alignment with Part 1; consistent use of terminology and policy language; consistency of land use designations/permissions; elimination of policy duplication; and relocation/reorganization of certain policies within the current Official Plan (OP); and
 - Minor mapping changes to Schedules, including consistent use of symbology/colours/hatching/line types; consistent land use designations; and minor boundary adjustments to reflect as-built/implemented development.
- The housekeeping and technical OPA will provide alignment, consistency and further clarification of policy intent and will not significantly change the intent of any existing policies.
- The housekeeping and technical OPA is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan as required by Section 26 of the Planning Act.
- On December 6, 2023 a Statutory Public Meeting regarding the Draft Proposed Official Plan Amendment was conducted. There were no deputations made at the meeting in relation to the proposed OPA. Based on public, stakeholder, and agency feedback provided to date, a final recommended Official Plan Amendment has been prepared (refer to Attachment #1).
- It is recommended that Council approve the housekeeping and technical Amendment to the Whitby Official Plan, as outlined in Attachment #1.

3.0 Background:

The Official Plan (OP) consists of two key sections/parts: Part 1 - Official Plan; and Part 2 - Secondary Plans. OP Policies address important community-building directions, including but not limited to:

- Where should housing, industry, offices, shops, and new roads be located;

- What parts of the Town will be the focus for population growth and what development will look like related to height and density (e.g., major transit station areas, along major roads, within our downtowns);
- Which community uses are needed and where (e.g. hospitals, schools, parks and trails, community centers, active transportation routes);
- Where and how important features of both the natural and urban environment should be protected (e.g. ravines and woodlands, cultural heritage properties, waterfront lands); and,
- What must be considered for growth and development to occur in a sustainable manner and allow for safely designed neighbourhoods.

Part 1 of the OP, generally referred to as the "parent" section of the Official Plan, provides general policy directions and a planning framework to guide the development of the Municipality and the assessment and management of the social, economic, and environmental impacts of growth in the Municipality.

Part 2 of the Official Plan includes Secondary Plans, which provide more detailed land use designations and policies for specific communities/areas, regarding such matters as development densities, supporting facilities, school sites, parks, road network, etc. In instances where the policies and designations included in the Secondary Plans vary with the policies in Part I, the more specific and detailed policies of the Secondary Plans prevail, provided the overall intent of the Official Plan is maintained.

The OP currently includes 12 Secondary Plan areas, as follows:

1. Port Whitby Community Secondary Plan;
2. Lynde Shores Secondary Plan;
3. Downtown Whitby Secondary Plan;
4. Rossland/Garden Urban Central Area Secondary Plan;
5. Brooklin Community Secondary Plan;
6. Macedonian Village Secondary Plan;
7. Hamlet of Ashburn Secondary Plan;
8. Brock/Taunton Major Central Area Secondary Plan;
9. Thickson/Taunton Major Central Area Secondary Plan;
10. Taunton North Community Secondary Plan;
11. Oak Ridges Moraine Secondary Plan; and,
12. West Whitby Secondary Plan.

In 2018, OPA 105 regarding the Town's previous Municipal Comprehensive Review (MCR) was approved. OPA 105 involved extensive consultation including public open houses, a public opinion survey, public workshops on various themes, and Statutory public meetings on Proposed Amendments to the OP.

In addition, recent updates have been approved for the West Whitby Secondary Plan, the Port Whitby Community Secondary Plan, and the Brooklin Community Secondary Plan. Most recently, Council adopted, and the Region approved, an amendment to update the Downtown Whitby Community Secondary Plan. Also, Council recently adopted OPA 130 regarding Mature Neighbourhoods (under appeal), to introduce new policies into the OP to aid in managing appropriate residential infill/intensification in mature neighbourhoods within specific areas of the Town.

With the recent introduction and/or updates of certain Secondary Plans (e.g. Brooklin, Downtown Whitby, Port Whitby) and with the completion of the Mature Neighbourhoods Study in advance of the MCR, it was timely and appropriate to initiate a housekeeping and technical Amendment to ensure alignment and consistency of land use designations and policies across both Part 1 - parent OP, and Part 2 - Secondary Plans.

4.0 Discussion:

4.1 Region of Durham Official Plan (2023 Municipal Comprehensive Review)

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan, which was prepared as part of the Regional Municipal Comprehensive Review "Envision Durham". The new Regional Official Plan (ROP) is not yet in full force, as final approval is pending from the Ministry of Municipal Affairs and Housing (MMAH).

The housekeeping and technical amendment to the OP will not replace the broader MCR of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. The Town's pending MCR exercise will be required to reflect policy changes and directives resulting from Durham Region's new ROP, once ministerial approval is received, as well as any changes to Provincial Plans or legislation. This initiative is currently underway as part of a separate Planning project.

4.2 Overview of Recommended Official Plan Amendment 133

Planning and Development staff are recommending minor housekeeping and technical revisions and updates to relevant sections of Part 1 parent OP and certain Part 2 Secondary Plans (refer to Attachment #1). Some Secondary Plans will be deleted in their entirety where appropriate, with certain policies

relocated accordingly, while others will be refined for alignment and consistency with the parent Part 1 and other Part 2 Secondary Plans.

4.2.1 Policy (Text) Amendments to the Official Plan and Secondary Plans:

The following provides an overview of the minor housekeeping and technical text changes to Parts 1 and 2 of the OP:

- Clarification of policies regarding intent;
- Consistency and alignment of policies and terminology, including policy language/phrasing to reflect new changes in Planning legislation, land use permissions, densities and/or heights, where appropriate;
- Maintaining unique land use permissions, densities and/or heights where Secondary Plans are more detailed and specific; and,
- Minor reorganizing/restructuring/cross-referencing for better readability, and renumbering of sections accordingly, where policies are revised/relocated.

4.2.2 Schedule (Map) Changes:

Mapping changes include:

- Minor revisions/updates to reflect as-built/implemented land use designations, symbols, road networks, etc.;
- Updates to infrastructure and utility locations;
- Relocation of various symbols to reflect as-built/implemented conditions, where appropriate;
- Administrative changes, including changes to map legends;
- Consistency of colours for land use designations and boundary line types, to ensure maximum clarity, ease of interpretation, and consistency with other schedules in the parent Official Plan; and,
- Relabeling of Schedules accordingly, where Secondary Plans have been deleted.

4.2.3 Part 2 Secondary Plan Deletions:

Many of the Secondary Plan areas have been substantially built-out and certain Secondary Plans are no longer required where the parent OP policies and land use designations would continue to apply. The following

Secondary Plans will be deleted in their entirety, with select policies to be relocated to Part 1 of the OP:

- Rossland / Garden Urban Central Area Secondary Plan;
- Macedonian Village Secondary Plan;
- Hamlet of Ashburn Secondary Plan; and,
- Thicksen / Taunton Community Central Area Secondary Plan.

Although certain Secondary Plans are proposed to be deleted, select policies that are still applicable from those Secondary Plans will be modified and relocated to appropriate sections elsewhere within Part 1 of the Official Plan or within other Secondary Plans. In all other cases, the parent land uses policies contained within the Part 1 of the OP as well as land use designations shown on Schedule A of the OP would apply.

4.2.4 Part 2 Secondary Plan Changes:

The following Secondary Plans are recommended be retained, however there would be minor revisions to provide consistency and clarity as described above:

- Brock / Taunton Major Central Area Secondary Plan;
- Taunton North Community Secondary Plan;
- Oak Ridges Moraine Secondary Plan; and,
- Lynde Shores Secondary Plan.

4.2.5 Part 1 Official Plan Changes:

The scoped and minor changes to Part 1 of the Official Plan, include:

- Revisions to Section 4.4.3.4.1 b) regarding a maximum density of 35 UPH permitted within the Low Density Residential designation, for consistency with other recently approved Secondary Plans and the Mature Neighbourhoods Study OPA;
- Revisions to Section 8.1.3.1.2 to permit Collector Roads to be added, modified, or deleted without Official Plan Amendment, subject to certain criteria;
- Revisions to the definition of Net Residential Density to include private laneways in the calculation of density;
- Minor housekeeping and technical revisions for alignment and consistency with Secondary Plans; and,

- Changes to mapping, to reflect as built conditions and the deleted Secondary Plans.

4.2.6 Secondary Plans Currently Not Under Consideration for Review:

Secondary Plans that will not have substantive revisions, if any, include:

- Port Whitby Community Secondary Plan;
- Downtown Whitby Community Secondary Plan, as adopted by Council and approved by the Region;
- Brooklin Community Secondary Plan; and,
- West Whitby Secondary Plan.

5.0 Input from Departments/Sources:

The Draft Proposed Official Plan Amendment 133 and supporting documents were circulated to commenting agencies as well as internal Town of Whitby Departments for review and comment.

Internal Departments

The following internal departments have no comments/no objections to the Official Plan Amendment application:

- Fire and Emergency Services Department;
- Engineering Services Division; and,
- Finance and Treasury.

External Agencies

The following external agencies have no comments/no objections to the Official Plan Amendment application:

- Durham District School Board;
- Durham Catholic District School Board;
- Durham French Public School Board;
- Durham French Catholic School Board;
- Hydro One;
- Enbridge;

- Trans Canada Energy;
- CN Rail;
- CP Rail;
- Metrolinx;
- Ministry of Transportation Ontario;
- Town of Ajax;
- City of Pickering;
- Township of Scugog;
- Town of Uxbridge;
- City of Oshawa; and,
- Superior Propane.

The following external agencies have provided the following comments.

Central Lake Ontario Conservation Authority Comments

It is CLOCA's understanding that this update is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. CLOCA further understands that the future MCR will be undertaken separately to reflect policy changes and directives resulting from Durham Region's Envision Durham MCR, as well as any relevant changes to Provincial Plans or Planning Policies at that time.

CLOCA has reviewed the draft proposed amendment and has no objection to approval, provided and has suggested revisions regarding certain policies related to required reports and studies (for consistency); and regarding terminology (for consistency).

Staff note that certain policies have been revised accordingly and other revisions will be addressed through the MCR (refer to Attachment #2).

Region of Durham Comments

The Region's review of the proposed Amendment did not identify any concerns, however, in an attempt to provide greater clarity with respect to lot creation on private or partial services, the Regional Health and Planning Departments recommend an update to Policy 4.11.3.3.

Staff have revised the policy accordingly (refer to Attachment #2)

6.0 Financial Considerations:

Not applicable.

7.0 Communication and Public Engagement:

A Public Information Meeting was held on December 6, 2023, providing the public and interested persons and agencies an opportunity to comment on the Official Plan Amendment. The meeting minutes are included in Attachment # 3. No public submissions were received at the Public Meeting.

Two (2) written submissions were received regarding the Draft Proposed OPA and potential impact on their privately-initiated development applications. The comments received from the two Interested Parties pertained to clarification surrounding amendments to the Low Density Residential section of the parent Part 1 Official Plan – more specifically what density (UPH) value was proposed. Staff have clarified with those Interested Parties that although the proposed revision to the density within the Low Density Residential designation within Part 1 of the Official Plan (S.4.4.3.1 (b)) was inadvertently omitted from the version presented at the Public Meeting, it has been revised to be consistent with Secondary Plans and the Mature Neighbourhoods Study OPA (i.e. changed from 30 UPH to 35 UPH in the parent OP).

Interested Parties have been notified of this meeting.

8.0 Strategic Priorities:

The housekeeping and technical Amendment will support Strategic Pillar 4: Whitby's Government of the Community Strategic Plan. More specifically it will advance Objective 4.4 by responsibly planning for growth through the implementation of necessary amendments to the Town's Official Plan.

9.0 Attachments:

- Attachment 1: Recommended Official Plan Amendment 133 with Tracked Changes
- Attachment 2: Comment-Response Matrix
- Attachment 3: Public Meeting Minutes, December 6, 2023

Attachment #1

Recommended Official Plan Amendment

Recommended Amendment #133

to the Town of Whitby Official Plan

Purpose: The purpose of this Amendment to the Town of Whitby Official Plan is to facilitate minor housekeeping and technical revisions to certain Part 2 Secondary Plans and Schedules, and related minor revisions to Part 1 Official Plan.

Location: The subject lands to which the Official Plan Amendment applies are all lands within the Town of Whitby and generally within the following Secondary Plan areas:

- Lynde Shores Secondary Plan;
- Rossland/Garden Urban Central Area Secondary Plan;
- Brooklin Community Secondary Plan;
- Macedonian Village Secondary Plan;
- Hamlet of Ashburn Secondary Plan;
- Brock/Taunton Major Central Area Secondary Plan;
- Thickson/Taunton Community Central Area Secondary Plan; and,
- Taunton North Community Secondary Plan.

Basis: This Town-initiated Amendment includes minor housekeeping and technical revisions and updates to relevant sections of Part 1 Parent Official Plan and certain Part 2 Secondary Plans. Some Secondary Plans are being deleted in their entirety where appropriate, with certain policies relocated accordingly, while others are being refined for alignment and consistency with the parent Part 1 Official Plan, and other Part 2 Secondary Plans.

The housekeeping and technical Amendment is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act.

The housekeeping and technical Amendment includes:

1. Policy (text) changes to the Official Plan and Secondary Plans, including:
 - Deletion of select Secondary Plans where such areas have been substantially builtout;
 - Clarification of policies;
 - Consistency/alignment of policy language, terminology, phrasing, land use permissions, densities, and heights etc., amongst Part 2 Secondary Plans and Part 1 parent OP, where appropriate;
 - Maintaining specific land use permissions, densities and/or heights where Secondary Plans are more detailed and specific; and
 - Minor reorganizing, restructuring, cross-referencing, and renumbering, where required.
2. Schedules (maps) changes, including:
 - Deletion of select Secondary Plan schedules where such areas have been substantially built out;
 - Minor revisions/updates to reflect as-built and/or implemented land use designations and symbols, infrastructure and utility locations, road network, etc.; and
 - Consistency of map formats amongst Secondary Plans, including map legends, line types, boundaries, colours, hatching, etc.

Actual Amendment:

The Town of Whitby Official Plan is hereby amended as follows:

1. By deleting Section 11.4 and Schedule J – Rossland Garden Urban Central Secondary Plan, Section 11.6 and Schedule L – Macedonian Village Secondary Plan, Section 11.7 and Schedule M – Hamlet of Ashburn Secondary Plan, and Section 11.9 and Schedule O – Thickson/Taunton Community Central Area Secondary Plan, and by re-numbering subsequent Sections accordingly, and re-lettering Schedules accordingly;
2. By replacing Schedule “A” – Land Use with a new Schedule “A” – Land Use, by removing the

decommissioned Hydro Corridor, and to reflect as built conditions and other refinements, as shown on the attached Exhibit 'A';

3. By amending Schedule "B" – Intensification, by removing the decommissioned Hydro Corridor, as shown on the attached Exhibit 'B';
4. By amending Schedule "C" – Environmental Management, by removing the decommissioned Hydro Corridor, as shown on the attached Exhibit 'C';
5. By amending Schedule "E" – Secondary Plans and Community Improvement Areas, by deleting select Secondary Plan areas, as shown on the attached Exhibit 'D' and 'E';
6. By replacing Schedule "G" – Lynde Shores Secondary Plan with a new Schedule "G" – Lynde Shores Secondary Plan, to reflect as built conditions and other refinements, as shown on the attached Exhibit 'F';
7. By replacing Schedule "N" – Brock/Taunton Major Central Area Secondary Plan with a new Schedule "N" – Brock/Taunton Major Central Area Secondary Plan, to reflect as built conditions and other refinements, as shown on the attached Exhibit 'G';
8. By replacing Schedule "P" – Taunton North Community Secondary Plan Land Use with a new Schedule "P" – Taunton North Community Secondary Plan Land Use, to reflect as built conditions and other refinements, as shown on the attached Exhibit 'H';
9. By replacing Schedule "Q" – Taunton North Community Secondary Plan – Environment with a new Schedule "Q" – Taunton North Community Secondary Plan - Environment, to reflect as built conditions and other refinements, as shown on the attached Exhibit 'I'; and
10. By amending Part 1 of the Town of Whitby Official Plan, with additions in green underlined text, and, deletions in red strikethrough text, as shown on the attached Exhibit 'J';
11. By amending Part 2 of the Whitby Official Plan, Section 11.2 - Lynde Shores Secondary Plan, Section 11.8 - Brock/Taunton Major Central Area Secondary Plan;

12. Section 11.10 - Taunton North Community Secondary Plan; Section 11.11 – Oak Ridges Moraine Secondary Plan, with additions in green underlined text, and, deletions in red strikethrough text, as shown on the attached Exhibit 'K'.

Implementation:

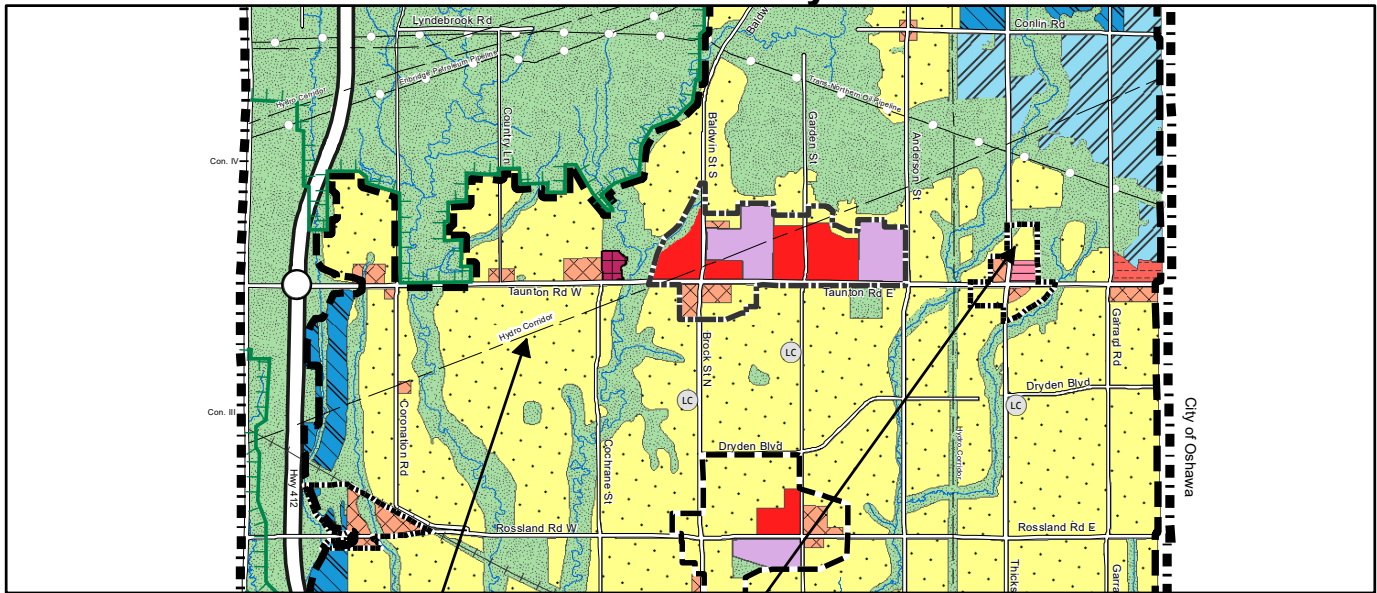
The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

Interpretation:

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

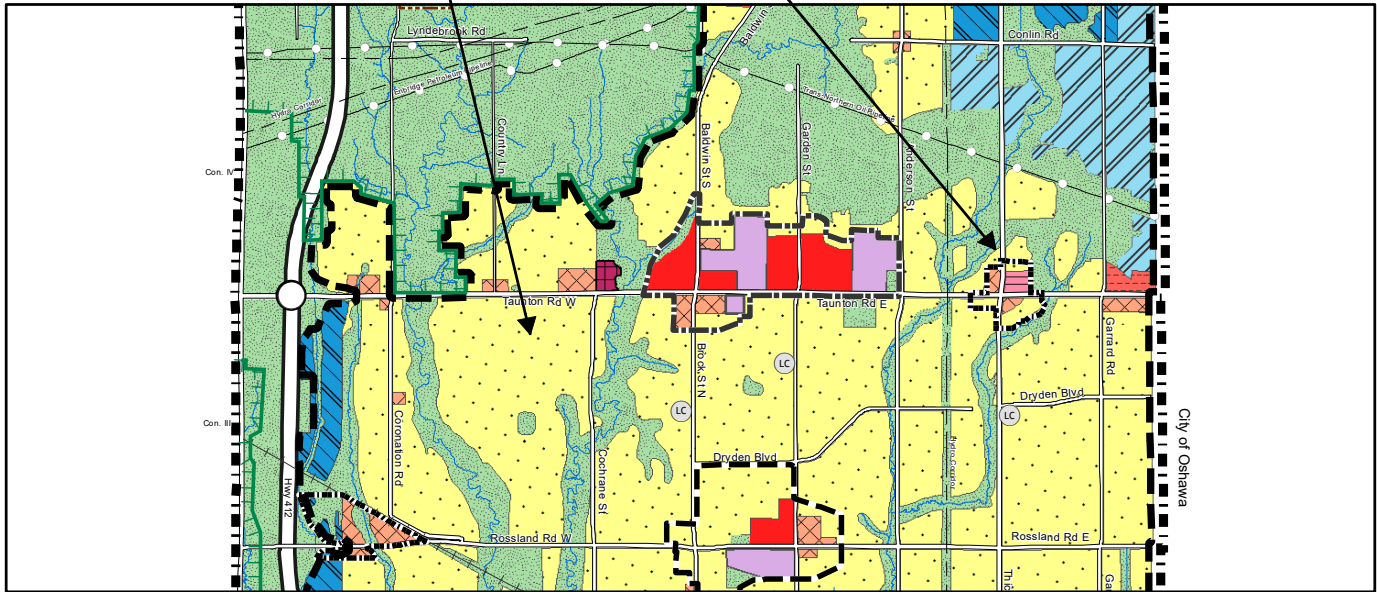
DRAFT

Exhibit 'A' to Recommended Amendment #133 To the Town of Whitby Official Plan



**Delete Decommissioned
Hydro Corridor**

**Revise Community Commercial Area
Boundary to Reflect Secondary Plan**



Legend

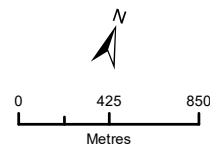
- | | | |
|---|--|--|
| <ul style="list-style-type: none"> Residential Major Commercial Community Commercial Special Purpose Commercial Mixed Use Prestige Industrial General Industrial Special Activity Node Institutional Major Open Space Agricultural Hamlet Estate Residential | <ul style="list-style-type: none"> Lands Subject to Durham Regional Official Plan Policy 14.13.7 Special Policy Area Refer to section 11.5.31.6 D Deferred by the Region of Durham LC Local Central Area Resource Extraction Area (See Section 4.12) Utility Hydro Corridor Major Central Area Boundary Urban Central Area Boundary Community Central Area Boundary Future Urban Development Area Boundary Greenbelt Protected Countryside Boundary Southern Boundary of Oak Ridges Moraine | <ul style="list-style-type: none"> D3 (Deferred by Region of Durham) Hamlet Boundary 2031 Urban Area Boundary Municipal Boundary |
|---|--|--|

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby Schedule

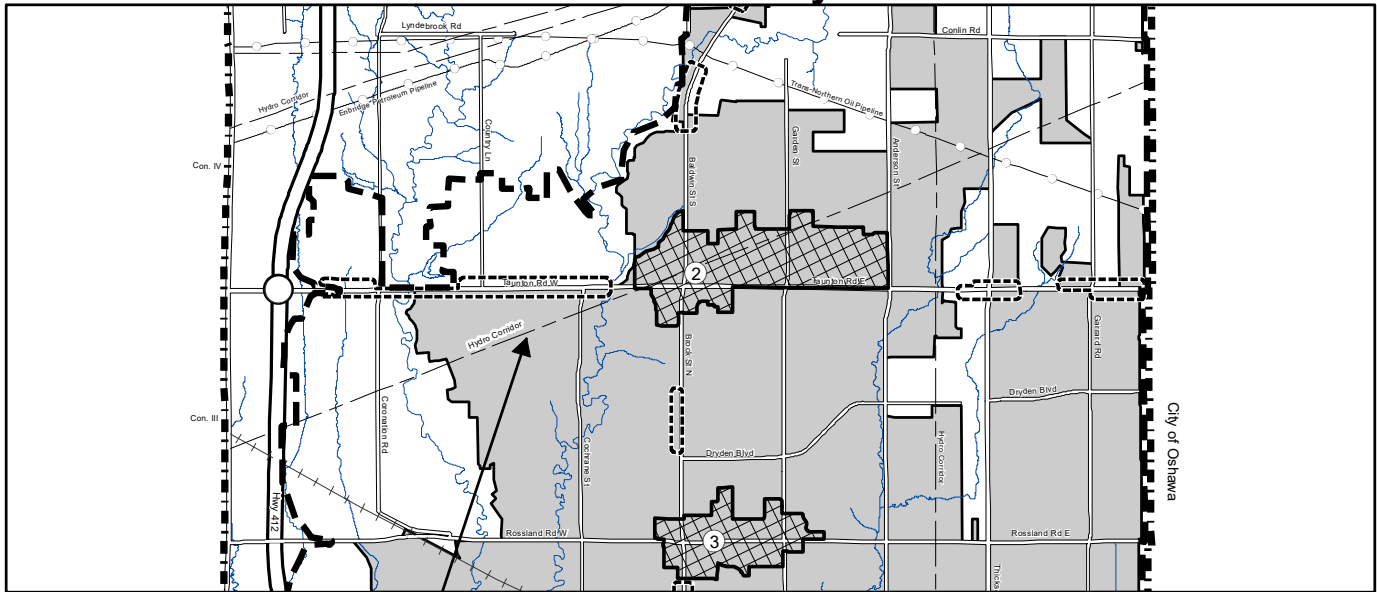
Land Use

A

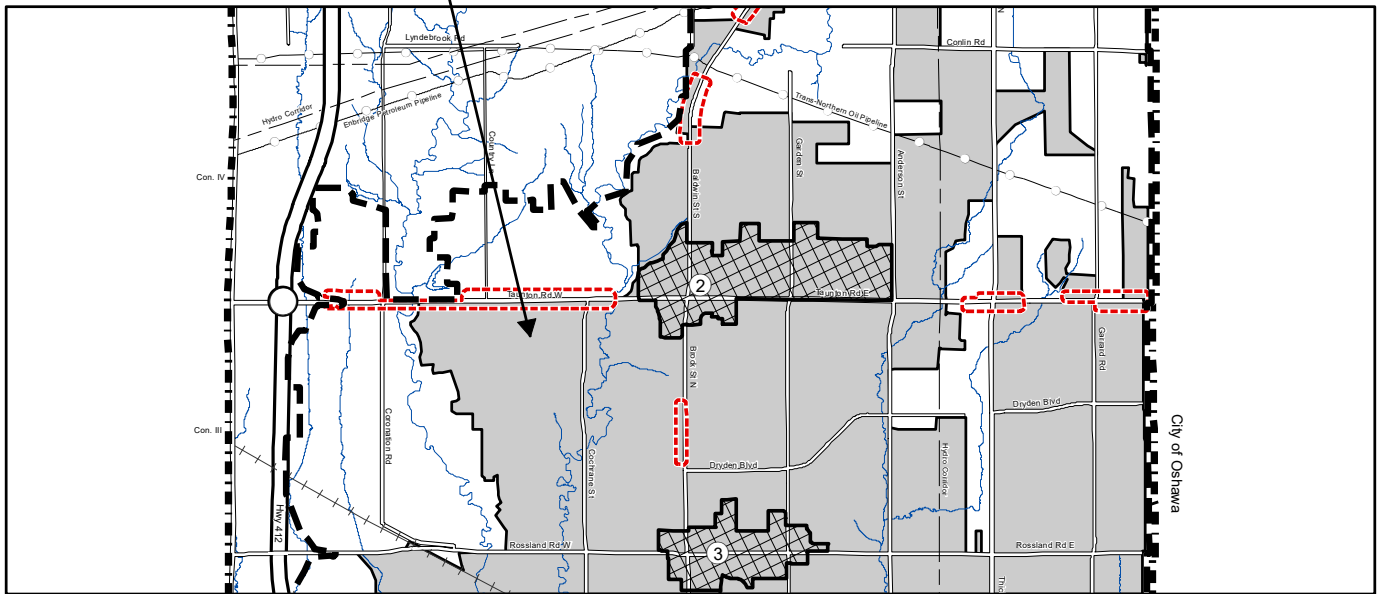


This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Exhibit 'B' to Recommended Amendment #133 To the Town of Whitby Official Plan



**Delete Decommissioned
Hydro Corridor**



Legend

■ Built Boundary (2006)

▨ Intensification Area

▤ Intensification Corridor

▨ Lands Subject to Durham Regional
Official Plan Policy 14.13.7

D Deferred by the Region of Durham

* Major Transit Station

■ 2031 Urban Area Boundary

■ Municipal Boundary

→ D3 (Deferred by Region of Durham)

Intensification Areas:

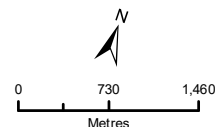
- ① Downtown Brooklyn
- ② Brock / Taunton
- ③ Rosland / Garden
- ④ Downtown Whitby
- ⑤ Dundas East
- ⑥ Port Whitby

Official Plan - Town of Whitby

Schedule

Intensification

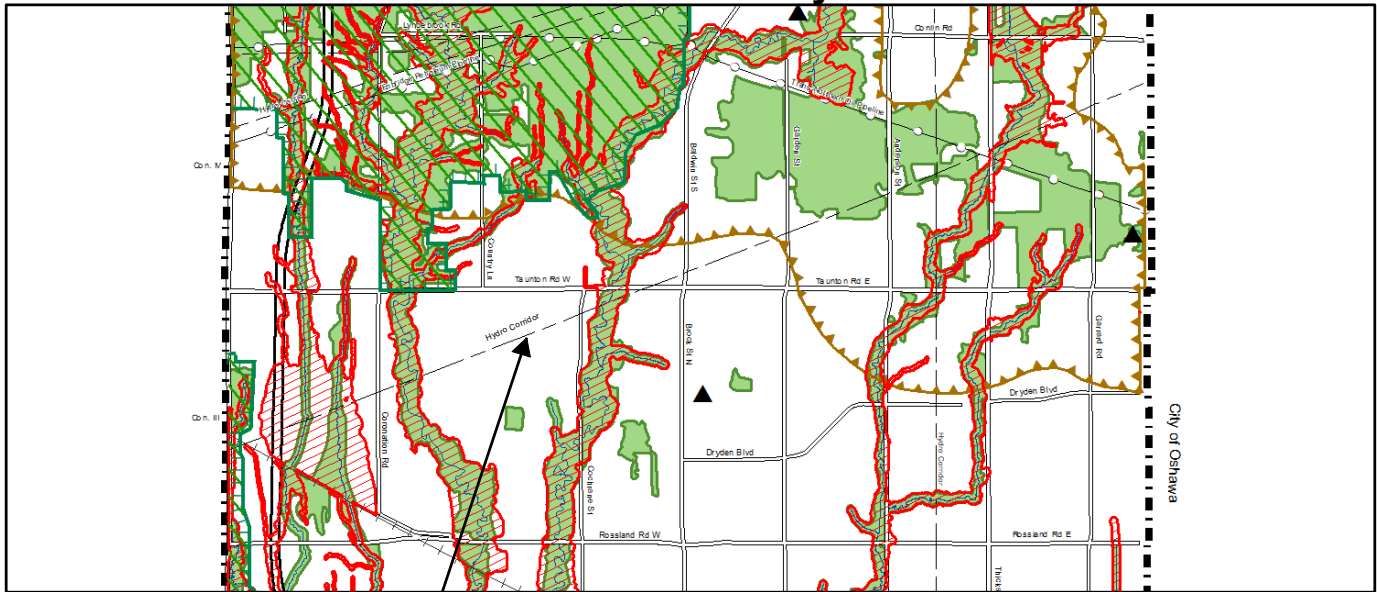
B



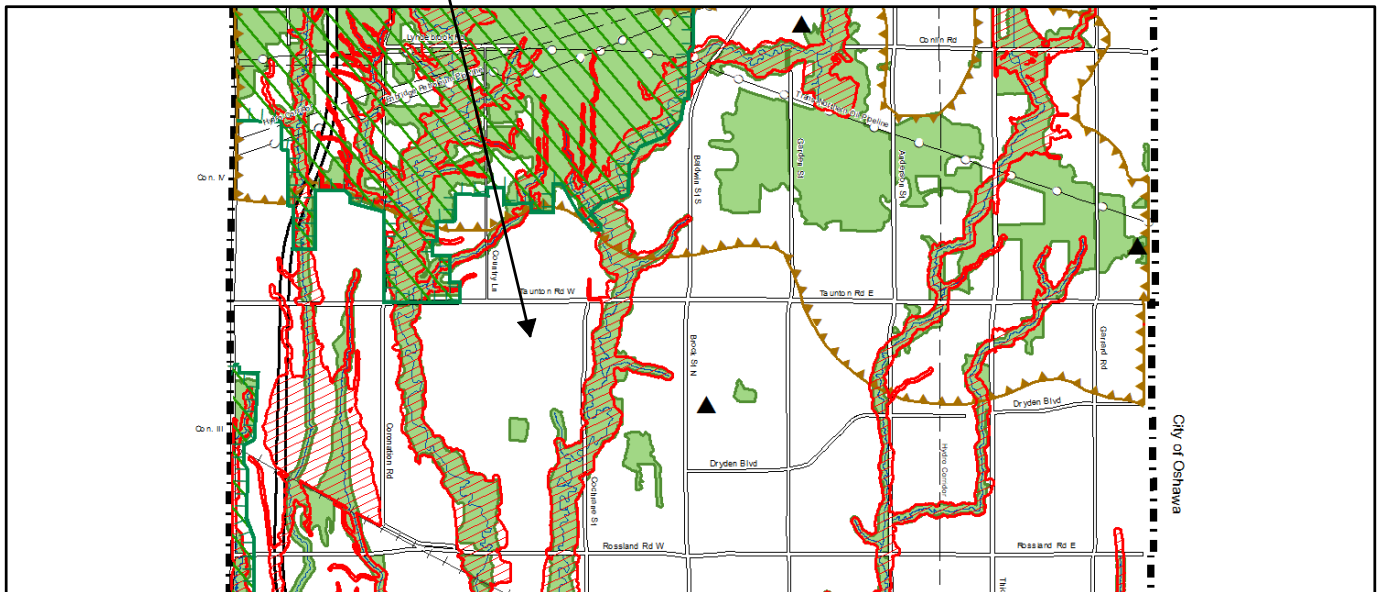
This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Note: Some legend items may not appear on the displayed figure extent.

Exhibit 'C' to Recommended Amendment #133 To the Town of Whitby Official Plan



**Delete Decommissioned
Hydro Corridor**



Legend

- Natural Heritage System
- Natural Hazards
- Greenbelt Natural Heritage System
- Former Lake Iroquois Beach
- Former Waste Disposal Site
- D12 (Deferred by Region of Durham)
- 1 km Lake Ontario Shoreline Limit
- Southern Boundary of Oak Ridges Moraine
- Greenbelt Protected Countryside Boundary
- Municipal Boundary

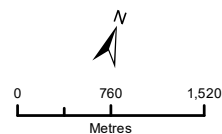
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Official Plan - Town of Whitby

Environmental Management

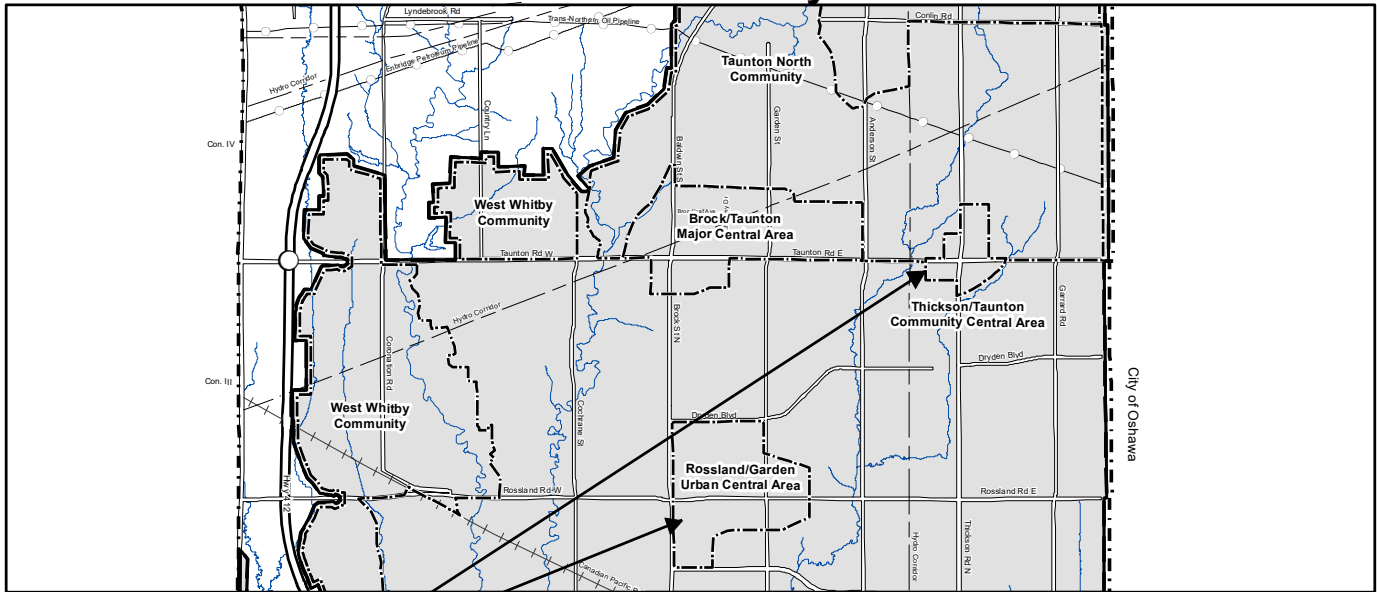
Schedule

C

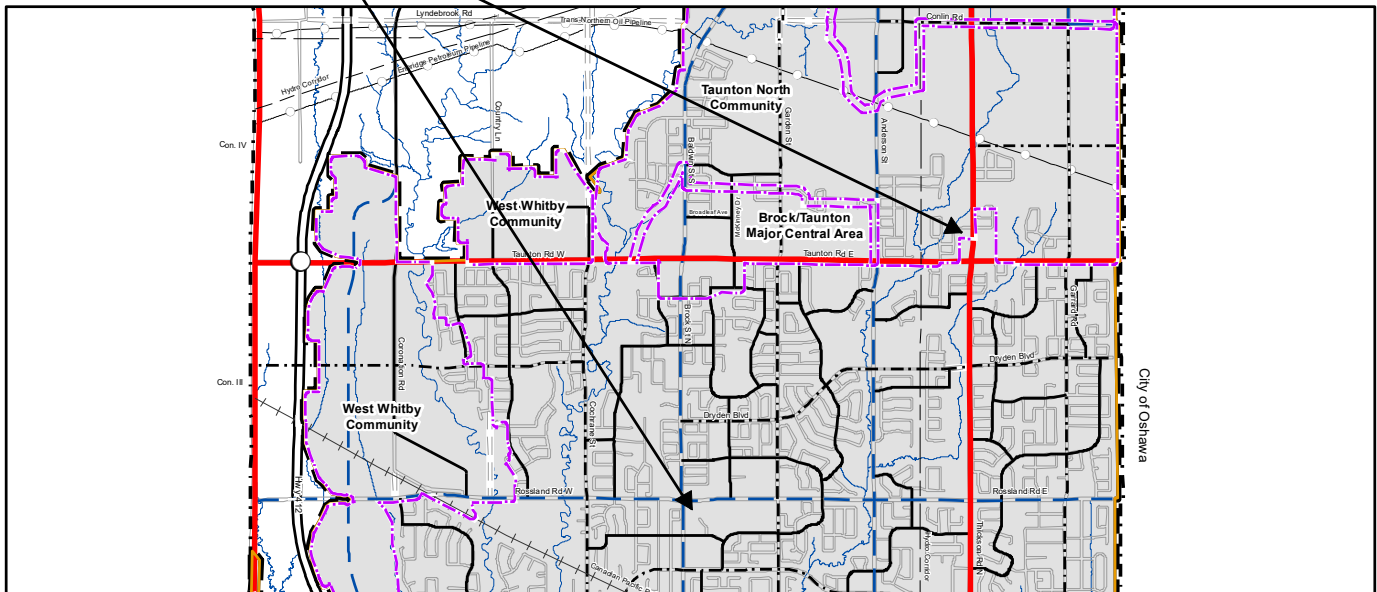


This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Exhibit 'D' to Recommended Amendment #133 To the Town of Whitby Official Plan



**Delete Secondary
Plan Areas**



Legend

- A Community Improvement Areas A to D
- E Community Improvement Area E
- D Deferred by the Region of Durham
- Secondary Plan Boundary
- 2031 Urban Area Boundary
- Municipal Boundary

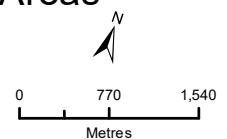
Note: Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby

Schedule

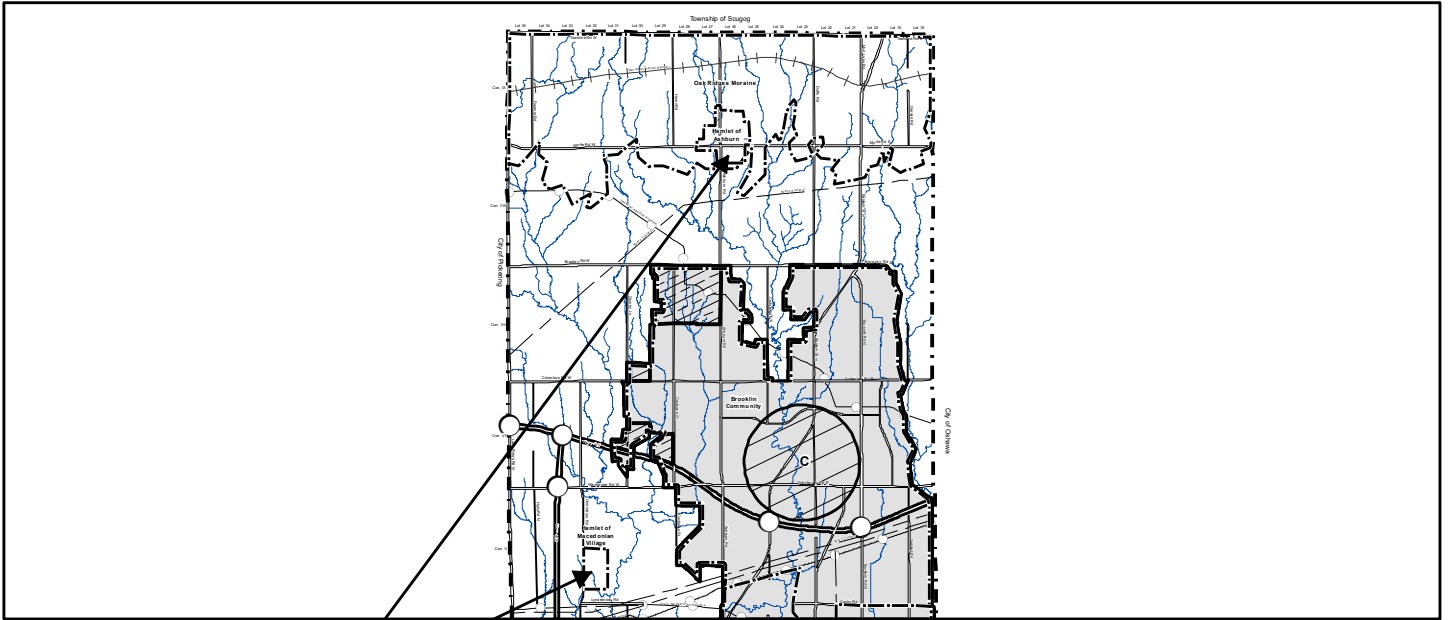
Secondary Plans and Community Improvement Areas

E

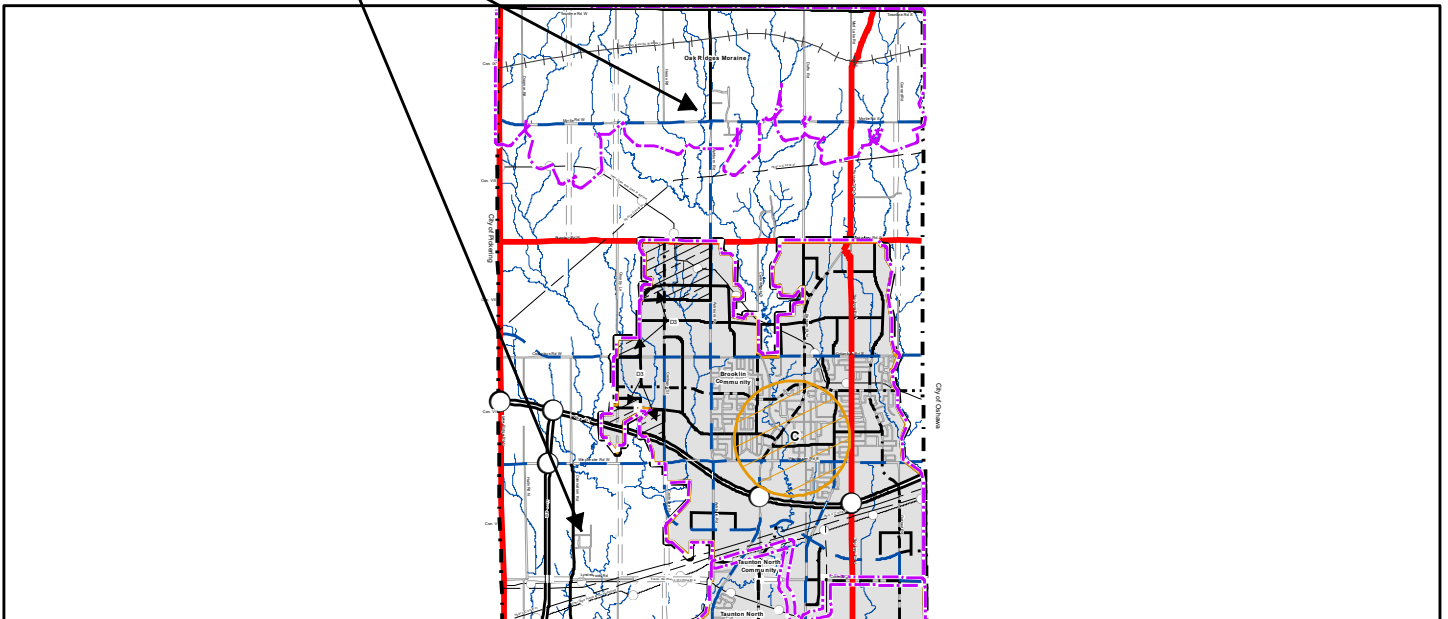


This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Exhibit 'E' to Recommended Amendment #133 To the Town of Whitby Official Plan



**Delete Secondary
Plan Areas**



Legend

- Community Improvement Areas A to D
- Community Improvement Area E
- D Deferred by the Region of Durham
- Secondary Plan Boundary
- 2031 Urban Area Boundary
- Municipal Boundary

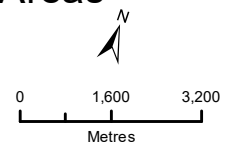
Note: Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby

Schedule

**Secondary Plans
and Community
Improvement Areas**

E



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Exhibit 'F' to Recommended Amendment #133 To the Town of Whitby Official Plan

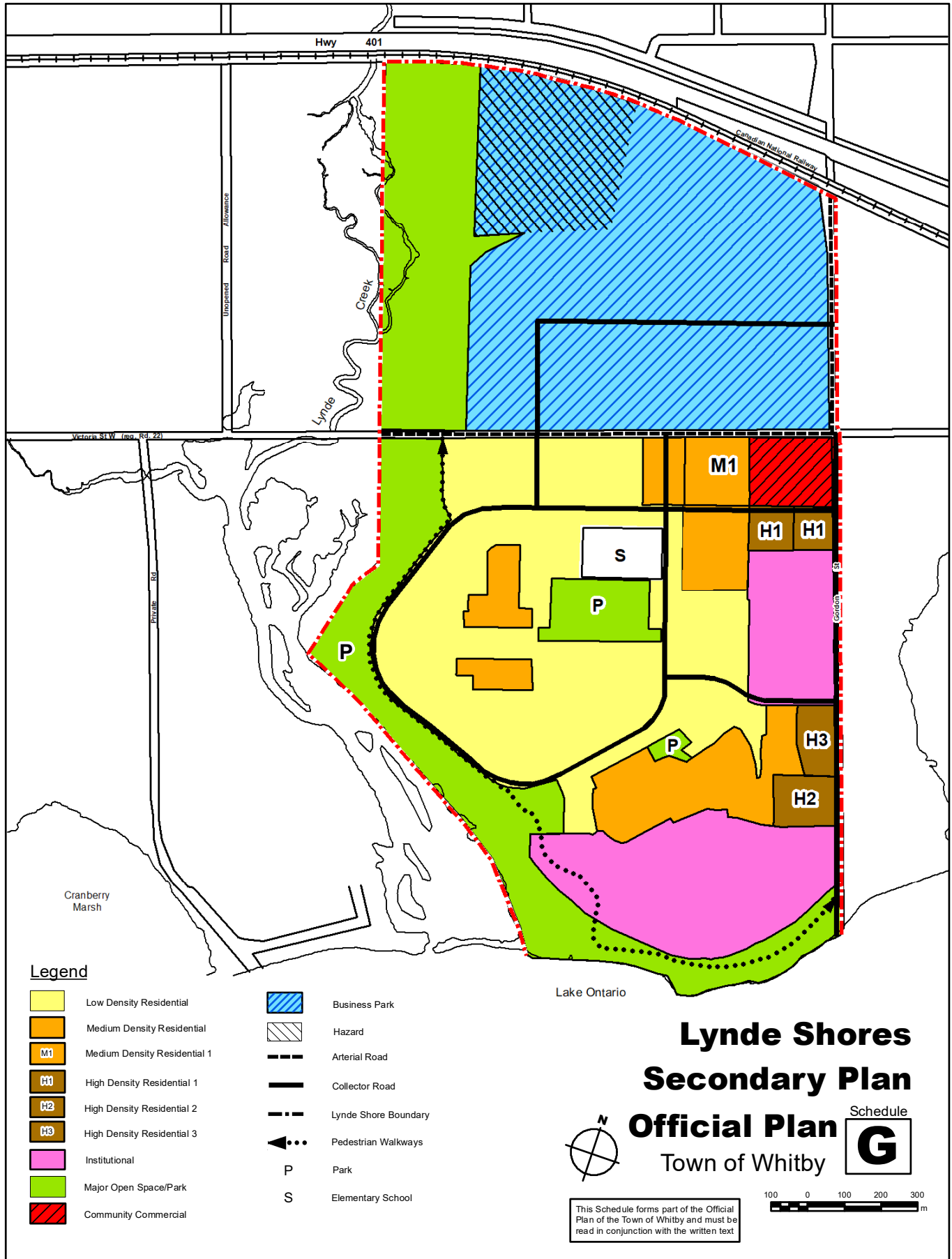


Exhibit 'G' to Recommended Amendment #133 To the Town of Whitby Official Plan



Exhibit 'H' to Recommended Amendment #133 To the Town of Whitby Official Plan

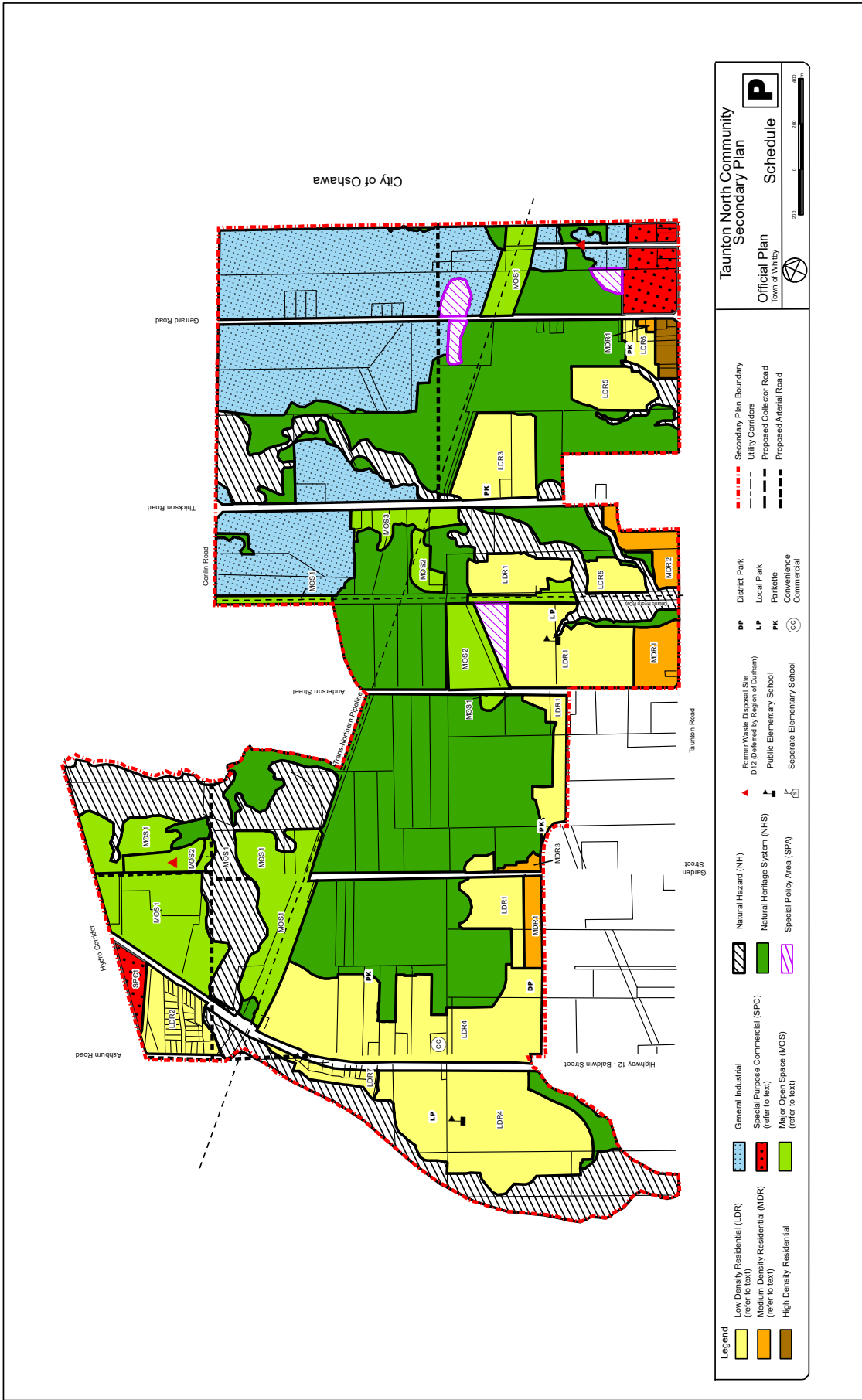


Exhibit 'I' to Recommended Amendment #133 To the Town of Whitby Official Plan

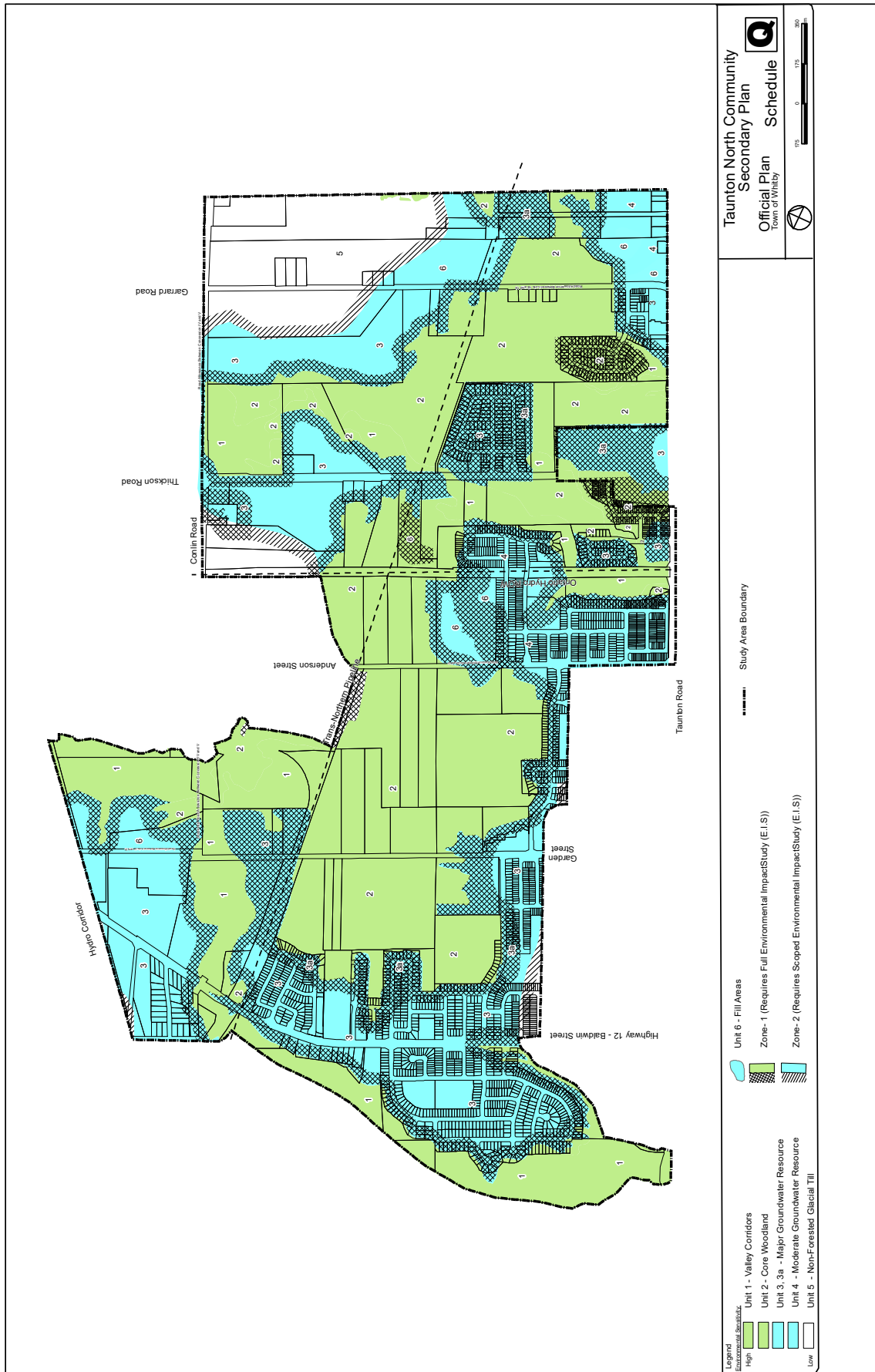


Exhibit 'J' to Recommended Amendment #133

To the Town of Whitby Official Plan

- c) The relevant policies of Section 4.2 and Section 6.2 shall apply to *development* and *redevelopment* proposals in the Dundas East Intensification Area.

4.3.3.4.4 Rossland/Garden Urban Central Area

4.3.3.4.4.1 Lands in the Rossland/Garden Urban Central Area shall be developed in accordance with the land use designations on Schedules "A" and "J" and the relevant policies of this Plan ~~and the Rossland/Garden Urban Central Area Secondary Plan.~~

4.3.3.4.4.2 For lands within the Rossland/Garden Intensification Area, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 60 residential units per gross hectare and the overall long-term *floor space index* target is 2.5 along Brock Street;
- b) The minimum building height for new residential and mixed-use buildings shall be 2 storeys and the maximum building height shall be 18 storeys in proximity to Brock Street or Rossland Road; and
- c) The relevant policies of Section 4.2 shall apply to *development* and *redevelopment* proposals in the Rossland/Garden Intensification Area. New *development* and *redevelopment* in the Rossland/Garden Intensification Area shall assist in achieving an integrated mix of land uses to support the employment uses located in this area. The relevant policies of Section 6.2 shall apply, particularly the provisions of Sections 6.2.3.1 and 6.2.3.2.

4.3.3.5 Community Central Areas

4.3.3.5.1 Baldwin Street/Columbus Road, Cochrane Street/Columbus Road, Baldwin Street/Thickson Road, Gordon Street/Victoria Street, Thickson Road/Taunton Road, Rossland Road/Desmond G. Newman Drive, and Dundas Street/McQuay Boulevard are Community Central Areas as identified on Schedule "A" and may be identified in *Secondary Plans*.

4.3.3.5.2 Community Central Areas shall be smaller in scale than Urban Central Areas and shall be planned and developed to serve the weekly needs of small segments of the Urban Area through the provision of uses which complement those offered within the Urban Central Areas.

4.3.3.6 Local Central Areas

4.3.3.6.1 Local Central Areas are identified on Schedule "A" and in *Secondary Plans*.

Home-based businesses are not intended to permit economic activities that are more appropriately accommodated in commercial or industrial areas;

- e) Bed and Breakfast Establishments may be permitted within all designations where residential uses are permitted subject to the inclusion of appropriate provisions in the Zoning By-law and provided the establishment:
 - i) is low intensity in nature;
 - ii) is compatible with surrounding uses;
 - iii) can provide sufficient on-site parking; and
 - iv) has adequate water supply and sewage treatment systems provided;
- f) *Apartments in houses*, group homes, and *garden suites* may be permitted in all designations where residential uses are permitted subject to the relevant policies of Section 4.4.3.9.5, 4.4.3.9.6, and Section 7; and
- g) Rooming, boarding, and lodging houses may be permitted in locations where Medium Density and High Density Residential *development* is permitted pursuant to Sections 4.4.3.5 and 4.4.3.6, areas designated as Mixed Use, or mixed-use *developments* in Intensification Areas and Intensification Corridors, subject to the inclusion of appropriate provisions in the Zoning By-law, licensing, and the relevant provisions of this Section.

4.4.3.2 The locations for Low Density, Medium Density, and High Density Residential *development* shall be identified in *Secondary Plans*. Where there is no *Secondary Plan*, proposals for new residential *development* or *redevelopment* shall consider the policies, including locational criteria, identified in Sections 4.4.3.4 to 4.4.3.6, and the additional criteria in Section 4.4.3.9.2 in the case of Medium Density and High Density Residential *development*.

4.4.3.3 Notwithstanding any other provisions in this Plan to the contrary, in instances where the policies and designations contained in the *Secondary Plans* vary from the policies within Section 4.4.3 in terms of permitted uses, housing types, and densities, the more specific and detailed policies of the *Secondary Plan* shall prevail, provided the overall intent of the Official Plan is maintained.

4.4.3.4 Low Density Residential

4.4.3.4.1 Low Density Residential areas shall be developed in accordance with the following policies:

-
- a) Low Density Residential areas shall generally be located in the interior of residential neighbourhoods on local or collector roads;
 - b) Single detached, semi-detached, and duplex dwellings and other similar ground related built forms shall be permitted with a density of up to ~~30~~ 35 dwelling units per net hectare; and
 - c) Notwithstanding subsection b) above, the maximum density in Low Density Residential areas may be exceeded through the inclusion of appropriate policies in *Secondary Plans for development* in *greenfield* areas.

4.4.3.4.2 The Municipality shall encourage the *development* of new residential units through *intensification* of Low Density Residential areas in accordance with the following criteria:

- a) the sizes of the lots, and the width and location of new driveways shall be compatible in relation to adjacent lots and other lots on the street and area;
- b) consideration is given to the potential for retaining existing trees and vegetation and compensation for any loss of trees and vegetation; and
- c) the proposal complies with any applicable provisions of Section 10.1.13.1.

4.4.3.4.3 Applications for *redevelopment* of existing lots in Low Density Residential areas that require a Zoning By-law amendment or minor variance shall be considered in accordance with the following criteria:

- a) The interior side yard setback is generally consistent with existing dwelling(s) on the same side of the street; and
- b) The front yard setback for the new dwelling unit(s) is generally consistent with the front yards that exist on the same side of the street.

4.4.3.5 Medium Density Residential

4.4.3.5.1 Medium Density Residential areas shall be developed in accordance with the following policies:

- a) Medium Density Residential areas shall generally be located in the interior or at the edges of neighbourhoods in proximity to transit, or located within Central Areas and/or Intensification Areas and Intensification Corridors with a transition of density and intensity of uses;
- b) Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4 storeys, shall be permitted with a density range of greater than 30 and up to 65 dwelling units per net hectare; and

-
- c) Applications for new *development* or residential *intensification* for Medium Density Residential uses shall be reviewed based on Section 4.4.3.9 of this Plan.

4.4.3.6 High Density Residential

4.4.3.6.1 High Density Residential areas shall be developed in accordance with the following policies:

- a) High Density Residential areas shall generally be located at the edge of neighbourhoods along arterial roads or located within Central Areas and/or Intensification Areas or Intensification Corridors;
- b) Townhouses, apartments, and other forms of multiple dwellings shall be permitted with a density range of greater than 65 and up to 135 dwelling units per net hectare;
- c) Notwithstanding subsection b) above, proposals for High Density Residential *development* and *redevelopment*, including High Density Residential uses within a mixed-use building, with a density range of greater than 135 and up to 300 dwelling units per net hectare may be considered through an amendment to the Zoning Bylaw where the lands are located within Intensification Areas or Intensification Corridors identified on Schedule "B". ~~Permissions for development and redevelopment at this density range for other intensification or infill sites may be considered in appropriate locations through a site specific amendment to the Zoning By-law and consideration of the criteria in Section 4.4.3.9.2.~~
- d) Applications for new residential *development* or residential *intensification* in the form of High Density Residential uses shall be reviewed based on Section 4.4.3.9; and
- e) Appropriate regulations including height, *massing*, and setback restrictions will be determined in the Zoning By-law.

4.4.3.7 Medium Density and High Density Residential *development* and *redevelopment* are encouraged to locate in Intensification Areas and Intensification Corridors as identified on Schedule "B". In addition, specific locations for Medium Density and High Density Residential *development* and *redevelopment* are identified in Section 4.4.5 and in *Secondary Plans*, where applicable. Where Medium Density or High Density Residential *development* and *redevelopment* is proposed in Intensification Areas or Intensification Corridors, the relevant policies of Sections 4.2 and 4.3 shall also apply. Where Medium Density or High Density Residential *development* is designated in *Secondary Plans*, the more detailed provisions of the *Secondary Plan* shall apply.

- d) the lands identified by Assessment Roll No. 18-09-040-030-22900, municipally known as 221 Kendalwood Road;
- e) the lands on the southeast corner of Garden Street and Burns Street East, identified by Assessment Roll No. 18-09-040-026-00200; and
- f) the lands identified by Assessment Roll No. 18-09-030-024-09700, municipally known as 105 Taunton Road West, the lands identified by Assessment Roll No. 18-09-030-024-09600, municipally known as 85 Taunton Road West and the lands on the southwest corner of Taunton Road West and Valleywood Drive, identified by Assessment Roll No. 18-09-030-024-07306.

4.4.5.4 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll Nos. 18-09-030-024-00126-0000 and 18-09-030-024-00127-0000 the minimum residential density shall be 170 dwelling units per net hectare and the maximum permitted residential density shall be 300 units per net hectare.

4.4.5.5 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll No. 18-09-030-017-19820-0000 the minimum residential density shall be 65 dwelling units per net hectare and the maximum permitted residential density shall be 125 units per net hectare, and a maximum building height of up to 8 storeys.

occasional basis with services and facilities which require larger parcels of land and exposure to traffic. Such uses include automotive and recreational vehicle sales and service, garden centres, restaurants, building supply centres, furniture and major appliance sales, financial establishments, and home supply and improvement centres.

- 4.5.3.4.2 Areas designated as Special Purpose Commercial shall be located with exposure to arterial roads and are encouraged to develop in a comprehensive block manner in accordance with Section 6.2.4.2 of this Plan.

~~4.5.3.4.3~~ 4.5.3.4.3 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By-law.

4.5.3.5 Special Activity Node A

- 4.5.3.5.1 Special Activity Node A is generally situated on the north side of Taunton Road, east of Cochrane Street, as shown on Schedule “A”, and indicates a place of special interest to the Municipality.

- 4.5.3.5.2 Permitted uses in Special Activity Node A shall include uses such as conference centre, educational facility, museum, or other type of interpretive or education centre related to culture, arts and natural heritage, banquet hall, restaurant, spa and related wellness facilities, hotel, inn, bed and breakfast, gift shop, and public uses that are consistent with the intent of the use policies for these lands. Future uses on lands adjacent to Taunton Road and Cochrane Street may also include business, professional, and corporate offices.

It is the intent of the Municipality to protect and maintain *built heritage resources* designated under Part IV of the **Ontario Heritage Act**, located in Special Activity Node A. Uses permitted within Special Activity Node A apply to the *built heritage resources* provided there is no impact on the historical or architectural significance of the buildings.

The permitted uses within Special Activity Node A shall be implemented through the Zoning By-law. New *development* shall only proceed where the lands have frontage on an improved public street and full municipal services are available.

4.5.3.6 Special Activity Node B

- 4.5.3.6.1 The area designated as Special Activity Node B on Schedule “A” is located at the Highway 401/Thickson Road interchange. Permitted uses shall include *major retail uses*, offices, including *major offices*, community and recreational uses, entertainment uses, financial institutions, restaurants, banquet halls, hotels, private clubs, and light industrial uses

- c) locations shall be such that they would not create undue congestion or danger to vehicular, bicycle, or pedestrian traffic. Access points to each site shall be limited in number and designed in a manner which will minimize the danger to vehicular, bicycle, and pedestrian traffic in the immediate areas;
- d) sites will generally not be located adjacent to or opposite to schools or public recreation properties;
- e) where adjacent to residential areas and other sensitive uses, will only be permitted where there is no undue adverse effect on the adjacent ~~residential~~ use; and
- f) generally, no more than two automobile service stations, gas bars, and/or car washes shall be located at any intersection and diagonally opposite to each other.

~~4.5.3.9 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.~~

~~4.5.3.10 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By law.~~

4.5.4 Implementation

4.5.4.1 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals in Commercial areas.

4.5.4.2 In considering applications to amend the Zoning By-law or this Plan for proposed commercial *development* and *redevelopment*, the Municipality may require the preparation of a retail market impact analysis to justify the need for the additional floor space and to demonstrate no undue adverse impact on other existing and planned Central Areas. A peer review of the submitted analysis by a qualified professional may be required at the expense of the proponent.

~~4.5.4.33-9 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.~~

4.5.5 Special Provisions

4.5.5.1 Notwithstanding any other provisions of this Plan to the contrary, within the lands designated as Special Purpose Commercial south of Consumers Drive, directly east of the westbound Brock Street on/off ramp for Highway

4.11 Rural Settlements

4.11.1 Goal

- 4.11.1.1 To recognize the existing rural settlement pattern of the Municipality and restrict additional rural residential *development* in order to preserve the rural residential *character* of hamlets, the agricultural land base, and *Natural Heritage System*.

4.11.2 Objectives

- 4.11.2.1 To preserve the special rural residential *character* of the hamlets and existing settlements.
- 4.11.2.2 To encourage hamlets to develop in a manner which provides a variety of housing sizes, and commercial and community uses to serve the rural population.

4.11.3 Hamlets

- 4.11.3.1 Ashburn, Macedonian Village, Myrtle, and Myrtle Station are historical areas located outside the Urban Area boundary and are designated as Hamlet on Schedule "A". *Development* and *redevelopment* within Hamlets shall be governed by the appropriate *Secondary Plans*.
- 4.11.3.2 Permitted uses within Hamlets shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area.
- 4.11.3.3 New residential *development* is only permitted in the form of *infilling* within areas designated as Hamlet in accordance with the provisions of the relevant *Secondary Plan*, either by severance or by plan of subdivision. Applications for severances or plans of subdivisions are subject to the requirements of Durham Region's Drilled Wells and Lot Sizing Policies to ensure proposed lots can be adequately serviced with private wells and sewage disposal systems. Applications may be required to be accompanied by a hydrogeological report demonstrating the private servicing of the proposed lots will not adversely affect existing water wells or groundwater quality or quantity, in accordance with Durham Regional Requirements.
- 4.11.3.4 Community uses in Hamlets are encouraged to co-locate and integrate with other community uses to the extent possible in order to create *community hubs* and maximize the use of existing facilities.
- 4.11.3.5 Within the Hamlet of Macedonian Village, no driveways or public streets giving access to Coronation Road will be permitted other than those in existence at the time of adoption of this Plan, and those existing driveways

may be closed should alternate access be made available through development or redevelopment.

4.11.4 Estate Residential

- 4.11.4.1 Locations of approved, privately serviced estate residential subdivisions are shown on Schedule "A". Further estate residential *development* and lot creation shall not be permitted in accordance with Provincial and Regional policy and in recognition of this Plan's intent to concentrate rural residential development within the hamlets.

- 5.3.2.5 More detailed waterfront and shoreline policies may be contained in the Lynde Shores and Port Whitby [Community](#) Secondary Plans, as well as Section 4.9 of this Plan.

5.3.3 Former Lake Iroquois Beach

- 5.3.3.1 The Former Lake Iroquois Beach is identified on Schedule “C”. The significant natural areas within the Beach are generally located in Concessions IV and V. These lands comprise important natural heritage and hydrologic features including a number of *wetlands*, watercourses, wildlife habitat, and aggregate resources.
- 5.3.3.2 The Municipality recognizes the important *hydrologic function* provided by the Former Lake Iroquois Beach. As such, appropriate studies may be required prior to *development* demonstrating that there will be no negative impacts on the hydrological function of the area by maintaining existing recharge and discharge conditions, in accordance with Section 5.3.8.
- 5.3.3.3 Where *development* and *redevelopment* is proposed for lands within the Former Lake Iroquois Beach, the Municipality supports planning, design, and construction practices that maintain and, where possible, enhance the size, diversity, and *connectivity* of natural heritage and hydrologic features and functions.
- 5.3.3.4 More detailed policies related to the Former Lake Iroquois Beach may be contained in the Taunton North Community Secondary Plan, West Whitby Community Secondary Plan, and Brooklin Secondary Plan, as well as Section 4.9 of this Plan.

5.3.4 Oak Ridges Moraine

- 5.3.4.1 The Oak Ridges Moraine in north Whitby has been protected by the Province of Ontario under the Oak Ridges Moraine Conservation Plan. All *development* and *redevelopment* within the Oak Ridges Moraine shall be subject to the policies of this Plan and the Oak Ridges Moraine Secondary Plan as applicable. Where the policies of this Plan contradict the Oak Ridges Moraine Conservation Plan, the more restrictive policies shall prevail. However, in the case of *agricultural uses*, *mineral aggregate operations*, and wayside pits, the policies of the Oak Ridges Moraine Conservation Plan shall prevail.

5.3.5 Greenbelt Protected Countryside

- 5.3.5.1 The Provincial Greenbelt Plan provides legislated protection to the agricultural land base and the *ecological features* and functions occurring on this landscape. The Greenbelt Protected Countryside boundary and the Greenbelt Natural Heritage System are shown on Schedule “C”. This Plan

Section 8 - Transportation, Servicing & Utilities

8.1 Transportation

8.1.1 Goals

- 8.1.1.1 To establish and maintain a safe, efficient, interconnected, and accessible transportation network supporting all modes of transportation including transit, automobiles, *active transportation*, and the efficient movement of goods.
- 8.1.1.2 To encourage *sustainable* transportation initiatives supporting *active transportation*, complete communities, and healthy lifestyles.

8.1.2 Objectives

- 8.1.2.1 To provide a transportation network that is interconnected, *multi-modal*, and accessible.
- 8.1.2.2 To provide for the development of an efficient transportation network, minimizing negative social and environmental impacts and economic costs and promoting opportunities for enhancement and improvement.
- 8.1.2.3 To ensure that the transportation network is efficiently integrated and co-ordinated with adjacent municipalities and upper-tier jurisdictions.
- 8.1.2.4 To encourage the use of transit and *active transportation* modes to reduce parking demands, traffic congestion, and air pollution particularly through the promotion of *transit-supportive* land use planning and design, and the provision of a network of pedestrian and cycling trails and routes.

8.1.3 Policies

8.1.3.1 Transportation Network

- 8.1.3.1.1 The Municipality shall ensure that roads and *streetscapes* are interconnected and create a safe, efficient, and attractive environment for pedestrians, cyclists, and motorists.
- 8.1.3.1.2 The major road hierarchy is shown on Schedule "D". Major road alignments are approximate, and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies. Collector Road alignment and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies and may be added, modified or deleted, subject to adequate studies, site specific conditions, accepted engineering principles and approval by the authority having jurisdiction, without amendment to

this Plan. Local roads are shown for information purposes only and may be added or modified without amendment to this Plan.

- 8.1.3.1.3 Roads in the Municipality shall be classified and maintained on the basis of their function and design as controlled access roads (freeways), arterial roads, collector roads, and local roads. Minor variations may be considered to the provisions contained in Sections 8.1.3.3 to 8.1.3.5 by the authority having jurisdiction, without the need for an amendment, subject to adequate studies, site specific conditions, and accepted engineering principles.
- 8.1.3.1.4 Through traffic shall be directed to arterial and collector roads so that traffic on local roads is kept to a minimum.
- 8.1.3.1.5 There shall be close coordination between the Municipality and all other jurisdictional levels regarding the planning of roads and facilities within the Municipality which are not under the Municipality's jurisdiction. In addition, there shall be coordination of network development between the Municipality, adjacent municipalities, the Region, and the Province.
- 8.1.3.1.6 In accordance with the Durham Regional Official Plan, Lake Ridge Road and Thickson Road/Highway 12 north of Brawley Road shall be the preferred north-south haul routes for commercial vehicles. Through the *Class Environmental Assessment* process, the Municipality shall investigate the need and feasibility of establishing an alternative route to Baldwin Street for goods and people movement to avoid excessive through traffic in Downtown Brooklin and the urban area, in consultation with the Region and the Province.
- 8.1.3.1.7 In accordance with Policy 11.3.15 of the Durham Regional Official Plan, the potential for an east-west connection between South Blair Street and Thickson Road, south of Victoria Street will be considered in conjunction with any proposal to redevelop the existing uses in the Industrial area north of Ronald C. Deeth Park.
- 8.1.3.1.8 Dedicated bus lanes and High Occupancy Vehicle lanes may be implemented to improve traffic efficiency and the convenience of transit services, subject to the consideration of traffic engineering principles, the reduction in road capacity available to other vehicles, and the ability to widen the road.
- 8.1.3.1.9 The Municipality shall encourage a grid-oriented street network in the planning of new development areas in order to distribute vehicular traffic more evenly, and provide for more accessible and efficient *multi-modal* transportation and goods movement.
- 8.1.3.1.10 All road and trail *infrastructure*, including location, design, construction, repair, and widening, shall be undertaken in a manner that limits negative

10.1.17 Public Consultation

10.1.17.1 Council shall:

- a) promote the active participation of the Municipality's residents, landowners, and businesses in the implementation of the policies of this Plan and any subsequent amendments, as well as providing opportunities for such participation in accordance with the formal requirements of the **Planning Act** and the **Environmental Assessment Act**;
- b) actively seek input and comments from the public and Committees of Council, in the review of planning matters as active participants in the decision-making process;
- c) actively seek input and comments from agencies and Aboriginal communities, where appropriate, in the review of planning matters as active participants in the decision-making process; and
- d) ensure that adequate reporting mechanisms are in place to provide Council and the public with a complete and unbiased record of the public consultation process undertaken on various planning and development matters.

10.2 Interpretation

10.2.1 General

- 10.2.1.1 The boundaries between land uses as designated on all schedules contained in this Plan are approximate, except where they coincide with major roads, railway lines, or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to approximate boundaries will not require amendment to this Plan. Notwithstanding the above, the Greenbelt Protected Countryside boundary and the southern boundary of the Oak Ridges Moraine as identified on the schedules of this Plan conforms to the requirements of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan and shall not be amended.
- 10.2.1.2 **All numerical figures in the Plan, except those indicating density and floor space allocations, should not be interpreted as absolute and rigid. Minor variations may be considered providing the intent and spirit of the Plan is maintained.**

All numerical figures in the Plan should not be interpreted as absolute and rigid. Minor variations may be considered providing the intent and spirit of the Plan is maintained.

Minimum Distance Separation Formulae – Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal – Transportation systems providing facilities for many modes of movement such as vehicular, rail, cycling, and walking.

Municipal Comprehensive Review – An official plan review undertaken by the Municipality, or an official plan amendment, initiated by the Municipality that comprehensively applies the policies of Provincial plans and the Provincial Policy Statement and the Durham Regional Official Plan.

Natural Heritage Features and Areas – Features and areas, including significant wetlands, *coastal wetlands*, *fish habitat*, *significant woodlands*, *significant valleylands*, 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.

Natural Heritage System – A system made up of *natural heritage features and areas*, and linkages intended to provide *connectivity* and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, conservation areas, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue.

Net Residential Hectare – The area of land measured in hectares utilized for residential dwellings including the lot areas but excluding all public roads and widenings, **private laneways within block developments**, public parks, open space blocks, school sites, local commercial areas, places of worship, and other public lands.

Noise Exposure Forecast/Projection (NEF/NEP) – A prediction of outdoor and indoor noise levels caused by aircraft near airports, measured in decibels, prepared by Transport Canada.

Normal Farm Practices – A practice, as defined in the **Farming and Food Production Protection Act, 1998**, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the **Nutrient Management Act, 2002**, as amended from time to time, and regulations made under that Act.

On-farm Diversified Use – A use that is secondary to the principal *agricultural use* of the property, and are limited in area, including but not limited to, home-based businesses, *home industries*, uses that produce value-added agricultural products from

Exhibit 'K' to Recommended Amendment #133 To the Town of Whitby Official Plan

Part 2 – Secondary Plans

Section 11 - Secondary Plans

All policies outlined in Part I, Sections 1 to 10 shall generally apply to Part II - Secondary Plans. Part II - Secondary Plans will reflect the overall intent of Part I - Official Plan. Secondary Plans shall be prepared in accordance with Sections 9.3, 10.1.4 and 10.1.5 of this Plan.

Any area shown on Secondary Plan schedules, but lying outside of the Secondary Plan boundary, shall be governed by the policies of Part I of this Plan.

Secondary Plans shall be read in conjunction with Part I of this Plan, including Schedules "A" – "E".

In the event that a conflict exists between the *Secondary Plan policies and/or schedules* and those included within Part I of the Plan, then the more detailed *Secondary Plan* shall take precedence and prevail for interpretation and decision-making purposes.

Where a *Secondary Plan* is silent on a particular matter, the provisions of Part I of the Plan shall apply.

11.2 Lynde Shores Secondary Plan

11.2.1 Goals

- 11.2.1.1 To provide for the comprehensive development of the Lynde Shores Secondary Plan Area in a manner which protects and enhances the Lynde Creek wetland, natural heritage system and natural hazards, and integrates residential, commercial, institutional, industrial and community oriented uses.
- 11.2.1.2 To provide for the development of a Business Park area adjacent to Highway No. 401 that capitalizes on the advantages of the surrounding transportation facilities.

11.2.2 Objectives

- 11.2.2.1 To develop a fully integrated residential neighbourhood incorporating a range of residential densities and community facilities.
- 11.2.2.2 ~~To develop a neighbourhood which will integrate with, and shares various community facilities with, the adjacent Port Whitby area.~~ To develop a community that is integrated and interconnected with the Port Whitby community through active transportation networks, open space connections, and shared community facilities.
- 11.2.2.3 To develop a neighbourhood which ~~shall~~ provides a full range of housing types to satisfy the social and economic needs of Whitby's population.
- 11.2.2.4 To develop a strategically located Business Park taking advantage of the Highway No. 401 exposure and the surrounding transportation network.
- 11.2.2.5 ~~To provide for the ultimate needs of the two hospitals in a manner which is both compatible and integrated with the adjacent recreational and residential development.~~ To encourage the development and expansion of the Health Precinct.
- 11.2.2.6 To develop an open space system which provides both passive and active recreational opportunities ~~to the residents of Whitby~~, utilizing the Lake Ontario waterfront while respecting the environmentally sensitive nature of the Provincially Significant Wetlands on the western boundary of the area, and the sensitive nature of potential archaeological sites in the area.
- 11.2.2.7 To establish a focal point for the neighbourhood at the Gordon Street-Victoria Street intersection, incorporating a mixture of residential, retail

commercial, office and recreation uses while ensuring a high quality of design and visual appearance.

11.2.3 General Development Policies

- 11.2.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “G”. Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of the Whitby Official Plan, and the Port Whitby Secondary Plan, where applicable.
- 11.2.3.2 ~~The land use shown on Schedule “G” establishes the pattern of land use in the Secondary Plan area for the following categories:~~
- ~~Low Density Residential;~~
- ~~Medium Density Residential; Medium Density Residential 1;~~
- ~~High Density Residential 1, 2 and 3;~~
- ~~Community Commercial;~~
- ~~Business Park;~~
- ~~Institutional; and~~
- ~~Major Open Space.~~ Schedule “G” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.2, together with the general policies of this Plan, apply to the land use designations of the Lynde Shores Secondary Plan area as shown on Schedule “G”.
- 11.2.3.3 Development and redevelopment within 1 kilometre of the Lake Ontario shoreline, as shown on Schedule “C”, shall be in accordance with the policies of Section 5.3.2.4.
- 11.2.3.4 Portions of Victoria Street identified as Intensification Corridors as illustrated on Schedule “B” will be guided by the policies of Section 4.2.7, and the more detailed policies of this Secondary Plan.
- 11.2.3.5 The Community Commercial Areas as illustrated on Schedule “G” will be guided by the policies of Section 4.3.3.5.2, and the more detailed policies of this Secondary Plan.
- 11.2.3.6 Development and redevelopment shall be encouraged to incorporate energy conserving land use planning design principles in accordance with the policies of Section 3.2.

11.2.3.7 The development of all lands within the Lynde Shores Secondary Plan shall be undertaken in accordance with the recommendations of the “Environmental Management Plan - Lynde Shores Secondary Plan Area” (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.

As part of Council’s approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.

11.2.4 Residential

11.2.4.1 ~~The intent of the Residential designations is to provide a variety of housing densities and forms such that people with a broad range of economic requirements will be afforded an opportunity to live in this area.~~ The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.

11.2.4.2 ~~Development within the Residential designations shall be in accordance with the following policies:~~ Lands designated as Low Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following additional policy.

- a) ~~Low Density Residential areas shall be developed at densities up to 35 units per net hectare similar in kind to single detached, semi-detached, linked and duplex dwellings and other ground related built forms which are physically and contextually compatible;~~ Notwithstanding Section 4.4.3.4, the maximum density in the Low Density Residential designation shall be 35 dwelling units per net hectare.

11.2.4.3 Lands designated as Medium Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

- ab) ~~Medium Density Residential areas shall be developed at densities between 35 and 75 units per net hectare similar in kind to linked dwellings, cluster homes, townhouses and low-rise apartments to a maximum height of four storeys. In addition to these housing types, the Medium Density Residential 1 area may also be developed for semi-detached dwellings at a minimum density of 30 units per net hectare;~~ Notwithstanding Section 4.4.3.6, in the Medium Density

Residential designation the minimum density shall be 35 dwelling units per net hectare and the maximum density shall be 75 dwelling units per net hectare;

- b) Notwithstanding Section 4.4.3.6, in the Medium Density Residential 1 designation may also permit semi-detached dwellings with a minimum density of 30 units per net hectare.

11.2.4.4 Lands designated as High Density Residential 1, 2 and 3 on Schedule "G" shall be developed in accordance with the policies of Section 4.4.3.7 except as modified by the following additional policies.

- ~~ea)~~ ~~High Density Residential 1 areas shall be developed at densities between 75 and 100 units per net hectare similar in kind to stacked townhouses and apartments;~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 1 designation the minimum density shall be 80 dwelling units per net hectare and the maximum density shall be 170 dwelling units per net hectare, and shall not exceed 12 storeys in height.
- ~~bd)~~ ~~High Density Residential 2 areas shall be developed at densities between 80 to 170 units per net hectare similar in kind to apartments;~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 2 designation the minimum density shall be 100 dwelling units per net hectare and the maximum density shall be 275 dwelling units per net hectare, and shall not exceed 14 storeys in height.
- ~~ce)~~ High Density Residential 3 areas shall be developed at densities between 100 and 275 units per hectare. ~~similar in kind to apartments;~~
- ~~f)d)~~ ~~High Density Residential 4 areas shall be developed at densities between 75 and 220 units per net hectare similar in kind to apartments; and~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 3 designation the minimum density shall be 75 dwelling units per net hectare and the maximum density shall be 220 dwelling units per net hectare, and shall not exceed 6 storeys in height.
- ~~g)~~ ~~Development in High Density Residential 1 and 2 areas shall not exceed 12 storeys in height. Development in the High Density Residential 3 area shall not exceed 14 storeys in height.~~

~~Development in the High Density Residential 4 area shall not exceed 6 storeys in height.~~

~~11.2.4.3 Appropriate buffering measures shall be required for the low density residential development along Victoria Street.~~

11.2.4.5 Development within all Residential designations shall be encouraged to incorporate energy conserving land use planning design principles.

~~11.2.5~~ **School Sites**

~~11.2.5.1 Lands identified symbolically as School sites on Schedule "G" shall be developed in accordance with the policies of Section 4.8 except as modified by the following additional policy.~~

~~11.2.5.25 Two elementary school sites of at least 2.4 hectares in size shall be permitted adjacent to a district park. A school site(s) of at least 2.4 hectares in size shall be permitted adjacent to a district park.~~

~~11.2.4.6 Notwithstanding Section 11.2.4.5 of this Plan to the contrary, a second public elementary school site is also identified in the southern portion of the lands designated for Low Density Residential development. Should it be determined that this site is not required for an elementary school such lands can, without an amendment to this Plan, be developed for Low Density Residential purposes. Furthermore, this public elementary school may also be developed within the area designated Institutional, without an amendment to this Plan. However, should such a site within the Institutional area be developed, the presently identified site subject to this policy shall be developed for Low Density Residential purposes in accordance with the provisions of this Plan.~~

11.2.65 Community Commercial

11.2.5.16.1 The Community Commercial designation may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan. The Community Commercial designation associated with the Community Central Area identified on Schedule "G" may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan except as modified by the following additional policies.

11.2.6.2 ~~Residential development shall be permitted within the~~ On lands designated Community Commercial ~~designation~~ on the second and above floors of ~~the~~ commercial development to a maximum overall building height of 12 storeys and a maximum density of 100 units per net hectare.

- 11.2.65.3 Notwithstanding ~~Sections 4.3 and 4.5 of this Plan to the contrary,~~ The minimum and maximum floor space capacity for the commercial component ~~within the~~ on lands designated as Community Commercial ~~designation~~ shall be 3,000 square metres and 8,900 square metres respectively.

11.2.76 Business Park

- 11.2.76.1 ~~The purpose of the Lynde Shores Business Park is to establish a comprehensively planned, high intensity employment area to meet the demands of business and information services, new advanced industrial and health related technologies in a campus setting.~~ Lands designated as Business Park on Schedule "G" shall be developed in accordance with the policies of Section 4.7.3.2 except as modified by the following additional policies.

- 11.2.76.2 ~~The permitted uses in the Lynde Shores Business Park may include research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, light assembly and manufacturing operations for the production and/or distribution of high value and high technology products.~~ In addition to the uses permitted in Section 4.7.3.2, the following additional uses are permitted information processing establishments, communication production uses, pharmaceutical, light assembly and light manufacturing operations for the production and/or distribution of high value and high technology products.

~~In addition, a regional warehouse and distribution centre may be permitted within the northeast section, subject to inclusion of the appropriate provisions in the implementing Zoning By-law.~~

- 11.2.76.3 Notwithstanding Section 4.7.3.2.3, within the northeast section of the Business Park designation adjacent Highway 401, the additional use of a regional warehouse and distribution centre may also be permitted, subject to the inclusion of appropriate provisions in the implementing Zoning By-law.

- 11.2.7.4 Development shall be encouraged to take full advantage of the Highway No. 401 exposure through the staggering of lot lines on opposite sides of internal roads, siting of buildings and other appropriate site design measures. Consideration and appropriate mitigation measures for contamination management and on-site containment shall be required for all development and redevelopment on lands designated as Business Park.

On-site water detention facilities shall be required to contain industrial spills.

- 11.2.76.5 ~~Appropriate public access to the open space system to the west and Iroquois Park to the east shall be required through separate pedestrian walkways or sidewalks within road rights-of-way.~~ Appropriate active transportation linkages shall be required through publicly accessible pedestrian walkways on private property and within rights-of-way where appropriate.
- 11.2.76.6 ~~To encourage a special identity and image, high urban, architectural and landscape design standards shall be used together with:~~ Within the Business Park designation, development and redevelopment should foster a distinct character area of high urban, architectural and landscape design. Development and redevelopment shall be in accordance with the policies of Section 6.2 and shall include the following:
- a) ~~the minimal use of~~ minimizing at-grade surface parking;
 - b) restricting service and loading areas ~~to interior and rear yards where feasible; and~~
 - c) minimizing and restricting outdoor storage areas; and
 - d) requiring berms, landscaping and other appropriate measures ~~shall be required to adequately buffer residential areas on the south side of Victoria Street from the uses on the north side of Victoria Street.~~
- 11.2.76.7 In addition to the permitted uses in Section 11.2.76.2 ~~of this Plan~~, the lands within the Community Central Area, shown on Schedule A, may be developed to include limited business, medical and professional offices, financial institutions, restaurants, fraternal organizations as well as limited service commercial uses serving the Business Park. Development within the Community Central Area fronting on Victoria Street West or Gordon Street shall have a minimum and maximum height restriction of 3 and 8 storeys respectively. As an exception, the following additional policies shall apply to a single office building located on lands at the immediate northeast corner of Victoria Street West and Montecorte Street:
- a) a minimum and maximum height restriction of 3 and 20 storeys respectively; and
 - b) notwithstanding the policy provisions set out in Section 10.1.11, the developer shall also be required to submit architectural drawings illustrating appropriate design characteristics and materials to

mitigate the potential for bird strikes; and a report from a qualified environmental consultant that states that appropriate and acceptable mitigation measures have been included in that design.

- 11.2.76.8 ~~Remedial work shall be required to bring the Low Hazard Land area indicated on Schedule “G” up to a standard that would permit development. The Low Hazard Land area shall not be deemed developable or zoned to permit development until such time as the existing or potential hazard has been overcome or agreements have been entered into between landowners and the Ministry of Natural Resources and Forestry and the Central Lake Ontario Conservation Authority for works to overcome the hazard, and the development proposal is shown to satisfy the requirements of the authorities having jurisdiction. Basements shall not be permitted in developments within the Low Hazard Land area.~~

Where detailed study in support of a development application confirms that the boundary of a Natural Hazards designation may be refined, development and site alteration may be permitted without amendment to this Plan provided the Conservation Authority concurs with the study findings. When the Natural Hazards designation is removed or reduced, the urban land use designation abutting the area removed or reduced shall apply.

- 11.2.76.9 ~~An automobile service station consistent with the intent of Section 4.5.3.8 of this Plan may be permitted after due consideration and subject to rezoning within the Community Central Area, at the collector road intersection on the north side of Victoria Street. In accordance with Section 4.5.3.8, an automobile service at the northwest corner of Victoria Street and Montecorte Street, may be permitted subject to appropriate zoning.~~

11.2.87 Institutional

- 11.2.78.1 ~~The “Institutional” designation identifies an area for the present and future spatial requirements of the Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences. Lands within the “Institutional” designation may also be used for those purposes indicated in Section 4.8.3.1 of this Plan, and other medical related and research and development facilities.~~ Lands designated as Institutional on Schedule “G” shall be developed to support and expand the Health Precinct, which includes Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences.

Lands designated as Institutional shall be developed as a cluster of health and medical related facilities, and complementary health-related research and development facilities and shall be developed in accordance with the relevant policies of Sections 6.2 and 10.1.11.

~~11.2.7.2 The Lakeridge Health Whitby shall maintain its vehicular access and facility orientation to Gordon Street.~~

~~11.2.7.3~~ 8.2 That Building 22 of the former Whitby Psychiatric Hospital known as the Doctor's House, shall be preserved due to its significant heritage value. In order to support the economic viability of this heritage structure, the following uses shall be permitted within the existing building: day nursery, residential use, community centre, business and professional offices ancillary to the Ontario Shores Centre for Mental Health and Sciences, public use, and a clinic.

11.2.98 Major Open Space

~~11.2.89.1 The development of all lands within the Lynde Shores Secondary Plan and the preparation of the Master Plan referred to in Section 11.2.9.2 shall be undertaken in accordance with the recommendations of the "Environmental Management Plan – Lynde Shores Secondary Plan Area" (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.~~

~~As part of Council's approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.~~ Lands designated as Major Open Space on Schedule "G" shall be developed in accordance with the policies of Section 4.9 of this Plan, except as modified by the following additional policies.

~~11.2.98.2 Prior to any development in the Business Park and Residential areas within the Lynde Shores Secondary Plan Area, a detailed Open Space Master Plan shall be prepared by the applicant to implement the Environmental Management Plan referred to in Section 11.2.9.1.~~

~~This Master Plan will not only outline the detailed design but also establish an operations program to facilitate implementation and ongoing maintenance. The Master Plan shall be prepared to the satisfaction of the Municipality in consultation with the Central Lake Ontario Conservation Authority and Ministry of Natural Resources and Forestry.~~

~~11.2.8.3 An Environmental Monitoring Program shall be in place during the implementation of the management system components in the Major Open Space area as well as construction of adjacent lands, and continued for a least a period of ten (10) years following the completion of development in the Lynde Shores Secondary Plan Area. The monitoring program should be designed to provide specific quantitative information on any changes in key natural features and associated use levels.~~

~~11.2.8.4 The Municipality will establish and administer a public environmental advisory committee to oversee the Environmental Monitoring Program described in Section 11.2.8.3 in accordance with the Environmental Management Plan. The Committee will operate in accordance with the recommendations contained in the Environmental Management Plan and submit an annual report to Whitby Council.~~

~~11.2.8.5 A looped open space system shall be required to facilitate public pedestrian and bicycle access such that Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area are linked in an integrated manner. This system, as shown on Schedule "G" shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and useability of this public recreational resource.~~

~~11.2.8.6~~ 9.3 Access for the servicing of public utilities, where necessary, shall may be provided through all lands within the Major Open Space designation.

~~11.2.8.7 It is the intent of the Central Lake Ontario Conservation Authority to acquire all those privately-owned, non-government lands below the Regional floodline and within the Major Open Space designation.~~

~~11.2.8.8 A District and two Local parks shall be required to serve the needs of the residential areas. The District park shall be adjacent to the designated elementary school sites. One local park of a passive nature shall be located west of the collector ring road and a small active parkette shall be located north of the Ontario Shores Centre for Mental Health and Sciences.~~

11.2.109 Transportation and Active Transportation

~~11.2.109.1 The internal collector road network is based on a looped system designed to facilitate easy movement of vehicles into and out of the area. The final road alignments for both collector and local roads shall be determined at the time of development review and approval. The Secondary Plan Area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following additional policies.~~

- 11.2.109.2 ~~As part of the studies identified in Section 11.2.7.3, the feasibility of linking the collector road system between the southern end of Gordon Street and the collector road system to the west shall be investigated in order to provide a continuous collector road system.~~ Consideration of the future road linkage connecting Gordon Street to Annes Street shall be considered during the development approval process within the Business Park.
- 11.2.109.3 ~~Within the Business Park, the final design of the intended road system shall generally follow a looping route focusing on Victoria Street. A collector road linkage shall be provided to Annes Street while respecting the road widening requirements of the future Annes Street – Highway No. 401 grade separation.~~ Active transportation corridors shall be maintained in the open space corridor along the Lake Ontario waterfront and Lynde Creek.
- 11.2.910.4 ~~The east limit of the collector ring road south of Victoria Street and adjacent to the Lynde Creek shall represent the limit of urban development. The ring road is an important component of the Environmental Management Plan identified in Section 11.2.8.1. This road supports the maintenance and security system for the Major Open Space area and encourages public appreciation.~~ A looped Active Transportation Network shall be required to facilitate public pedestrian and bicycle access to link Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area in an integrated manner. The Active Transportation Network, as shown on Schedule “G” shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and usability of this public recreational resource.
- ~~11.2.109.5 Public pedestrian and bicycle access shall be required in the open space corridor along the Lake Ontario waterfront and Lynde Creek. A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.~~
- ~~11.2.9.6 A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.~~

~~11.2.9.7~~ Beyond the Victoria Street widening, the following major works projects shall require undertaking in order to accommodate the forecasted traffic volumes:

- ~~a) Annes Street construction to a level of service consistent with the planned function of the road; and~~
- ~~b) Gordon Street improvement to full municipal standards.~~

11.2.1~~0~~ Heritage Conservation

~~11.2.1~~0~~.1~~ The archaeological significance of the Secondary Plan Area has been reviewed in detail through reports prepared by Archaeological Services Inc. (1991) and the Museum of Indian Archaeology (1988). Reference shall be made to the recommendations of these reports prior to any development approvals, grading or any other soil disturbance and the issuance of any demolition permits for structures associated with the Ontario Shores Centre for Mental Health and Sciences.

~~More specifically, on lands south of Victoria Street and west Seaboard Gate, including lands within the Major Open Space designation, further examination of the candidate sites identified in the above noted reports shall be required to determine the need for mitigation and/or salvage excavation to the satisfaction of the Ministry of Tourism, Culture and Sport.~~ Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.2.1~~2~~4 Servicing

~~11.2.11.1~~ Development shall proceed in an orderly fashion, dependent in part on the availability of municipal water and sewage systems. Water and sewage systems are immediately available to the majority of the area and, as such, a servicing concept has been established. The servicing concept makes provisions for two pumping stations and ultimate twinning of existing trunk sanitary sewers though the Port Whitby Community. In this regard, the Lynde Shores Secondary Plan Area shall be serviced by looped extensions of existing trunk watermains and sanitary sewers in the vicinity of the Victoria Street and Gordon Street intersection. In addition, the internal sanitary servicing shall be dictated by local topographical constraints such that the northern two-thirds shall be serviced by a gravity fed sanitary sewer system, whereas the southern third and the extreme western portion of the area shall be serviced by a pumped sanitary sewer system. The Secondary Plan Area shall be developed in accordance with

the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

~~11.2.11.2 A master storm water management plan for the Lynde Shores Secondary Plan Area shall be undertaken in accordance with recommendations of the Environmental Management Plan and the requirements of the Ministry of the Environment. An engineering report detailing the storm water management plan shall be brought forward for Council approval once these studies have been prepared and reviewed by Public Works staff in consultation with the Ministry of Environment and Energy, the Ministry of Natural Resources and the Conservation Authority.~~

11.2.13² Implementation and Interpretation

~~11.2.12³.1 The provisions of Section 11.2 together with Schedule “G” shall comprise the Secondary Plan for Lynde Shores. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

~~11.2.12.2 Forthwith, upon the approval of this Secondary Plan, the existing Zoning By-law, as it affects the Secondary Plan Area, shall be reviewed and amended to conform to the policies of the Plan.~~

11.2.13 Interpretation

~~11.2.13.1 The provisions of Section 11.2 together with Schedule “G” shall comprise the Secondary Plan as contemplated by this Plan.~~

~~11.2.13.2 The provisions of Section 11.2 to the Lynde Shores Secondary Plan Area are delineated on Schedule “G”. Schedule “G” provides more precise illustrations of the land use designations and provisions that are shown on Schedule “A”.~~

11.8 Brock/Taunton Major Central Area Secondary Plan

11.8.1 Goal

- 11.8.1.1 To provide for the development of a prominent, intensive, multi-functional Major Central Area ~~located at the intersection of Brock Street and Taunton Road~~ that provides a focal point of mixed use activities including major commercial, office, institutional, residential, recreational and entertainment activities, and respects the hazard lands and environmentally sensitive areas associated with Lynde Creek.

11.8.2 Objectives

- 11.8.2.1 To encourage the creation of a dynamic, vibrant area with a strong sense of identity, which provides a wide range of activities for residents and visitors.
- 11.8.2.2 To provide for a full range of retail and personal service uses to serve the needs of the residents. ~~which are appropriately timed to address the needs of the market place.~~
- 11.8.2.3 To encourage the creation of mixed use developments which provide a suitable integration of uses within the Major Central Area ~~context~~ and ~~which~~ provide a variety of employment and residential opportunities.
- 11.8.2.4 To provide a range of housing ~~opportunities~~ types to accommodate a variety of household sizes and incomes, that support the other land uses in the Major Central Area and are developed at densities which are transit supportive.
- 11.8.2.5 To respect, and protect the natural environmental features within the area ~~and where appropriate, incorporate them into the built environment.~~
- 11.8.2.6 To provide an appropriate balance between the traffic ~~movement~~ functions of the arterial roads and the need for active transportation and transit access, safety and comfort in the Major Central Area.
- 11.8.2.7 To create an area which is pedestrian and bicyclist friendly and ensures their comfort, safety and convenience.
- ~~11.8.2.8 To encourage development which is transit supportive through both its density and the provision for and integration of, transit facilities.~~

- 11.8.2.89 To ~~provide policies which~~ establish an the urban design framework for development in the Major Central ~~area~~ Area.

11.8.3 General Development Policies

- 11.8.3.1 ~~The boundary of the Brock/Taunton Major Central Area is shown on Schedule "N". The boundary of the Secondary Plan includes some lands not included within the Major Central Area boundary.~~

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "N". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part 1 of this Plan.

- 11.8.3.2 Schedule "N" provides the detailed land use designations for both the Major Central Area and the larger Secondary Plan area. The more detailed policies of Section 11.8, together with the general policies of this Plan, apply to the land use designations of the Secondary Plan area as shown on Schedule "N".

- 11.8.3.32 Development within the Major Central Area shall have regard to the relevant provisions of the Town of Whitby Official Plan and the Durham Regional Official Plan, and in particular the overall density and long term *floor space index* targets in Section 4.3.3.3.4.2.

- ~~11.8.3.3 Schedule "N" provides the detailed land use designations for both the Major Central Area and Secondary Plan area. The land use designations shall include Major Commercial, Mixed Use, Institutional, Institutional/Corporate Office, High Density Residential, Medium Density Residential, Low Density Residential, Hazard Land and Park.~~

- 11.8.3.4 Development within the Major Central Area shall be: integrated in a compact form; pedestrian-oriented; accessible by public transit; and promote efficient and effective use of land resources and municipal services.

- 11.8.3.5 The highest intensity of land uses shall be within the Major Commercial and Mixed Use designations in the vicinity of the intersection of Brock Street and Taunton Road, ~~and as well as~~ Garden Street and Taunton Road East, ~~and t~~There shall be a ~~gradual~~ transition of densities towards the boundaries of the Major Central Area. New development will occur in an orderly manner which is consistent with the efficient and effective use and provision of municipal services and with the policies of this Plan.

11.8.3.6 Throughout the development ~~review~~ approval process, the municipality will encourage the use and implementation of urban design in accordance with Section 6.2 standards throughout the Major Central Area, with specific regard to development adjacent to the arterial roads and, ~~as appropriate~~, the tributary of the Lynde Creek.

11.8.3.7 New automobile service stations and gas bars shall not be permitted within ~~the~~ this Major Central Area.

~~11.8.3.8 Prior to any rezoning within the Secondary Plan boundary, an archaeological survey may be required in accordance with Policy 2.3.4 and Table E8 of the Durham Regional Official Plan.~~

~~11.8.3.9 Applications for development adjacent to Brock Street or Taunton Road, which include residential uses, shall be required to submit a noise study which will demonstrate how appropriate noise levels for residential development can be achieved, including the identification of any required mitigation measures.~~

11.8.4 Major Commercial

~~11.8.4.1 The Major Commercial designation shall permit a complete range of retail, personal service, office, institutional, community, recreational, residential, and entertainment uses, in accordance with the relevant policies of Sections 4.3 and 4.5 of this Plan.~~

Lands designated as Major Commercial on Schedule “N” shall be developed in accordance with the policies of Section 4.5.3.1 except as modified by the following additional policies.

~~11.8.4.2 The maximum gross leasable floor space assignment for retail and personal service uses, north of Taunton Road, within the Major Commercial designation shall generally be: 40,700 square metres on the west side of Baldwin Street South; 7,800 square metres on the east side of Baldwin Street South; 23,740 square metres on the west side of Garden Street, and 41,000 square meters on the east side of Garden Street for a total of 113,240 square metres.~~

11.8.4.2³ Medium and high density residential uses may be permitted in conjunction with the permitted non-residential uses, subject to Section 4.5.3.7 and Section 4.3.3.3.4.2 ~~the requirements of the implementing Zoning By-law~~. Proposals for residential development shall be required to submit a detailed Noise Impact Study which evaluates the potential adverse effects on such residential uses from adjacent land uses and arterial roads. The study will demonstrate how appropriate noise levels for residential

development can be achieved, including the identification of any required mitigation measures.

- ~~11.8.4.4 Development shall be encouraged to provide an appropriate built form and landscaping at Brock/Baldwin Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East. Within the Major Commercial designations, at the intersection of Brock Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East, a publicly accessible pedestrian Urban Square shall be provided in accordance with the provisions of Section 11.8.4.10 and Section 11.8.14.~~
- ~~11.8.4.5 Development will be encouraged to take advantage of the views of the tributary of the Lynde Creek bordering the north side of the designation and to allow for the integration of development with a pedestrian trail system along the tributary of the creek. Pedestrian connections through the designation, from the Urban Square to the trail system along the tributary of the creek, shall also be encouraged.~~
- ~~11.8.4.6 Development shall be required to coordinate access with: Valleywood Drive to the south of Taunton Road; and the access to the Institutional designation to the east of Brock Street.~~
- 11.8.4.3 New non-residential buildings greater than 500 square metres, shall have a minimum building height of 2 storeys and a maximum building height of 18 storeys.
- New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.
- All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street South, Brock Street North or Taunton Road East and West.
- 11.8.4.7 Development shall accommodate a continuous transit route_ connections for transit, pedestrian and vehicular traffic throughout through the Major Commercial designations_ from Brock Street to Taunton Road.
- ~~11.8.4.8 Consideration will be given to relocating the existing Hydro Electric Power Corridor to a location within the Taunton Road right-of-way.~~
- ~~11.8.4.9 The minimum building height shall be 2 storeys and the maximum building height shall be 18 storeys.~~

- ~~11.8.4.10~~ ~~Development of lands within the Major Commercial designation shall be undertaken in accordance with the following:~~
- ~~a) An Urban Design Plan shall be prepared for the Major Commercial designation, in accordance with Section 11.8.14, to illustrate: the integration of the uses; the Urban Square features; the pedestrian connections; the opportunities for transit integration; the potential relocation of the existing hydro corridor; and the views of the Lynde Creek tributary.~~
 - ~~b) Development adjacent to the Lynde Creek Environmentally Sensitive Area and/or the Lynde Creek tributary shall be required to undertake an Environmental Impact Study, in accordance with Section 5.4.2.4, in order to: examine and assess the type and degree of sensitivity of the environmental conditions; the potential impacts of the proposed development; refine the limits of development; and determine any mitigative measure which may be required.~~
- 11.8.4.5~~11~~ Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density on lands designated as Major Commercial-1 is 555 units per net hectare. For the purposes of this calculation, net residential hectare shall include all private laneways.
- 11.8.4.6~~12~~ Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4 Part Lot 26, municipally known as 70 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29800-0000, the additional use of a commercial self-storage facility may be permitted as an exception, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.
- 11.8.4.7~~13~~ Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4, Part Lot 26, municipally known as 20 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29725-0000, the additional use of a commercial self-storage facility may be permitted, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.
- In addition, a lot for the commercial self-storage facility may be created without frontage on an open public road provided there are necessary easements respecting such matters as appropriate shared access across

parcels to/from a public road, vehicular and pedestrian circulation, and municipal servicing.

11.8.5 Mixed Use

- 11.8.5.1 Lands designated as Mixed-Use on Schedule “N” shall be developed in accordance with policies of Section 4.6 except as modified by the following additional policies.

~~Development within the Mixed Use shall designation shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.~~

~~Recreational, institutional and community uses permitted in accordance with Section 4.4.3.1 a) of this Plan, shall also be permitted in Mixed Use designations, subject to an amendment to the Zoning By-law.~~

- 11.8.5.2 Development within the Mixed Use shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.

The residential component of a mixed use development may be located either within the same building as the permitted non-residential uses or, in separate buildings on the same site with permitted non-residential uses, as part of an integrated development plan. Where the residential and non-residential uses are not proposed within the same building, the development shall demonstrate the means by which integration of residential and non-residential uses shall occur, prior to rezoning. ~~Applications for mixed use development which include S~~ single-purpose land uses ~~shall be discouraged~~ within the Mixed Use designation shall not be permitted.

- 11.8.5.3 Recreational, institutional and community uses in accordance with Section 4.4.3.1 a) of this Plan, may also be permitted.

- 11.8.5.4 Development and redevelopment in the Mixed Use designation shall ~~be carried out on the basis of comprehensive site plans which~~ take into consideration the Urban Design policies established in Section 11.8.14 and Section 6.2 of this Plan.

- ~~11.8.5.4 The highest intensity of uses within the Mixed Use designations shall be encouraged to locate in the vicinity of the intersection of Brock Street and~~

~~Taunton Road and there shall be a gradation of densities towards the boundaries of the Mixed Use designations.~~

- 11.8.5.5 ~~The minimum building height for new residential and mixed-use buildings shall generally be 6 storeys and the maximum building height shall be 18 storeys. Buildings that have a height greater than 8 storeys shall generally be located in proximity to Brock Street or Taunton Road. New non-residential buildings that are greater than 500 square metres in gross floor area shall have a minimum height of 2 storeys.~~

New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.

All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street, Brock Street or Taunton Road.

New non-residential buildings greater than 500 square metres in gross floor area shall have a minimum building height of 2 storeys

- 11.8.5.6 ~~Retail commercial development which involves large, freestanding, independent buildings including, but not limited to, department stores, retail warehouse stores, and supermarkets that would detract from the Major Commercial designation shall not be permitted in the Mixed Use designation.~~

- 11.8.5.67 ~~Food stores with a gross leasable floor space of less than 1,200 square metres shall be permitted within a Mixed Use designation.~~

~~Development of food stores with a gross leasable floor space of greater than 1,200 square metres may be considered in accordance with the following:~~

- ~~a) Subject to an application for re-zoning;~~
- ~~b) A supermarket has been developed within the Major Commercial designation of this Plan;~~
- ~~b) The submission of a retail market impact analysis, in accordance with Section 4.5.4.2 of this Plan to justify to the satisfaction of Council that no undue adverse impact will occur on existing supermarket facilities.~~

11.8.5.7~~8~~ Where lands within a Mixed Use designation are under more than one ownership, complementary site design shall be encouraged, where appropriate, including such matters as: co-ordination of access points; internal traffic circulation; parking; pedestrian connections, -and integrated landscaping.

~~11.8.5.9 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.~~

11.8.5.8 ~~11.8.5.10~~ Additional Specific policies have been developed for specific areas designated ~~each~~ Mixed Use ~~designation~~ as illustrated on Schedule "N". Development shall proceed in accordance with the following:

11.8.5.8.1 ~~11.8.5.10.1~~ **Mixed Use Area 1**

a) ~~The gross leasable floor space assignment for retail and personal service uses within Mixed Use Area 1 shall generally be 6,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.~~

11.8.5.8.1.1 ~~b)~~ Commercial uses and buildings shall be encouraged to be situated in close proximity to the Brock Street and Taunton Road intersection.

11.8.5.8.1.2 ~~c)~~ ~~Development of Mixed Use Area 1 shall be required to include medium and high density residential uses. Approximately fifty percent of the residential units proposed shall be comprised of high density residential uses, in accordance with Section 4.4.3.6 of this Plan.~~ There shall be a transition of densities with the highest densities occurring closest to the Brock Street and Taunton Road intersection.

d) ~~In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 1, to illustrate: the integration of uses; building placement; the park location and features; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit integration.~~

~~11.8.5.8~~ **Mixed Use Area 2**

11.8.5.8.1.3 The gross leasable floor area assignment for retail and personal service uses within Mixed Use Area at the south east quadrant of

Brock Street South and Taunton Road East shall generally be 5,300 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.

b) 11.8.5.8.1.4 Commercial uses and buildings shall be encouraged to be situated in close proximity to ~~the~~ Brock Street North and Taunton Road East ~~intersection.~~

11.8.5.8.1.5 Development of Mixed Use 2 shall be required to include medium and/or high density residential uses, in accordance with Sections ~~4.4.3.5 and 4.4.3.6 of this Plan~~ 11.8.5.2.

c) ~~In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 2, to illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit connections.~~

~~11.8.5.8.3 10.3~~ **Mixed Use 3 Area 4**

~~11.8.5.8.3.1a) The gross leasable floor area assignment for retail and personal service uses shall generally be 3,400 square metres within Mixed Use Area 3 4. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.~~

~~11.8.5.8.3.2b) All Commercial uses and buildings shall be encouraged to be situated in close proximity to Baldwin Street South.~~

c) ~~In accordance with Section 11.8.14, any site plan application in Mixed Use Area 4, shall illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; opportunities for transit connections, landscaping; and proposed buffering to adjacent uses.~~

11.8.6 Institutional/Corporate Office

11.8.6.1 The predominant uses permitted within Institutional/Corporate Office designation shall include business and corporate offices, entertainment uses, recreational uses and institutional uses including health care and medical facilities, civic administration centres, government facilities, education facilities, places of worship, community centres, libraries, transit, art and cultural facilities, banquet halls and fraternal organizations.

11.8.6.2 In addition to the uses permitted in Section 11.8.6.1, residential uses are also permitted within mixed use ~~the Institutional/ Corporate Office designation in the form of multi-unit~~ buildings that have a minimum height of 6 storeys and a maximum height of 10 storeys.

11.8.6.3 For the purposes of this designation, corporate offices are defined as offices which provide business headquarters or main office functions but ~~generally~~ do not include medical offices, law offices, and real estate offices and are greater than a minimum of 500 square metres of gross leasable area.

~~11.8.6.4 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.~~

11.8.7 Residential

~~11.8.7.1 The predominant use of lands within a Residential designation shall be for residential purposes.~~

11.8.7.1 ~~11.8.7.2~~ A range of tenure types and built forms of residential development shall be encouraged to serve a variety of housing needs within the Major Central Area.

11.8.7.2 ~~9~~ Lands designated as Low Density Residential ~~Areas~~ on Schedule “N” shall be developed in accordance with Section 4.4.3.4 and are located ~~within the boundaries of the Secondary Plan but~~ outside of the Major Central Area. ~~Permitted uses within the Low Density Residential designation shall include single detached, semi-detached or linked, and duplex dwellings, in accordance with Section 4.4.3.4 of this Plan. Development shall occur at densities of up to 30 units per net hectare.~~

11.8.7.3 ~~4~~ Lands designated as ~~Permitted uses within the~~ Medium Density Residential on Schedule “N” shall be developed in accordance with Section 4.4.3.5 ~~designation shall include street and block townhouse, triplex, fourplex, or other forms of multiple dwellings, in accordance with Section 4.4.3.5 of this Plan. Development shall occur at densities between 30 and 65 units per net hectare and shall not exceed a maximum height of 4 storeys.~~

~~Notwithstanding Section 4.4.3.5 of this Plan, linked and semi-detached dwelling units shall be permitted on the northeast quadrant of the Brock/Taunton Major Central Area Secondary Plan, in the area designated Medium Density Residential.)~~

~~11.8.7.4 Notwithstanding Section 4.4.3.6 of this Plan, linked and semi-detached dwelling units shall also be permitted on lands designated Medium Density Residential in the northeast quadrant of the Brick/Taunton Major Central Area Secondary Plan, the area designated as Medium Density Residential.~~

11.8.7.5 Lands designated as High Density Residential shall be developed in accordance ~~Development and permitted uses within the High Density Residential designation shall be in accordance~~ with Section 4.4.3.6 and 4.3.3.3.4 of this Plan and the following additional policies.

~~Notwithstanding Section 4.4.3.6 of this Plan, the maximum permitted residential density within the High Density Residential 2 designation shall not exceed 145 units per net hectare.~~

~~11.8.7.6 Day care centres, nursing homes and homes for the aged may be permitted in all Residential designations in the Major Central Area subject to an amendment to the Zoning By-law. Such uses shall be compatible with the residential areas in which they are located. Where appropriate, uses generating moderate to high levels of vehicular traffic shall be encouraged to locate adjacent to arterial roads.~~

~~11.8.7.63 The minimum height for new Hhigh Ddensity residential development shall be 6 storeys and the maximum building height shall be 18 storeys.~~

~~Buildings that have a height greater than 8 storeys shall generally be located within proximity to Brock Street or Taunton Road.~~

~~11.8.7.7 Notwithstanding Section 4.4.3.6 of this Plan, the maximum permitted residential density within the High Density Residential 2 designation shall not exceed 145 units per net hectare.~~

~~11.8.7.8 A variety of built forms will be encouraged within the Medium Density areas and consideration will be given to innovative housing types which fall within the density parameters established in Section 11.8.7.4.~~

Local Commercial Areas, Convenience Commercial Centres and professional, business office and personal service uses permitted in accordance with Sections 4.4.3.1 b) and 4.4.3.1 c) of this Plan, shall not be permitted ~~be prohibited~~ within the Residential designations in this Secondary Plan ~~of the Major Central Area.~~

11.8.8 Institutional

- 11.8.8.1 A variety of Institutional uses currently exist within the Major Central Area. ~~New~~ Institutional uses, including schools, places of worship, community centres, libraries and cultural facilities may be permitted, subject to an amendment to the Zoning By-law.
- 11.8.8.2 Integrated access points and circulation routes with adjacent uses shall be encouraged.
- ~~11.8.8.3 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed-use developments where uses share a common building or site and have non-coincident peak parking requirements.~~
- ~~11.8.8.3 Where institutional uses are proposed adjacent to a Low or Medium Density Residential designation, the provisions of Section 4.9.3.6–6.2.3.12 of this Plan shall apply.~~

11.8.9 Major Open Space Hazard Lands

- 11.8.9.1 Lands designated Major Open Space shall be developed in accordance with Section 4.9 of this Plan, except as modified by the following additional policies.
- 11.8.9.2 Natural Heritage System and Natural Hazards, shown on Schedule “C”, ~~Hazard Lands within the Secondary Plan area~~ comprise of a portion of the Major Open Space ~~open space~~ corridor along the Lynde Creek tributary.
- ~~11.8.9.3 The provisions of Section 5.3.7 and 5.3.10 of this Plan shall apply to all lands identified as Natural Heritage System and/or Natural Hazards, on Schedule ‘C’ Hazard Lands within this Secondary Plan.~~
- ~~11.8.9.4 Development applications which include, or are in close proximity to, lands identified as Major Open Space may be required to submit an Environmental Impact Study, in accordance with Section 5.4.2, in consultation with the Town of Whitby and the Conservation Authority.~~
- ~~11.8.9.3 The boundaries of the Hazard Lands designation along the Lynde Creek tributary shall be determined to the satisfaction of the Town of Whitby in association with the Conservation Authority, and may include the greater of top of bank, flood hazard, erosion setbacks, slope stability setbacks, and/or maintenance access, where required. Hazards Lands as identified are encouraged to be transferred to the Town.~~

~~11.8.9.4 The exact location and extent of Hazard Lands shall be determined through the subdivision and site plan approval process in accordance with the required Environmental Impact Study.~~

~~11.8.9.5 The location of Hazard Lands shall be specified in the Zoning By-law.~~

~~Where boundaries are adjusted, the abutting land use designation shall apply without amendment to this Plan, provided the intent of the Plan is maintained.~~

~~11.8.9.6 A trail system shall be developed in proximity to the Lynde Creek tributary, to provide pedestrians and bicyclists with recreational opportunities which take advantage of the views and ambiance of the natural environment.~~

~~11.8.9.7 Where the trail is to be accommodated within the Hazard Lands designation, the trail shall generally be established in accordance with the following:~~

- ~~a) A location within areas of low environmental sensitivity;~~
- ~~b) A design which avoids sensitive soils and erosion-prone areas;~~
- ~~c) A location which minimizes disruption to existing vegetation and fragmentation of wildlife habitat; and~~
- ~~d) A design which ensures user safety for a wide range of users. The exact location of the trail shall be determined through the site plan approval process and shall take into consideration any relevant recommendations of the Environmental Impact Study required for the Major Commercial designation. Connections between the trail system and the public sidewalks shall be provided and access to the trail through the adjacent development shall be encouraged.~~

~~11.8.9.8 A pedestrian crossing of the northern reach of the Lynde Creek tributary within the Major Commercial designation shall be encouraged, in order to provide connections between the Major Central Area and the residential lands to the north.~~

11.8.10 Parks ~~Open Space~~

11.8.10.1 Parkettes and Urban Squares are shown symbolically on Schedule "N" and shall be developed in accordance with the relevant policies of Sections 4.9.3.22.

~~11.8.10.1 The park located within the south west quadrant of the Major Central Area is intended to primarily serve the residential uses within the Mixed Use Area 1 designation. The size of the park shall be determined based on the actual density of residential lands being developed within Mixed Use Area 1, but shall generally be required to have a minimum size of 0.4 hectares subject to providing active park facilities. The exact location of the park shall be determined through the site plan approval process and may be relocated without amendment to this Plan.~~

11.8.11 Environmental Management

~~11.8.11.1 Development shall have regard to its effect on the natural environment and measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value.~~

~~11.8.11.2 Development applications Applications for subdivision, severance or site plan approval which include or are in close proximity to, lands identified as Hazard lands Major Open Space may shall be required to submit an Environmental Impact Study, in accordance with Section 5.4.2 satisfactory to the Town, in consultation with the Town of Whitby and the Conservation Authority which addresses one or more of the following elements:~~

- ~~a) A detailed delineation of the on-site existing physical and biological features and functions, including the determination of flood hazards, sensitive soils, and erosion-prone areas;~~
- ~~b) An assessment of the proposed servicing and grading plan, its potential environmental impacts on the lands (e.g. the vegetation), and the potential mitigative measures to be undertaken during and after grading;~~
- ~~c) The identification of potential environmental impacts resulting from the proposed development;~~
- ~~d) Measures to be undertaken which will retain or enhance existing environmental features and conditions, or to mitigate potential negative impacts on these features and conditions that may result from development;~~
- ~~e) An engineering analysis to address erosion and sediment control both pre- and post-development, and its potential impacts;~~
- ~~f) An engineering analysis of surface and sub-surface drainage, both pre- and post-development, and its potential impacts;~~

- g) ~~Mitigative measures to be undertaken during construction of the development; and~~
- h) ~~A determination of the width of the buffer or setback required between the adjacent development and the Hazard Lands or Environmentally Sensitive lands, and/or the confirmation of any buffer or setback that may be determined by the Town, or other relevant agency.~~

~~11.8.11.3 The recommendations of the Environmental Impact Study shall generally be consistent with Section 5 of this Plan.~~

11.8.11 ~~11.8.12~~ Transportation

11.8.11.1 ~~The Secondary Plan area shall be developed in accordance with the Transportation policies of Sections 8.1 and 6.2 in particular Section 6.2.3.12 and 6.2.3.14 except as modified by the following policies.~~

11.8.11.2 ~~11.8.12.1~~ Taunton Road is a Type “A” arterial road which is intended to provide cross regional transportation ~~opportunities; however, this~~ This road also provides the main east-west transportation connection and individual property access within the Major Central Area.

11.8.11.13 ~~11.8.12.2~~ Brock Street North/Baldwin Street South ~~is~~ a Type “B” arterial road which is intended to provide the main north-south transportation connection through the Major Central Area ~~and also currently provides individual property access opportunities.~~

11.8.11.4 ~~11.8.12.3~~ In order to respect the designated road functions of the arterial roads and to provide opportunities for access to intensified uses within the Major Central Area, individual property access to the arterial roads may be restricted and may be required to be coordinated with other developments in order to ensure adequate vehicular and pedestrian safety. The Town of Whitby and the Region of Durham shall determine these requirements during the development ~~subdivision, severance or site plan~~ approval process.

11.8.11.5 ~~11.8.12.4~~ A vehicular and pedestrian movement shall be designed to reduce ~~pattern may be encouraged which reduces~~ conflict between pedestrians and vehicular traffic, and between residential and non-residential vehicular traffic.

11.8.11.6 ~~11.8.12.5~~ The use of ~~selective~~ traffic control measures may be required in the future to address the impacts of through traffic, or locally generated non-

residential traffic, on local streets within the Residential designations shown on Schedule “N”.

~~11.8.12.6 The location of the collector roads which are shown on Schedule “N” shall be determined through the subdivision approval process and may be modified without amendment to this Plan, as long as the intent of the Plan is maintained. The roads shall be developed to municipal standards in accordance with Section 8.1.3.4 of this Plan.~~

11.8.11.7 ~~11.8.12.7~~ Future public transit routes and facilities shall serve the Major Central Area and be designed to provide optimum service to the various land uses within the Major Central Area. Transit facilities ~~connection opportunities for both local and regional transit services~~ may be required in the Major Commercial designation and all land uses shall make provision for transit connections, where necessary.

11.8.11.8 ~~11.8.12.8~~ Safe and convenient pedestrian circulation systems shall be provided within all areas of the Major Central Area. Within developed areas, the pedestrian system shall include sidewalks and walkways which shall be well lit and hard surfaced. Within open space areas, the pedestrian system will be designed in accordance with the environmental character of the area. Appropriate pedestrian road crossing locations shall be provided. Landscaping and buffering of the pedestrian system shall be encouraged and shall be addressed through the development site plan approval process where appropriate.

11.8.11.9 ~~11.8.12.9~~ Active transportation ~~Bicycle use~~ shall be encouraged in and through the Secondary Plan area. The integration of active transportation bicycle parking facilities ~~with development~~ shall be addressed through the development site plan approval process, where appropriate ~~necessary~~.

11.8.11.10 ~~11.8.12.10~~ In addition to the matters listed in Section 4.4.3.13.2, the Municipality may also consider reduced parking requirements after detailed study for all developments, where justified in terms of need, to the satisfaction of the Municipality. ~~Parking requirements established in the Zoning By-law, may give consideration to reduced overall parking standards~~ Where specific land uses share a common ~~building or~~ site and have non-coincident peak parking requirements.

It is the long-term intent of this Plan that the majority of the parking spaces in the Central Area be included within structured parking garages or underground. In this regard, a long term parking strategy for the area which takes into account the phasing of development should be prepared.

11.8.13 Servicing

~~11.8.13.1 The Secondary Plan area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3, the site servicing policies of Section 6.2.3.16, and the Storm Water Management policies of Sections 5.3.9 and 8.2.5.~~

~~_____ Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.~~

~~11.8.13.2 Applications for development shall be required to employ appropriate storm water management techniques and practices, in accordance with Sections 5.3.9 and 8.2.5 of this Plan.~~

~~11.8.12.2 11.8.13.3 The Town, in consultation with the Conservation Authority shall require the use of Best Management Practices (BMPs) green infrastructure and low impact development measures, where appropriate based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the condition of the receiving watercourses.~~

~~11.8.13.4 Storm water management facilities may be permitted in any land use designation on Schedule “N”, subject to any required approvals from the Town, in consultation with the Conservation Authority.~~

~~11.8.13.5 Storm water quality control measures shall be provided for all new development located north of Taunton Road. Storm water quantity controls shall be provided for all new development located north of Taunton Road and east of Brock Street, in accordance with Section 8.2.5 of this Plan.~~

~~11.8.13.6 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.~~

~~11.8.13.7 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.~~

~~11.8.14~~ 11.8.12 Urban Design

~~11.8.14.1~~ 11.8.12.1 The provisions of Section 6.2 and 4.3.3.7 of this Plan shall apply to all development within the Major Central Area.

~~11.8.14.2~~ An Urban Design Plan shall be prepared as part of any development application to assist Council in the evaluation of development proposals within the Major Commercial and Mixed Use designations.

~~11.8.14.3~~ The Urban Design Plan shall address and include the following:

- ~~a) — The location and distribution of all land uses and general building envelopes through a detailed concept plan. — The concept plan will establish visual and functional relationships between individual buildings and groups of buildings establish the visual relationship with the Lynde Creek tributary, where appropriate and define building setbacks which reinforce the streetscape and the valley open space area.~~
- ~~b) — Within the Major Commercial designation, the provision for a publicly accessible Urban Square on the northwest corner of Brock Street and Taunton Road, the purpose of which is to:
 - ~~i) — promote the identity of the Central Area;~~
 - ~~ii) — to add a visually attractive feature to that corner; and~~
 - ~~iii) — to provide the opportunity for pedestrian comfort, convenience and enjoyment.~~~~

~~The Urban Square shall be encouraged to have edges which are defined by buildings and landscaping which contributes to the prominence of the location within the Major Central Area. The Urban Square may include lands within the existing hydro corridor;~~

- ~~c) — The location and coordination of access points onto the arterial roads;~~
- ~~d) — The location of vehicular and service circulation and access, including the integration of parking and loading areas. Parking and loading areas should have regard to both convenience and visual impact from the street;~~
- ~~e) — The provision of safe and convenient pedestrian access and connections and the provision of connections from the public sidewalks and the Urban Square, to the trail system along the Lynde Creek tributary;~~

- ~~f) — Where relevant, the location of a pedestrian trail system adjacent to the Lynde Creek tributary which takes into consideration recommendations of the required Environmental Impact Statement;~~
- ~~g) — The provision for and distribution of integrated transit facilities which may include on-site transit facilities routes and which provide for convenient access to all land uses and buildings, in particular within the Major Commercial designation, as appropriate; and;~~
- ~~h) — Guidelines addressing: the design and massing of buildings in order to create a sense of continuity and contextual harmony; building locations which encourage building placement in close relation to the arterial roads, landscaping, streetscape and other matters; and~~
- ~~i) — Where lands of a single designation are under more than one ownership, the Urban Design Plan should demonstrate how development of the land uses can be integrated.~~

~~11.8.14.4 The following policies shall be used to evaluate the urban design aspects of development applications for areas of this Plan not required to undertake an Urban Design Plan:~~

- ~~a) Existing natural features are preserved and wherever possible, incorporated into the man-made environment;~~
- ~~b) The road pattern reduces the need for, or distance of local vehicular trips and addresses the road pattern established in Section 11.8.12;~~
- ~~c) The road pattern contributes to the efficient provision of public transit services;~~
- ~~d) Building entrances are encouraged to be placed in close relationship to transit stops;~~
- ~~e) The provision of safe and comfortable pedestrian movements;~~
- ~~f) Reverse frontage residential lots are to be avoided, where possible;~~
- ~~g) Shadow and privacy impacts on residential areas and public open space shall be minimized; and~~

- h) ~~Where lands are under more than one ownership, the development application should demonstrate how development of the land uses can be integrated.~~

11.8.12.2 ~~11.8.14.5~~ Roads form an important aspect of the public realm within the Major Central Area. Proposals for development and redevelopment, adjacent arterial roads, shall be evaluated by the relevant urban design provisions of Section 6.2 and the ~~The~~ following urban design criteria: ~~shall be used to evaluate the urban design aspects of proposals adjacent to arterial roads:~~

- a) A coordinated streetscape theme ~~shall be encouraged, where~~ appropriate, within both the public and private realms in order to enhance the identity of the Major Central Area;
- b) ~~Landscaping enhancement shall be encouraged through regularly placed tree plantings that are aligned with street lighting and through the arrangement of street furniture to assist in defining the streetscape and pedestrian environment and not obstructing pedestrian movements or vehicular sight lines;~~
- b.)e) The provision of enhanced entrance landscaping treatments within the Major Commercial and Mixed Use designations ~~shall be encouraged where collector roads intersect with arterial roads;~~
- c.)d) The location and arrangement of built form, including reduced setbacks, where appropriate, shall be used ~~Building design may provide selective placement of the buildings and reduced building setbacks~~ in close proximity to the street edge in order to promote the image of the area as a high intensity node and to provide a more pedestrian-friendly and lively street environment;
- d.)e) ~~Transit connections along arterial and collector roads are provided for in locations providing safe, convenient and direct access to buildings or uses in those locations;~~ Primary access shall be coordinated between adjacent land parcels to minimize pedestrian and vehicular conflicts; and
- f) ~~Primary access shall be coordinated between adjacent landowners to minimize pedestrian and vehicular conflicts; and~~
- e.)g) Appropriate sidewalk connections ~~widths are~~ shall be incorporated within land parcels and to the right of way, where appropriate ~~necessary~~, to maximize opportunities for pedestrian movement.

11.8.12.3 ~~11.8.14.6~~ More ~~The more~~ intensive land uses and ~~the tallest~~ buildings shall be encouraged to be adjacent ~~to Brock Street and Taunton Road~~ arterial roads, wherever appropriate with a transition of ~~development~~ densities and building heights ~~radiating away~~ from these arterial roads.

~~11.8.14.7~~ ~~Maximum building heights for individual sites shall be determined through the development approval process. A minimum building height of 2 storeys shall generally be required for all residential, mixed use and, where appropriate, commercial development situated along arterial roads. Building heights shall be restricted to a maximum of 18 storeys for high density residential, commercial and mixed use buildings.~~

11.8.12.4 ~~11.8.14.8~~ Off street parking and service areas shall be encouraged to locate at the side or rear of buildings, where feasible, in order to promote an attractive streetscape and reduce the visual impact of large surface parking lots.

Underground or decked parking or other similar parking solutions shall be encouraged ~~permitted~~ and the treatment of such structures shall be consistent with the building materials and landscaping used elsewhere on the site. Sufficient setbacks for enhanced landscaping where parking is located adjacent to an arterial or collector road shall be provided, which does not limit or impair pedestrian or vehicular sightlines ~~encouraged in order to reduce the visual impact, while maintaining safety for pedestrians and vehicles.~~

11.8.12.5 ~~11.8.14.9~~ Commercial service areas shall be encouraged to locate away from residential areas and shall not be visible from arterial roads. Service areas shall be screened with a combination of fencing and /or landscaping.

11.8.12.6 ~~11.8.14.12~~ Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

11.8. 12.7 ~~14.10~~ Landscaping and planting shall be ~~used~~ provided in accordance with Section 6.2.3.15.1 and also include the following:

- ~~a) Screen unattractive views and buffer adjacent land uses;~~
- a) ~~b)~~ Define pedestrian and vehicular routes;
- b) ~~e)~~ Establish and define a uniform and coordinated street edge; and
- ~~d) Shelter and enhance outdoor activities;~~

- e) ~~Enhance existing natural features; and~~
- c)f) Reinforce the prominence and enhance ~~of~~ focal points within enhanced landscaping within the Major Central Area.

11.8.12.84.14 Landscaping plans shall include native local species, where appropriate.

~~11.8.14.13 The Town will work with Whitby Hydro, Durham Region and landowners, to secure the re-location of the existing hydro facilities to a location within the Taunton Road right-of-way.~~

11.8.145 Implementation and Interpretation

~~11.8.145.1 The provisions of Sections 11.8 together with Schedule “N” of the Town of Whitby Official Plan shall comprise the Brock/Taunton Major Central Area Secondary Plan. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

11.8.16 Interpretation

~~11.8.16.1 The provisions of Section 11.8 apply to the Brock/Taunton Major Central Area Secondary Plan delineated on Schedule “N”.~~

11.8.14.2 ~~11.8.16.2~~ Notwithstanding Section 10.2.1.2 of this Plan, minor deviations to the floor space allocations of this Secondary Plan may be permitted without amendment to this Plan, where such deviations do not affect the general intent and purpose of this Plan and where supported by a valid planning rationale; to the satisfaction of the Town of Whitby.

~~11.8.16.3 The Brock/Taunton Major Central Area Secondary Plan Schedule “N” provides more precise illustrations of the land use designations than is shown on Schedule “A”.~~

11.10 Taunton North Community Secondary Plan

11.10.1 Goal

- 11.10.1.1 To provide for the comprehensive development of a safe, healthy, and attractive residential and industrial community that meets the needs of current and future residents and businesses.
- 11.10.1.2 To ensure that all decisions are based on an “Environment First” principle which preserves, protects, and enhances the significant environmental features, functions and linkages.

11.10.2 Objectives

- 11.10.2.1 To employ an ecosystem approach in planning to ensure all of the components of the ecosystem, which are air, water, land, and living organisms are considered as a whole and that balanced decisions are made with an understanding of the environmental, community and economic implications. Balance may not occur on each individual property and protection of the natural environment will be given more weight in certain areas.
- 11.10.2.2 To work with public and private sector interests to preserve, protect and enhance the significant environmental features, functions and linkages including valley and stream corridors, hydrogeological functions, water quality and quantity, groundwater recharge, headwater functions, riparian vegetation, fish habitat, forest and tree cover, species at risk and endangered species ~~uncommon species~~, wetlands and important terrestrial functions within the community.
- 11.10.2.3 To create a safe, livable, and healthy community that has a sense of community identity.
- ~~11.10.2.4 To ensure that the community is integrated with the rest of Whitby and adjacent communities, is linked to the Brock / Taunton Major Central Area and Thickson / Taunton Community Central Area and is internally integrated with community facilities.~~
- 11.10.2.~~4~~⁵ To encourage innovative and alternative forms of development ~~which~~ that respond to and enhance the environmental attributes of the area.
- 11.10.2.~~5~~⁶ To encourage, to the extent possible, an urban form that is efficient and cost effective for servicing, stormwater, transportation and public transit systems and is sensitive to environmental conditions.

- 11.10.2.~~67~~ To provide safe, comfortable and convenient opportunities for pedestrian, bicycling and other similar active transportation movements through streets, paths and greenways such as utility corridors throughout the community and to provide a connection from the Lynde Creek to the Whitby / Oshawa boundary.
- 11.10.2.~~78~~ To encourage a high standard of urban design ~~for both public and private sector lands~~ to ensure the creation of an attractive community.
- 11.10.2.~~89~~ To provide parks, open space, linkages and recreational opportunities that meet the needs of the community, respect the environment and ~~create meeting places.~~ provide opportunities for social connectivity.
- 11.10.2.~~910~~ To encourage the provision of a variety of housing forms which provide choices and address the economic and social needs of all facets of the population.
- 11.10.2.104 To provide for business opportunities ~~which~~ that benefit the community, provide employment opportunities, take advantage of existing and future transportation linkages and are sensitive to environmental conditions.
- ~~11.10.2.12 Where higher intensity uses are appropriate from an environmental perspective, to encourage them to locate close to major transportation routes and community and service facilities.~~
- ~~11.10.2.13 To preserve and incorporate existing cultural features wherever possible.~~

11.10.3 General Development Policies

- 11.10.3.1 ~~The boundary of the Taunton North Secondary Plan is shown on Schedule "P". The urban boundary is also shown on Schedule "P" and coincides with the boundaries of the Secondary Plan.~~

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "P". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of this Plan.

- 11.10.3.2 ~~Schedule "P" provides the detailed land use designation for the Secondary Plan Area. The land use designations include Low Density Residential, Medium Density Residential, High Density Residential, Institutional, High School, Special Purpose Commercial, General Industrial, Hazard Lands, Environmental Protection/Conservation Lands, Special Policy Area, Parks and Major Open Space. Many of these designations have been further refined through provision of a number following the designation. The~~

~~number refers to policies in the Secondary Plan that must be read in conjunction with the designation.~~

Schedule “P” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.10, together with the policies of Part I of this Plan, apply to the land use designations of the Taunton North Community Secondary Plan area as shown on Schedule “P”.

11.10.3.3 Schedule “Q” identifies areas within which an Environmental Impact Study (EIS) shall be required prior to any development or development approvals being permitted to occur ~~and is based on the Taunton North Environmental Study prepared by Gartner Lee Limited (February, 1999).~~ For the purposes of this Secondary Plan, the term development as it relates to Schedule “Q” is defined to include the construction of any building or structure which requires ~~regrading~~, vegetation removal or installation of services. Policies outlining the EIS requirements are found in Section 11.10.4.

~~11.10.3.4 New development will occur in an orderly manner that is consistent with the efficient use and provision of municipal and community services, including transit.~~

~~11.10.3.45 There are a number of buildings that have been identified as significant by the municipal heritage committee. These buildings contribute to the architectural history and character of the area and the Municipality shall encourage the retention of these buildings in their current state or the incorporation of these buildings into future development.~~

Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.10.3.56 Prior to any ~~rezoning~~ development or redevelopment within the Secondary Plan area boundary, an archaeological survey may be required in accordance with Section 6.1.4, and Policy 2.3.4 and Table ‘E8’~~2.3.4~~ of the Durham Regional Official Plan.

~~11.10.3.67 Applications for development adjacent to arterial roads which include residential land uses shall be required to submit a noise study that will demonstrate how appropriate noise levels of the residential development can be achieved, including the identification of any required mitigation measures.~~

Known former waste disposal sites are identified on Schedule “P”. The policies of Section 5.3.11 shall apply to those lands within 500 metres of identified former waste disposal sites.

- 11.10.3.7 Lands identified as School sites on Schedule “P” shall be developed in accordance with the policies of Section 4.8.

Schools are symbolically shown and the exact location shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

Where a designated school site is not required, the site may be developed in accordance with the underlying designation without amendment to this Plan

11.10.4 Environmental Management Policies

- ~~11.10.4.14~~ ~~All owners in the Secondary Plan area shall be encouraged to protect, preserve and enhance to the greatest extent possible, the significant natural heritage values of their land. Development will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority (Conservation Authority) that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.~~ Development and redevelopment shall be subject to the appropriate policies of Section 5.3 of the Official Plan, except as modified by the following additional policies.

- 11.10.4.2 All owners in the Secondary Plan area shall be encouraged to protect, preserve, and enhance to the greatest extent possible, the significant natural heritage of their land.

Development and redevelopment will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.

- 11.10.4.3 ~~Existing Core woodlands as identified on Schedule ‘Q’ by the Taunton North Environmental Study prepared by Gartner Lee Limited~~ shall be protected and maintained in a natural state subject to the policies of this Plan. All owners ~~shall also be~~ are encouraged to promote restoration of forest edges and interior gaps through either active planting or passive

natural succession processes, in consultation with the Central Lake Ontario Conservation Authority.

11.10.4.4 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.

~~11.10.4.4~~ ~~Lands that are within the Environmental Protection/Conservation Lands designation that are part of a large parcel of land which also contains lands that are outside of the Environmental Protection/Conservation Lands or Hazard Lands designation and for which a development application has been submitted, may be eligible for bonusing provisions under the Planning Act for woodlands that are protected or restored. Such bonusing will be in accordance with the provisions of Section 10.1.10 of this Plan.~~

11.10.4.5 Schedule “Q” identifies those lands that are required to prepare a full or scoped Environmental Impact Study (EIS) prior to any development or redevelopment approvals being permitted to occur ~~on the land~~.

If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address the environmental conditions identified.

For the purposes of this Secondary Plan, the terms “development” and “redevelopment”, as it relates to Schedule “Q”, are defined to include the construction of any building or structure which requires regarding, vegetation removal or installation of services.

~~Schedule “Q” identifies whether a full EIS is necessary or whether the EIS can be scoped to focus on certain issues.~~ A full EIS is intended to apply to all those lands that are designated Natural Hazards ~~Hazard Lands~~ or Natural Heritage System ~~Environmental Protection/Conservation Lands~~ and to all lands within approximately 50 metres of those designations. A scoped EIS is intended to apply to those lands that have been identified ~~through the Taunton North Environmental Study~~ as having a high or moderate groundwater resource or lands within approximately 50 metres of such lands. The Municipality in consultation with the Central Lake Ontario Conservation Authority shall be responsible for the interpretation of the limits of the boundaries as shown on Schedule “Q” and the need for preparation of an EIS.

11.10.4.6 EIS shall be prepared in accordance with the policies of Section 5.4.2 of this Plan, except as modified by the following additional policies.

~~11.10.4.6 Where the preparation of an EIS is required, the EIS report shall be prepared to the satisfaction of the Municipality in consultation with the Conservation Authority and other agencies as required. The recommendations of the EIS shall be consistent with Section 5 of this Plan.~~

~~11.10.4.7 All Environmental Impact Studies shall be prepared by experts qualified in the fields of ecology, hydrogeology and/or environmental planning and shall be prepared in accordance with a work plan that has been approved by the Municipality in consultation with the Conservation Authority. The work plan shall identify the boundaries of the area to be studied and may include lands beyond the area for which the EIS is being carried out. The objective of the EIS is to identify and assess the potential impacts of a specific development proposal on the key environmental functions, attributes and linkages of the potentially affected area and to ensure that the proposed development complies with the policies and intent of the Secondary Plan for protection and enhancement of the environment. For development on individual lots of record, the Municipality in consultation with the Conservation Authority may consider modifying the requirements of a full EIS to reflect the scale of development.~~

11.10.4.6.1 In addition to the requirements of Section 5.4.2.4, Components of a full EIS shall generally include, but are not necessarily limited to:

- a) a detailed study area description, including an assessment of the terrain conditions, hydrogeology, surface water, groundwater-surface water interactions, biological setting and Natural Hazard lands;
- b) a characterization of existing on-site and adjacent natural heritage features and functions, including the roles of vegetation, surface water and groundwater in maintaining the natural heritage area and an assessment of the contribution of the study area to those adjacent functions;
- c) a detailed description of the proposed development or land use activities including servicing and grading plans and building envelopes where appropriate;
- d) a prediction of the potential direct, indirect and cumulative effects of the proposed development on the environment compared with the overall environmental objectives;
- e) preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change

in land use through the use of site planning design and Best Management Practices;

- f) an identification and evaluation of options to avoid or mitigate impacts, including recommendations for establishing buffers/setbacks, erosion and sediment control, surface and sub-surface drainage, and habitat restoration/enhancement;
- g) a strategy for implementing the recommended mitigation measures;
- h) a summary of predicted net effect following mitigation/rehabilitation compared with overall environmental objectives;
- i) recommendations to be applied to the Construction Management Plan and an evaluation of the need for a post construction monitoring program; and
- j) recommendations on information to be incorporated into the environmental education/awareness program, to be provided to the homeowners, as appropriate.

11.10.4.96.2 ~~A scoped EIS shall generally focus on maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems. Provided that the issues are restricted to groundwater recharge/discharge functions, then only a hydrogeological study will be required. The study shall include the preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices. It shall also identify the need for a construction and post-construction monitoring program and make recommendations on information to be incorporated into the environmental education/awareness program.~~

In addition to the requirements of Section 5.4.2.4, components of a A scoped EIS shall generally include, but are not necessarily limited to:

- a) details regarding maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems.
- b) preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices.
- c) construction and post-construction monitoring program and recommendations on information to be incorporated into the environmental education/awareness program.

- d) recommendations on information to be incorporated into an environmental education/awareness program, to be provide to the homeowners, as appropriate.
- 11.10.4.7~~10~~ ~~Buildings and structures which require substantial below-ground excavation that could cause groundwater interference and dewatering may not be permitted in areas requiring an EIS unless an appropriate mitigation plan is approved as part of the EIS.~~
- 11.10.4.8~~14~~ Where the EIS recommends that minor modifications can be made to the boundary of the ~~Hazard Lands or Environmental Protection/Conservation Lands~~ Natural Hazards or Natural Heritage System and the Municipality, in consultation with the Conservation Authority approves that recommendation, then the boundary can be refined without further amendment to this Plan. Where boundaries are adjusted, the abutting land use designation shall apply, provided the intent of the Plan is maintained.
- 11.10.4.9~~12~~ A Construction Management Plan shall be required for all lands requiring an EIS. The Construction Management Plan shall be prepared in accordance with Section 5.4.3.2 of this Plan.
- 11.10.4.13 The Construction Management Plan may identify any s~~Special~~ construction and servicing techniques ~~shall be~~ utilized where necessary to prevent the alteration of existing groundwater conditions and to address disturbance of the natural environment during construction. Sewer materials and construction methods shall be designed to minimize the impact on water table conditions. ~~The specific techniques to be utilized shall be identified in a Construction Management Plan.~~
- 11.10.4.10~~4~~ Impacts of future road and utility crossings on stream and valley corridors shall be minimized to the greatest extent possible through the use of siting, design and construction techniques. Precise alignments of new roads will be determined by appropriate studies, such as, but not limited to environmental assessment studies.
- 11.10.4.11~~5~~ In accordance with the Durham Regional Official Plan and Section 4.9.3 of this Plan, an open space/wildlife corridor has been identified along the Trans Northern Oil Pipeline. Strengthening of the corridor adjacent to the pipeline shall be encouraged through such measures as naturalization or restoration of adjacent lands and buffering from adjacent land uses where appropriate.

~~11.10.4.16 An environmental education/awareness program which informs homeowners of the environmental sensitivities of the Taunton North Community shall be prepared by all developers to the satisfaction of the Municipality in consultation with the Conservation Authority. Preparation of this program shall be addressed through the subdivision approval process and will include recommendations from the EIS.~~

11.10.5 ~~Hazard Lands~~ Natural Hazards

~~11.10.5.1 The Hazard Lands designation in this Secondary Plan comprise lands associated with the Lynde and Pringle Creek valleys and the provisions of Section 5.3.10 shall apply to all Hazard Lands within this Secondary Plan.~~
Lands designated as Natural Hazards on Schedule 'P' comprise, in part of, lands associated with the Lynde and Pringle Creek valleys, and shall be developed in accordance with the policies of Section 5.3.10 of this Plan, except as modified by the following additional policies.

- 11.10.5.2 ~~The intent of the Hazard Lands policies is to address lands that have inherent environmental hazards and to ensure the preservation, conservation and enhancement of the natural environment. Lands having a Hazard Lands designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north-south environmental linkages. In keeping with the goals and objectives of this Secondary Plan the protection, enhancement and restoration where possible of the vegetation, groundwater, surface water quality and quantity, uncommon species, fish habitat and wetlands within the Hazard Lands designation will be given the highest priority.~~ Natural Hazards are lands that have inherent environmental hazards requiring the preservation, conservation and enhancement of the natural environment. Lands having a Natural Hazard designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Natural Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north-south environmental linkages. Within the Natural Hazards designation, protection, enhancement and restoration of the vegetation, groundwater, surface water quality and quantity, species at risk and endangered species, fish habitat and wetlands will be given the highest priority.
- 11.10.5.3 Permitted uses on lands designated as Natural Hazards ~~in a Hazard Lands designation~~ include conservation and passive recreational uses. Additional uses such as agriculture, passive recreation, conservation of soil, wildlife and fisheries habitats, may be permitted subject to the provisions of an ~~EIS~~ Environmental Impact Study (EIS) in accordance with the policies of Section 11.10.4.
- 11.10.5.4 The extent and exact limit of the Natural Hazards ~~Lands designation~~ shall be defined in the Zoning By-law, in consultation with the Municipality and the Central Lake Ontario Conservation Authority. The boundary shall be determined through the development approval process in accordance with the recommendations of the EIS, prepared in accordance with Section 11.10.4, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.

11.10.5.5 Natural Hazard ~~s-Lands~~ as designated on schedule 'P' identified are encouraged to be transferred to ~~the Municipality~~ public ownership through the development ~~review~~ approval process.

11.10.6 **Environmental Protection/Conservation Lands-Natural Heritage System**

~~11.10.6.1 The goal of the Environmental Protection/Conservation Lands is to protect and enhance the natural features, functions and linkages of these lands.~~

~~11.10.6.2 The objective of the Environmental Protection/Conservation Lands is to ensure that the natural heritage features are not compromised through urban development and that the quality of the ecosystem as a whole is maintained for present and future generations.~~

11.10.6.13 Environmental Protection/Conservation Lands designated Natural Heritage System shall be developed in accordance with the policies of Section 5.3.7 of this Plan, except as modified by the following additional policies. These Lands have high environmental sensitivity and are composed of lands which are generally part of large and contiguous core woodlands but may include openings in the forest cover that are within or adjacent to the forest block. The core woodlands contain a variety of vegetation communities and harbour many locally and regionally significant plant species. The forest provides habitat for regionally rare and provincially rare and vulnerable wildlife. It also provides habitat and local and regional movement corridors for a variety of species. The size of the core woodlands provides the opportunity for area sensitive wildlife and forest interior breeding bird species. Much of this area lies on the Lake Iroquois beach and is characterized by a high water table which makes this area a major groundwater recharge and discharge resource. The area provides baseflow to the Lynde and Pringle Creeks and the vegetation cover assists in providing temperature control for the surface and groundwater runoff. Together with the Natural Hazard Lands, the Natural Heritage System ~~the Environmental Protection/Conservation Lands~~ forms a contiguous corridor of land which create north/south and east/west environmental linkages which are critical to the long term sustainability of the environmental health of the Town.

11.10.6.24 Permitted uses on lands designated as Natural Heritage System will include passive recreation, environmental education, woodlot, fishery and wildlife management, conservation areas and other similar uses. Outdoor recreation ~~functions-uses~~ such as trails may also be permitted provided such uses are compatible with environmental conditions. ~~The establishment of golf courses shall require an amendment to this Plan and~~

are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged.

Existing residential uses on existing lots of record are permitted and one new house on an existing vacant lot of record ~~is~~ may be permitted subject to ~~the approval of~~ an Environmental Impact Study as defined in Section 11.10.4 of this Plan and subject to the approval of the Municipality and the Conservation Authority. Further subdivision or severance of land within this designation is not permitted without amendment to this Plan.

The establishment of golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged.

11.10.6.~~35~~ The extent and exact limit of the ~~Environmental Protection/Conservation Lands-Natural Heritage System~~ shall be defined in the Zoning By-law, in consultation with the Central Lake Ontario Conservation Authority. ~~The boundary shall be determined through the findings of the EIS. The development approval process in accordance with the recommendations of the EIS, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.~~

11.10.6.~~46~~ ~~Removal, modification or destruction of natural features, functions or linkages within this designation shall not provide the rationale for removal of these lands from their existing designation. Restoration of the natural features that have been damaged, modified or destroyed shall be strongly encouraged and is subject to the approval of the Municipality in consultation with the Conservation Authority.~~

In accordance with Section 5.3.7.14, where any feature in the Natural Heritage System is damaged or removed without appropriate approvals, the Municipality shall require the reinstatement of the feature(s). Furthermore, the Municipality will not consider the removal of the feature as being the basis for any application seeking development approvals on the affected lands.

11.10.6.~~57~~ Where lands designated ~~as Natural Heritage System~~ Environmental Protection/Conservation Lands are under private ownership, it shall not be construed ~~as implying~~ that such areas are free and open to the public ~~nor that they~~ will be ~~purchased~~ acquired by the municipality or other public agency.

However, ~~where a plan of subdivision or severance has been submitted during the development approval process~~, the dedication of ~~Environmental Protection/Conservation Lands~~ Natural Heritage System lands to the municipality or the provision of an Environmental Easement across some or all of the lands shall be encouraged. Where the lands have been dedicated to the municipality or other public agency, they shall be maintained in their natural state.

- 11.10.6.~~6~~8 Where new development is proposed on a site, those lands which are Natural Heritage System lands shall not be acceptable as part of the parkland dedication requirements under the Planning Act.

11.10.7 Major Open Space

- ~~11.10.7.1 The intent of the Major Open Space designation is to recognize existing uses that occur in the Major Open Space category such as cemeteries and golf courses, to recognize lands that form part of open space corridors and linkages, or to recognize areas where contamination of lands may have occurred and restoration is strongly encouraged.~~

- ~~11.10.7.12 The permitted use in the Major Open Space 1 designation shall be for active and/or passive recreational and conservation uses including parks, trails, conservation areas and greenways, existing golf courses and existing cemeteries. Forest, fisheries and wildlife management, agriculture, nurseries, gardening and other private recreational uses may also be permitted. New golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan. In addition to the uses permitted in Section 4.9.3, existing single detached dwelling units or the creation of a new single detached dwelling unit on a lot of record shall be permitted.~~

Lands designated as Major Open Space 1 shall be developed in accordance with the policies of Section 4.9 of this Plan.

Where lands in Major Open Space 1 are intended to form part of an open space corridor identified in this Plan, owners shall be encouraged to restore the environmental features, functions and linkages of the lands where appropriate and to minimize the impacts ~~from~~ of development on adjacent environmentally sensitive lands. ~~The provisions of Section 4.9.3 of this Plan shall apply to all Major Open Space 1 lands.~~

- 11.10.7.~~2~~3 Lands ~~that are~~ designated as Major Open Space 2 have been identified as having ~~some~~ environmental sensitivities and have also been filled or used for landfill purposes in the past. In some areas, there is the potential for

the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past. Prior to any development being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. Owners shall be strongly encouraged to restore ~~their~~ such lands to ~~its~~ their former environmental state. Restoration shall be carried out in conjunction with the recommendations of an EIS where required.

If it is demonstrated to the satisfaction of the Municipality, Region of Durham, and the Conservation Authority that these lands can be safely utilized, then the applicable permitted uses and provisions of Section 4.9.3 of this Plan shall apply ~~to the lands designated Major Open Space 2.~~

- 11.10.7.34 ~~There are existing residential and commercial uses on lands designated Major Open Space 3. The provisions of Section 4.9.3 shall apply to all lands designated Major Open Space 3 within this Secondary Plan.~~

Lands designated as Major Open Space 3 shall be developed in accordance with the policies of Section 4.9 of this Plan.

~~In addition to the uses permitted in Section 4.9.3.5 of this Plan, the existing uses~~ In accordance with Section 10.1.6.5, legally existing uses shall be permitted to continue and Council may zone to permit the minor expansion or enlargement of the existing uses or the variations to similar uses subject to the recommendations of an Environmental Impact Study in accordance with Section 11.10.4 of this Plan and provided the uses have no adverse effect on the ~~present~~ existing uses of the surrounding lands or the implementation ~~of the provisions~~ of this Plan.

11.10.8 Residential

- 11.10.8.1 The predominant use of land in areas designated as Residential shall be for residential purposes. Additional uses that are compatible with residential uses by their activity, scale and design and which serve the residential area shall also be permitted in accordance with Section 4.4.3.1.

~~These include recreational, institutional, and community uses such as places of worship, community centres, day care centres, nursing homes, branch libraries, schools and parks. Home-based business uses shall be permitted in accordance with the policies of Section 4.4.3.1 d) of this Plan. Business and professional offices and personal service uses may be permitted in accordance with the policies in Section 4.4.3.1 c) of this Plan.~~

~~Local Commercial Areas and Convenience Commercial Centres shall require an amendment to this Plan.~~

- 11.10.8.2 ~~Provision has been made in this Secondary Plan area for a variety of residential densities to accommodate a variety of housing opportunities. Residential development shall be sequential.~~ The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.
- 11.10.8.3 Alternative and innovative housing forms and development design techniques which allow for greater protection or enhancement of the environmental conditions shall be encouraged.
- 11.10.8.4 The school and park symbols that are shown in the Residential designations are not intended to control the precise location of the land uses that they represent. The exact location will be determined at the time of development application. Where a designated school site is not required, the site may be developed in accordance with the underlying residential designation without amendment to this Plan.
- 11.10.8.5 All residential development shall be encouraged to provide attractive, coordinated streetscapes that enhance the identity of the area and reflect the environmental goals of this Plan.
- 11.10.8.6 Residential development may be required to prepare an EIS in accordance with Section 11.10.4 of this Plan and to address other matters as identified within this Plan prior to development ~~being permitted to proceed.~~ or redevelopment being permitted to proceed. If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified.
- 11.10.8.7 The development of new medium and high density residential units shall be encouraged to contribute to the affordable housing targets in the Municipality ~~as identified in the Municipal Housing Statement.~~
- 11.10.8.8 Medium and High Density Residential development shall address the requirements of Sections 4.4.3.9.2 and 4.4.3.9.4 of this Plan.
- 11.10.8.9 Low Density Residential**
- 11.10.8.9.1 ~~The provisions of Section 4.4.3.4 of this Plan shall apply to all lands designated Low Density Residential 1. Development within lands designated Low Density Residential 1 may be subject to the requirements~~

of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified. Lands designated as Low Density Residential 1, 2, 3, 4, 5, 6 and 7 on Schedule "P" shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following policies.

- 11.10.8.9.2 Lands designated as Low Density Residential 2 shall only permit ~~that are designated Low Density Residential 2 are currently developed with single detached houses that are privately serviced. The permitted uses shall be single detached houses dwellings~~ on existing lots of record. ~~Home-based businesses may be permitted subject to the provisions of Section 4.4.3.1 d) of this Plan. Due to servicing constraints in this area, f~~Further intensification of this area shall not be permitted and preservation of the character of the existing residential development located within the Robmar subdivision shall be encouraged. If municipal services are provided to this area, then Council ~~shall~~ may review this policy.
- 11.10.8.9.3 Lands that are designated Low Density Residential 3 are currently used for agricultural and open space purposes. It is not the intent of this Plan to discourage the continuation of these uses but to recognize the ~~long term potential land uses for this area. The uses permitted in Section 4.4.3.4 of this Plan shall apply to all land designated Low Density Residential 3. In addition to the uses permitted under Section 4.4.3.4 of this Plan, the~~ Lands designated as Low Density Residential 3 shall also permit the additional uses permitted in the Major Open Space designation under Section 4.9.3.5 ~~of this Plan shall also be permitted in the Low Density Residential 3 designation. Given the location of these lands which are on the edge of the residential community and in order provide for greater sensitivity to the existing environmental conditions, executive housing shall be encouraged and~~

Notwithstanding Section 4.4.3.5 the maximum density shall be up to 15 dwelling units per net residential hectare. ~~Development in this area shall be subject to the provision of an EIS in accordance with Section 11.10.4 of this Plan and shall be sensitive to the adjacent Hazard Lands and Environmental Protection/Conservation Lands.~~

Additional buffering and enhancement adjacent to the open space corridor along the Trans Northern Pipeline shall be required ~~at the time of development.~~

~~Notwithstanding any other provisions in this plan to the contrary, the maximum permitted residential density for lands identified by Assessment Roll No.s 18-09-010-037-15500 and 18-09-010-037-15400 shall be 17 units per net residential hectare.~~

- 11.10.8.9.4 ~~Lands that are designated Low Density Residential 4 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Low Density Residential 4 shall be limited to a maximum net density of~~ On lands designated Low Density Residential 4, the maximum density shall be 15 dwelling units per net hectare. For the purposes of this calculation, ~~net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of an overall plan of subdivision may exceed the maximum net density as long as the overall density within the draft plan of subdivision generally remains within the maximum density permitted, subject to the approval of the Regional Works Department. The uses permitted within Low Density Residential 4 shall include single detached, semi-detached or link and duplex dwellings and other similar ground related built forms. Development within Low Density Residential 4 shall be required to prepare an EIS as identified in Section 11.10.4 of this Plan and shall be~~ the net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Regional Works Department. An EIS is required and shall be prepared in accordance with Section 11.10.8.6 and shall also address the sensitive ~~to the~~ groundwater recharge functions of this area.
- 11.10.8.9.5 ~~Lands that are designated Low Density Residential 5 are completely surrounded by Hazard Lands and Environmental Protection/Conservation Lands and have major groundwater resource constraints. Development within lands designated Low Density Residential 5 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan. The form of development will be encouraged to respond to the environmental sensitivities of the area by limiting the development envelope and reducing the environmental impact on adjacent lands. In accordance with this principle, block townhouses and other forms of multiple dwellings not exceeding a height of four storeys arranged in clusters shall be permitted and encouraged. Such development shall be permitted to a maximum of 40 dwelling units per net hectare although the density of ground oriented units shall be lower. Freehold subdivision development shall be restricted to single detached dwellings at a maximum net density of 15 dwelling units~~

~~per net hectare. For the purpose of this calculation, net density is defined as the land on which the lot is situated and the local road adjacent to the lot.~~

On lands designated as Low Density Residential 5 the permitted use shall be single detached dwellings with a maximum net density of 15 dwelling units per net hectare and / or block townhouses and other forms of multiple dwellings, arranged in clusters with a maximum density of 40 dwelling units per net hectare.

For purposes of this calculation, net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Town of Whitby.

- 11.10.8.9.6 ~~Lands that are designated Low Density Residential 6 shall permit uses in accordance with Section 11.10.8.9.1 of this Plan.~~ On lands designated Low Density Residential 6, a full EIS is required. Increased building heights along the Taunton Road Intensification Corridor may be considered in accordance with Section 4.2.7.

- 11.10.8.9.7 ~~Lands that are designated Low Density Residential 7 are currently developed with single detached houses that are privately serviced. The permitted uses shall be those listed in Section 4.4.3.4 of this Plan. Home-based businesses may be permitted subject to the provisions of Section 4.4.3.1 d) of this Plan. Further~~ On lands designated Low Density Residential 7, further intensification may be considered subject to the applicable intensification policies of Section 4.2 and other relevant policies of this Plan.

11.10.8.10 Medium Density Residential

- 11.10.8.10.1 ~~The provisions of Section 4.4.3.5 of this Plan shall apply to all lands that are designated Medium Density Residential 1. Development within lands designated Medium Density Residential 1 may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to address environmental conditions identified.~~

Lands designated as Medium Density Residential 1, 2 and 3 shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

~~11.10.8.10.2 Lands that are designated Medium Density Residential 2 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Medium Density Residential 2 shall be limited to a net density of 32 dwelling units per net hectare. For the purposes of this calculation, net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of this designation may exceed the maximum net density as long as the overall density within the designation remains within the maximum density permitted. The uses permitted in Medium Density Residential 2 designation shall include street and block townhouse, triplex, fourplex and other forms of multiple dwellings, not exceeding four storeys.~~

11.10.8.10.3 2Lands that are designated Medium Density Residential 3 are adjacent to Natural Hazard and Natural Heritage System and have major groundwater constraints. ~~Development within lands designated Medium Density Residential 3 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan.~~ The form of development will be encouraged to respond to the environmental sensitivities of the area. The permitted uses include street and block townhouses, cluster bungalows, other forms of multiple dwellings and retirement homes not exceeding a height of four storeys; and, in limited amounts, semi-detached and small lot single detached units. Notwithstanding Section 4.4.3.6, the minimum ~~Such development shall be~~ permitted ~~at a density shall be of 20 units per net hectare and the maximum permitted density shall be to~~ 65 units per net hectare.

11.10.8.10.3 4Lands that are designated Medium Density Residential 4 ~~3~~ are adjacent to Natural Heritage System lands which include significant woodlots and Provincially Significant Wetlands. Lands designated as Medium Density Residential 4 permit street, block and stacked townhouses and other forms of multiple dwellings not exceeding a maximum height of 3 storeys and a maximum permitted net residential density of up to 80 units per net hectare. For the purpose of this calculation, net residential density excludes private roads and laneways.

11.10.8.11 High Density Residential

- 11.10.8.11.1 ~~The provisions of Section 4.4.3.6 of this Plan shall apply to all lands that are designated High Density Residential within this Secondary Plan. Development within lands designated High Density Residential may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to address environmental conditions identified.~~ Lands designated as High Density Residential shall be developed in accordance with the policies of Section 4.4.3.7.

11.10.9 Special Purpose Commercial

- 11.10.9.1 ~~The permitted uses within the Special Purpose Commercial 1 designation shall be in accordance with Section 4.5.3.4 of this Plan. Development shall be located with exposure to arterial roads and is encouraged to develop in a “comprehensive block” manner as defined in Section 6.2.4.2 of this Plan. Development within Special Purpose Commercial 1 areas may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and layout of development that will be permitted shall be determined through the EIS process and may be required to address environmental conditions identified.~~

The permitted uses for lands designated as Special Purpose Commercial shall be in accordance with the policies of Section 4.5.3.4.

11.10.10 General Industrial

- 11.10.10.1 The permitted uses for ~~all~~ lands designated as General Industrial shall be in accordance with ~~governed by~~ the policies of Section 4.7.3.1 ~~of this Plan.~~
- 11.10.10.2 Development or redevelopment adjacent to lands designated as Natural Hazards Hazard Lands or Natural Heritage System Environmental Protection /Conservation Lands shall be required to carry out an EIS in accordance with Section 11.10.4 of this Plan, ~~and shall provide~~ incorporate appropriate buffers and landscape treatments adjacent to those lands, and shall. ~~Development shall~~ also address the requirements in Sections 11.10.15.9 and 11.10.15.10 of this Plan to ensure that appropriate stormwater management techniques and controls are established ~~which~~ that protect, maintain and enhance adjacent environmentally sensitive areas.

- 11.10.10.3 New development ~~or~~ expansion of existing development or redevelopment on lands designated as General Industrial, adjacent to Major Open Space 3 lands or existing residential uses ~~within the General Industrial designation~~ shall be sensitive to existing residential and commercial uses and shall provide appropriate buffers as determined by the Municipality in consultation with the ~~Ministry of Environment and Climate Change~~ Central Lake Ontario Conservation Authority.

11.10.11 Parks

- 11.10.11.1 Lands identified as a District Park, Local Park, and Parkette ~~and District Park symbols are~~ shown on Schedule “P” to this Plan shall be developed in accordance with the policies of Section 4.9.3.22.

Parks are symbolically shown and the exact location and size shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

~~and are intended to denote the approximate location of these facilities. The actual size and location of these parks shall be determined by the development approval process and shown in the Zoning By-law. Relocation of these parks may be permitted without amendment to this Plan. In particular, the two Parkettes located between Garden Street and Anderson Road may be consolidated to create one Local Park, if it is deemed appropriate at the time of development approvals.~~

- ~~11.10.11.2 The parks shown on Schedule “P” are primarily intended to serve the residents of the Taunton North Community.~~

- ~~11.10.11.3 The provisions of Section 4.9.3 of this Plan shall apply to parks in this Secondary Plan.~~

- 11.10.11.24 Connections between parks and open space lands which are under public ownership or for which access arrangements have been made shall be encouraged where environmentally appropriate.

11.10.12 Special Policy Area

- 11.10.12.1 Lands that are designated as Special Policy Area have been filled or used for landfill purposes in the past. In some areas, there is the potential for the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past.

Prior to ~~rezoning or to~~ any development or redevelopment being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. If it is demonstrated to the satisfaction of the Municipality that these lands can be safely developed, then the land use designation as shown on Schedule “A” of this Plan and the corresponding provisions of this Plan shall apply.

Where the land use designation on Schedule “A” is Residential then the provisions of the Low Density Residential designation shall apply. All other provisions of this Secondary Plan including Section 11.10.4 shall apply to the lands designated Special Policy Area.

11.10.13 Urban Design

11.10.13.1 The relevant provisions of Section 6.2 of this Plan shall apply to all lands within this Secondary Plan.

~~11.10.13.2 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.~~

~~11.10.13.3 Where development occurs adjacent to Hazard Lands or Environmental Protection/Conservation Lands, landscaping enhancement shall be encouraged and lighting shall be oriented internally to the site so as not to cause glare on those lands.~~

~~11.10.13.4 For all development, landscaping and planting shall be used to enhance existing natural features, establish a uniform and coordinated street edge, and buffer and/or screen adjacent land uses.~~

~~11.10.13.5 Landscaping plans shall include native local species, where appropriate.~~

11.10.13.26 Rear yards for residential lots adjacent to arterial roads are to be avoided, wherever possible.

11.10.13.37 Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

11.10.14 Transportation

11.10.14.1 ~~There is an existing network of Type A, B and C arterial roads within the Secondary Plan area. The location of arterial and collector roads is shown~~

on Schedule “P” as well as Schedule “D” of this Plan. Local roads are not shown on Schedule “P” and the creation of local roads will be determined at the time of draft plan of subdivision.

The Secondary Plan area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following policies. The location of arterial and collector roads are shown on Schedule “P” as well as Schedule “D” of this Plan.

- 11.10.14.2 ~~In addition to the existing arterial road network, the Regional and Town Official Plans have identified the completion of several arterial roads and the creation of one new Type C arterial road within the Secondary Plan area. A preliminary analysis of the need for and potential alignments of these roads has been reviewed as part of the background analysis work for this Secondary Plan. The final alignment for these roads shall be determined through a Class Environmental Assessment process which shall take into consideration the environmental goals and objectives of this Secondary Plan.~~
- 11.10.14.3 ~~The constructed portion of Conlin Road currently ends west of Anderson Street. The continuation of this road to Baldwin Street and possibly beyond is shown on Schedule “D” of this Plan and Schedule “D” identifies that the road link will be subject to special study. The background analysis prepared for this Secondary Plan indicates that this road connection will be required. Based on the Environmental Study prepared by Gartner Lee Limited for this area, it was identified that utilization of the existing road allowance would require crossing the Lynde Creek and an area of environmentally sensitive lands. In order to minimize the impact on the environment, other alternative road alignment locations which avoid these sensitive lands should be considered and the study area for the completion of this stretch of Conlin Road should be increased in size. The study area for Conlin Road extends from the Hydro Corridor in the north to the Trans-Northern Pipeline in the south or approximately 450 metres north and 500 metres south of the existing road allowance. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- 11.10.14.4 ~~The completion of Garden Street across the Lynde Creek is also identified in Schedule “D” of this Plan. Utilization of the existing road allowance may be acceptable from an environmental perspective although the final determination of the road alignment will be determined through a Class Environmental Assessment.~~

- ~~11.10.14.5 The completion of Ashburn Road is shown on Schedule “D” as following the existing road allowance through the Robmar subdivision and across the Lynde Creek. This link is identified as being subject to special study on Schedule “D”. In order to avoid crossing the Lynde Creek and to avoid impacting the Robmar subdivision, alternative alignments were examined in the background analysis for this Secondary Plan which would involve connecting Ashburn Street to Baldwin Street north of the Robmar subdivision. The study area includes the area from Ashburn Street to Baldwin Street between the Robmar subdivision and approximately 700 metres north of the hydro corridor. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.6 The Town and Regional Official Plans provide for the creation of an east-west Type C arterial road located between Conlin Road and Taunton Road which is to be built from the Town’s eastern boundary to Thickson Road. Schedule “D” of this Plan identifies that this road link will be subject to special study and will require co-ordination with the City of Oshawa. The location of this road as shown on Schedule “D” crosses areas designated Environmental Protection/Conservation Lands and Hazard Lands. Alternative locations for this road were reviewed in the background analysis for this Secondary Plan to consider options that may reduce the environmental impact from this road. The study area for this road ranges from 400 metres to the north and 200 metres to the south of the location shown on Schedule “P”. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.7 The location of the collector between Baldwin Street and Garden Street is intended to route traffic around the Brock/Taunton Major Central Area and to provide transition from the Special Purpose Commercial and Institutional uses to the south and the residential uses to the north. The exact location of this road will be determined through a functional alignment study and may be modified without amendment to this Plan as long as the intent of the Plan is maintained.~~
- 11.10.14.28 ~~The roads shall be developed to municipal standards in accordance with Section 8.1.3 of this Plan.~~ In determining the location of roads, consideration shall be given to minimizing the impact on the natural environment. Consideration should also be given to the alignment of connections on both sides of arterial roads ~~in order~~ to control the number of intersections on the arterial road networks and to provide continuity for any future transit service. Where it is undesirable to align roads, then they

should be sufficiently offset, and adequate spacing between intersections shall be provided wherever possible on arterial roads.

11.10.14.39 ~~Future public transit routes may serve the Secondary Plan area and shall be designed to provide optimum service to the area.~~ The location and distribution of land uses shall also be designed to be transit supportive.

11.10.14.40 Safe and convenient active transportation ~~pedestrian circulation~~ systems shall be provided within the Secondary Plan area in accordance with Section 8.1.3.7 of this Plan.

Connections between residential, industrial, commercial and community and recreational facilities shall be provided, where appropriate.

11.10.14.5 Within ~~the~~ developed areas, the pedestrian system shall include sidewalks and walkways that are well lit and hard surfaced, where appropriate.

11.10.14.6 Within the open space areas, the pedestrian system will be designed in accordance with the environmental character of the area.

Connections between sidewalks and the pedestrian systems within the open space system shall be encouraged. Appropriate pedestrian crossings shall be provided and landscaping and buffering of the pedestrian system shall be encouraged.

11.10.14.7 A direct pedestrian connection between the Lynde Creek valley system and the City of Oshawa boundary may be provided within the Taunton North Community.

11.10.14.8 ~~14 Bicycle~~ Cycling use shall be encouraged in and through the Secondary Plan area and adequate ~~provision for the use of bicycles shall be~~ cycling facilities shall be encouraged. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process.

11.10.15 Servicing

11.10.15.1 ~~Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.~~

The Secondary Plan Area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

- ~~11.10.15.2 Municipal water supply plant and water pollution control plant capacity will be allocated upon execution of a servicing/subdivision agreement with the Region.~~
- ~~11.10.15.23 The majority of lands within the Secondary Plan area are to be serviced by the Zone 2 water supply system with the exception of the north-eastern area which will be serviced by the Zone 3 water supply system. The extension of the Zone 3 water supply system will ultimately require the completion of the Thicksen Road Reservoir and Zone 3 Pumping Station. The Zone 3 water supply system may be supplied from the Garrard Road Pumping Station. Adequate looping of watermain within each pressure zone~~s shall be incorporated into development plans in accordance with the Region of Durham's design criteria and engineering principles.
- ~~11.10.15.4 The majority of land within the Secondary Plan may be serviced by sequential extension of the sanitary sewer system with the Lynde Creek and Pringle Creek watershed systems. Private and/or municipal sanitary pumping stations may be required depending on the development form and area.~~
- ~~11.10.15.35~~ Development of municipal services in areas with a high water table shall provide appropriate design and construction techniques to address potential negative impacts on the groundwater regime. The design may include a restriction on the density of development. These restrictions shall be determined through the subdivision approval process and in accordance with the provisions of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan. In addition, the specific construction techniques shall be addressed in the Construction Management Plan as identified in Section 11.10.4 of this Plan.
- ~~11.10.15.46 Notwithstanding any provisions of this Plan to the contrary, consideration may be given to allowing development of one house on an existing lot of record within lands designated Environmental Protection/Conservation Lands to proceed on the basis of private services if municipal servicing is not available and subject to the completion of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan.~~

Applications for development shall be required to employ appropriate stormwater management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Lynde Creek Master Drainage Plan, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.

- ~~11.10.15.7 Lands designated Low Density Residential 2 are currently developed on the basis of private services. At this point in time there are no plans to provide full services to this area, however, when lands to the north develop, full municipal services may be provided in conjunction with that development. If the option of constructing a Regionally owned sanitary sewage pumping station is considered to service the area, the force main will be required to discharge into the Anderson Street trunk sanitary sewer or the Fallingbrook sanitary sewer.~~
- ~~11.10.15.8 Sanitary servicing constraints currently exist for lands identified as Low Density Residential 4 and Medium Density Residential 2 and the corresponding density constraints are identified in Sections 11.10.8.9.4 and 11.10.8.10.2 respectively of this Plan.~~
- ~~11.10.15.9 Applications for development shall be required to employ appropriate storm water management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Pringle Creek Master Drainage Plan Update, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.~~
- 11.10.15.5~~10~~ The Municipality, in consultation with the Conservation Authority shall require the use of Best Management Practices based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the conditions of the receiving watercourses. In particular, the storm water management facilities for development within the Lake Iroquois Beach area, and within areas of high water table and/or groundwater recharge functions shall address these criteria in conjunction with the criteria in Section 11.10.4 of this Plan.
- ~~11.10.15.11 Conceptual locations for stormwater management facilities have been identified through the background analysis carried out for this Secondary Plan. The exact location of these facilities shall be determined through the subdivision approval process.~~
- 11.10.15.6~~12~~ For commercial, institutional and industrial development within the Secondary Plan area, On-site stormwater quantity and quality controls shall be encouraged for specific types of commercial, institutional and industrial uses in accordance with the background analysis for this Secondary Plan.

11.10.15.137 Stormwater management facilities may be permitted in any land use designation on Schedule “P” except for the ~~Environmental Protection/Conservation Lands~~ Natural Heritage System designation, subject to any required approvals from the Municipality in consultation with the Conservation Authority.

~~11.10.15.14 Alternative site development standards may possibly be considered where safety and operational criteria can be maintained.~~

11.10.16 Implementation and Interpretation

11.10.16.1 ~~The provisions of Sections 11.10 together with Schedules “P” and “Q” of the Town of Whitby Official Plan shall comprise the Taunton North Community Secondary Plan.~~ The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

11.10.16.2 The lot lines shown on Schedules ‘P’ and Q’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

~~11.10.17~~ Interpretation

~~11.10.17.1 The provisions of Section 11.10 apply to the Taunton North Community Secondary Plan delineated on Schedule “P”.~~

~~11.10.17.2 The Taunton North Community Secondary Plan Schedule “P” provides more precise illustrations of the land use designations and policies than is shown on Schedule “A”. Schedule “Q” identifies the locations where full or scoped Environmental Impact Studies shall be required. The final determination of when an Environmental Impact Study shall be required shall be made by the Municipality.~~

11.11 Oak Ridges Moraine Secondary Plan

~~The Oak Ridges Moraine Conservation Act and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.~~

~~The following text and Schedules “R”, “S”, “T”, and “U” constitute the Secondary Plan for the Oak Ridges Moraine Secondary Plan Area and should be read in conjunction with the Official Plan Part I, the Ashburn Secondary Plan and the Durham Regional Official Plan.~~

11.11.1 **Goal**

To protect the ecological and hydrological features and functions of the Oak Ridges Moraine.

11.11.2 **Objectives**

11.11.2.1 To protect the ecological and hydrological integrity of the Oak Ridges Moraine Area.

11.11.2.2 To ensure that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted.

11.11.2.3 To maintain, improve and where possible, restore the health, diversity, size and connectivity of significant natural heritage features, hydrologically sensitive features and related ecological functions.

11.11.2.4 To maintain natural stream form and flow characteristics and the integrity and quality of watercourses.

11.11.2.5 To maintain the quantity and quality of groundwater and surface water, and maintain groundwater recharge.

11.11.2.~~6~~⁵ To ensure that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations.

11.11.2.~~7~~⁶ To provide for land and resource uses and development that is compatible with the other objectives of the Official Plan.

- 11.11.2.~~87~~ To encourage all ~~private~~ landowners to practice good stewardship and enhance natural features and functions on the Oak Ridges Moraine wherever possible.
- 11.11.2.~~98~~ To provide for appropriate public recreational access to the Oak Ridges Moraine Area.
- 11.11.2.~~109~~ ~~To guide and~~ provide ~~clear~~ direction on ~~what~~ which, where, and when uses are permitted and under what conditions the uses ~~as~~ may be specified in the implementing Zoning By-law.
- ~~11.11.2.10 To maintain the quantity and quality of groundwater and surface water.~~
- ~~11.11.2.11 To maintain groundwater recharge.~~
- 11.11.2.1~~12~~ To establish a process whereby certain uses, buildings and structures ~~can~~ may be permitted adjacent to Key Natural Heritage Features and Hydrologically Sensitive Features.

11.11.3 General Development Policies ~~Boundary~~

11.11.3.1 The **Oak Ridges Moraine Conservation Act** and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The applicable provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.

11.11.3.2 The Oak Ridges Moraine Secondary Plan southern boundary, within the town of Whitby is shown on Schedules “A”, “C”, ~~and~~ “E” and Appendix “1” of the Town of Whitby Official Plan. The southern boundary of the Oak Ridges Moraine coincides with the boundary defined in the Oak Ridges Moraine Conservation Plan.

The boundary of the Oak Ridges Moraine has been established by the Province by Ontario Regulation 01/02 and can only be changed by the Province. However, in the case of a discrepancy between the 245 metre contour elevation and the boundary shown on the mapping, a licensed Ontario Land Surveyor shall be consulted, at the proponent’s cost, to identify those lands above the 245 metre (Ontario Geodetic Datum) contour elevation for the purposes of establishing more accurate zone boundaries. An application to amend the Zoning By-law may be permitted to refine the boundaries.

11.11.3.3 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “R”, “S”, “T”, and “U”. Any area shown on this map, but lying outside of this boundary is governed by the policies of Part I of this Plan.

11.11.4 Existing and Accessory Uses

11.11.~~3.4~~4.4 Nothing in this Secondary Plan or the Zoning By-law shall prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was legally used for that purpose on November 15, 2001 and continues to be used for that purpose.

11.11.~~3.5~~4.2 Nothing in this Secondary Plan applies to prevent the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8(2) of the **Building Code Act**, 1992 on or before November 15, 2001 providing the permit has not been revoked under subsection 8 (10) of the **Building Code Act**, 1992, and the building or structure when erected is used and continues to be used for the purpose for which it was erected.

~~11.11.4.3 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:~~

- ~~a) the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and~~
- ~~b) the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.~~

~~If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section 11.11.4.10 of this Plan.~~

~~For the purposes of this subsection, institutional use includes, without limitation, churches, community centres and fire halls.~~

11.11.~~3.6~~4.4 Nothing in this Secondary Plan applies to prevent the reconstruction of any building or structure that legally existed on November 15, 2001, provided the ground floor area of the reconstructed building or structure is within the outside limits of the building or structure that existed on

November 15, 2001 and provided the use of the building or structure, once reconstructed, will be the same as, the use of the building or structure on November 15, 2001 and there is no intensification of the use.

11.11.3.7~~4.5~~ Nothing in this Secondary Plan applies to prevent the conversion of a legally existing use to a similar use. An application to amend the Zoning By-law to permit any other use not identified in the by-law will be required and will only be approved if it can be demonstrated that the conversion will bring the use into closer conformity with the requirements of the Official Plan and will not adversely affect the ecological integrity of the Oak Ridges Moraine.

11.11.3.8 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:

- a) the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and
- b) the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.

If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section ~~11.11.4.10~~ 11.11.5 of this Plan.

For the purposes of this subsection, institutional use includes, without limitation, existing place of worship ~~churches~~, existing community centres and existing fire halls.

11.11.3.9 Nothing in this Plan shall prevent the erection of an accessory building or structure provided it:

- a) is accessory to a principal use that is permitted on the property;
- b) is located in close proximity to the main building or structure on the lot; and
- c) complies with Section 11.11.5, 11.11.9.4 and 11.11.9.5 of this Plan.

Notwithstanding any other policy in this Plan to the contrary, deemed to be hazardous, unless specific permission is obtained from the Conservation Authority.

11.11.3.10 Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:

- a) the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-law;
- b) the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and
- c) the development complies with Section ~~11.11.4.10~~ 11.11.5 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.

~~11.11.3.11~~ 4.6 Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,

- i) there will be no change in use; and
 - ii) the expansion will not adversely affect the ecological integrity of the Plan Area.
- ~~b)~~ If an existing use has adverse effects on the ecological integrity of the Oak Ridges Moraine, any **Planning Act** or **Condominium Act** application to expand the building, structure or use or to convert the existing use to a similar use may be considered provided the approval, if granted, will bring the use into closer conformity with the requirements of the Official Plan.

11.11.3.12 Notwithstanding any other policy in this Plan to the contrary, in accordance with the Durham Regional Official Plan, granny flats/garden suites within ~~on~~ the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.

~~11.11.4.7~~ ~~Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:~~

- a) ~~the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-law;~~
- b) ~~the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and~~
- c) ~~the development complies with Section 11.11.4.10 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.~~

~~11.11.4.9 Notwithstanding Section 11.11.4.8, nothing in this Plan shall prevent the erection of an accessory building or structure provided it:~~

- a) ~~is clearly accessory to a principal use that is permitted on the property;~~
- b) ~~is located in close proximity to the main building or structure on the lot; and~~
- c) ~~complies with Section 11.11.4.10 of this Plan.~~

~~11.11.4.10 Notwithstanding any other policy in this Plan, the construction of buildings or structures within a significant wetland is not permitted. In addition, no development is permitted on lands that are deemed to be hazardous, unless specific permission is obtained from the applicable Conservation Authority.~~

~~Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.~~

~~Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.~~

~~The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is~~

~~deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.~~

~~If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:~~

- ~~a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;~~
- ~~b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and~~
- ~~c) the development will not have an adverse impact on the ecological integrity of the Oak Ridges Moraine.~~

~~The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.11.7 of this Secondary Plan.~~

~~Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.~~

~~A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act**, 2001 and regulations thereunder. A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.~~

~~Notwithstanding any other policy in this Plan, the entering into of a Site Plan Agreement is not required for development that is located within the Oak Ridges Moraine Rural Settlement designation, provided such~~

~~development is located no closer than 30 metres from the boundary of the Environmental Protection designation.~~

11.11.45 Land Use Designations

11.11.45.1 Only applications for development, redevelopment, and site alteration that conform to the Official Plan will be considered within the Oak Ridges Moraine Secondary Plan Area. The following land use categories, as shown on Schedule “R”, govern the use of land within the Oak Ridges Moraine. All development, redevelopment, and site alteration shall conform to the purposes and objectives of the applicable land use designation as set out in the Oak Ridges Moraine Conservation Plan.

11.11.45.2 Oak Ridges Moraine Natural Linkage Area

11.11.4.2.1a) The Oak Ridges Moraine Natural Linkage Area as shown on Schedule “R” applies to lands identified as being part of a Provincially Significant open space corridor that stretches along the length of the Oak Ridges Moraine. The purpose of the Oak Ridges Moraine Linkage Area is to maintain, and where possible improve or restore, the ecological integrity of the Moraine, and where possible, to improve or restore the regional-scale open space linkages between Key Natural Heritage Features, Hydrologically Sensitive Features, Landform Conservation Areas, river valleys and stream corridors.”

11.11.4.2.2b) Only those uses permitted in the land use designations, as specified in Sections 11.11.4.3 and 11.11.4.5, shall be permitted ~~in the Oak Ridges Moraine Natural Linkage Area~~, save and except ~~for~~ agriculture related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population.

11.11.4.2.3c) ~~On lands within the Natural Linkage Area, e~~ Every **Planning Act** or **Condominium Act** application or site alteration shall be supported by information which identifies the planning, design and construction practices that will ensure that no buildings or other site alterations will impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands.

11.11.4.2.4d) The use of lands ~~within the Oak Ridges Moraine Natural Linkage Area designation, as shown on Schedule “R”~~, shall be in accordance with the relevant policies of this Secondary Plan, including Subsections 11.11.5 to 11.11.9 inclusive.

11.11.4.3 Oak Ridges Moraine Agriculture

11.11.4.3.1 ~~a)~~ Any development, redevelopment or site alteration ~~in the Oak Ridges Moraine Agricultural designation, as shown on Schedule "R",~~ shall be subject to the policies of Section 4.10 ~~–Agriculture of the Official Plan~~ in addition to the underlying land uses permitted in Section 11.11.4.5 ~~policies of the Oak Ridges Moraine Secondary Plan~~. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.

11.11.4.3.2 ~~b)~~ New or expanding mineral aggregate operations shall only be considered by an Official Plan Amendment application and must conform to the Part 1 policies, including Section 4.12 of the Whitby Official Plan and the relevant sections of the Durham Regional Official Plan and shall be further subject to the policies of ~~Subsection Section~~ 11.11.6.27.

11.11.4. 3.3-8 ~~Within the Oak Ridges Moraine Agricultural designation, nothing in this Plan shall prevent t~~The following accessory uses to agricultural uses are permitted, but are not limited to:

- a) construction of buildings and structures that are farm-related and required for a farm operation;
- b) roadside sale of produce from a farm operation;
- c) development of a second dwelling that is a temporary, mobile or portable unit, if the applicant demonstrates that the dwelling:
 - i) is required to house help that is needed on the farm operation on a seasonal or full time basis;
 - ii) does not require a consent under Section 50 or 53 of the **Planning Act**; and
 - iii) will not adversely affect the ecological integrity of the Oak Ridges Moraine.
- d) uses accessory to the agricultural uses shall be developed in accordance with the relevant policies of this Secondary Plan, including Subsections ~~11.11.7~~ 11.11.4 to ~~11.11.9~~ 11.11.9 inclusive.

~~In addition, approval for the dwelling shall conform to Section 11.11.4.10 of this Plan if applicable.~~

11.11.54.4 Oak Ridges Moraine Rural Settlement

11.11.4.4.1a) The Oak Ridges Moraine Rural Settlement designation includes the Hamlets of Ashburn, Myrtle and Myrtle Station as shown on Schedule “R”.

Any development, redevelopment or site alteration in Hamlets on the Oak Ridges Moraine shall be subject to the policies of Section 4.11.3 —~~Rural Settlements of the Official Plan and in addition to~~ the policies of this Secondary Plan. ~~In addition to Section 4.11 of the Official Plan, the Hamlet of Ashburn shall also be subject to the policies of Section 11.7 — Ashburn Secondary Plan. Where there is a conflict between the policies of either Sections 4.11 or 11.7 of the Official Plan and this Secondary Plan, the policies of this Secondary Plan shall prevail.~~

11.11.4.4.2 The permitted uses for lands designated as Oak Ridges Moraine Rural Settlement shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area in accordance with the policies of this Secondary Plan.

11.11.4.4.3 Community uses include, but are not limited to, ~~such as~~ parks, community centres, places of worship, fraternal organizations, schools, post offices, fire stations and fire fighting reservoirs ~~may be permitted in any land use designation within the Hamlet.~~

11.11.4.4.4 The Municipality shall encourage and, where possible, may require that new development ~~residential dwellings~~ in the Hamlet complement the architectural character of that Hamlet ~~Ashburn~~ in terms of a variety of height, siting and design.

11.11.4.4.5 Notwithstanding any other policy in this Plan to the contrary, the entering into of a Site Plan Agreement is not required for residential development that is located within the Oak Ridges Moraine Rural Settlement designation, are exempt from Site Plan Control, provided such development or redevelopment is not:

- i) located no closer than 30 metres from the boundary of the Environmental Protection designation;
- ii) located within a Natural Heritage System or Natural Hazard indication as shown on Schedule “C”;
- iii) designated under the Ontario Heritage Act; and

- iv) a structure that is a garden suite.

11.11.4.4.6 Limited Commercial, Industrial and Institutional within Oak Ridges Moraine Rural Settlement designation

11.11.4.4.6.1 New or expanding small scale commercial, industrial and institutional uses shall only be permitted if:

- i) such uses do not require large scale modification of terrain or vegetation, and do not require large scale buildings and structures; and
- ii) the buildings and structures will be planned, designed and constructed so as not to adversely affect the character of the hamlet or the ecological and hydrological integrity of the Oak Ridges Moraine.

11.11.4.4.6.2 Notwithstanding any other policy in this Plan to the contrary, within the Hamlet of Ashburn, the following properties identified as:

- a) the lands identified by Assessment Roll No. 18-09-010-043-04000-0000, municipally known as 8990 Ashburn Rd;
- b) the portion of land adjacent the former Wilson House Hotel, on the lands identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd;
- c) the portion of land adjacent Myrtle Road West outside of the Natural Heritage System on Schedule 'C' – Environmental Management, on land identified by Assessment Roll No. 18-09-010-043-37310-0000, municipally known as 600 Myrtle Rd W,

may permit commercial and are intended for limited retail and personal service uses, automobile service stations, public garages and farm implement dealerships. The specific commercial uses permitted on a particular property shall be specified in the Zoning By-law.

11.11.4.4.6.3 ~~Notwithstanding the policies of Section 4.4 of this Plan to the contrary, subject to the provisions of Section 11.7.4.2, the residential property at the north-east corner of Myrtle Road and Ashburn Road may also be zoned for commercial purposes.~~

Notwithstanding Section 11.11.4.4.6.2, on the property located at the north-east corner of Myrtle Road and Ashburn Road, identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd, indicated as being subject to a ~~Heritage Use Policy on Schedule "M"~~ is the former Wilson House

Hotel. ~~This property~~ building may also be zoned to permit a commercial use within the existing building if it is designated as a heritage structure under Part IV of the Ontario Heritage Act.

11.11.4.5.5 Oak Ridges Moraine Environmental Protection

11.11.4.5.1a) Lands within the Oak Ridges Moraine Environmental Protection designation are those lands identified as key natural heritage features or hydrologically sensitive features on Schedules “R” and “S” of the Official Plan.

11.11.4.5.2b) The following land uses may be permitted in the Oak Ridges Moraine Environmental Protection designation:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Existing agricultural uses;
- iv) Low intensity recreational uses;
- v) Transportation, infrastructure and utilities (subject to **Section 11.11.9** of this Plan); and
- vi) Uses accessory to the uses set out above.

11.11.4.5.3c) Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:

- i) Non-motorized trail uses;
- ii) Natural heritage appreciation;
- iii) Unserved camping on public and institutional land; and
- iv) Accessory uses.

11.11.4.5.4d) Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the adverse effects on the ecological integrity of the Oak Ridges Moraine will be kept to a minimum by:

- i) keeping disturbed areas to a minimum; and
- ii) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.

11.11.6 Specific Land Use Policies

11.11.6.1 Granny Flats / Garden Suites

~~Notwithstanding any other policy in this Plan to the contrary, In accordance with the Durham Regional Official Plan, granny flats/garden suites within on the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.~~

11.11.75 Development Criteria

11.11.57.1 Key Natural Heritage and Hydrologically Sensitive Features

11.11.5.1.1a) Key natural heritage features relate to wetlands, significant portions of the habitat of endangered, rare and threatened species, fish habitat, significant valley lands, significant woodlands, and significant wildlife habitat. Hydrologically sensitive features relate to permanent and intermittent streams, wetlands, and seepage areas and springs.

The general location of key natural heritage features and hydrologically sensitive features are shown on Schedule "S". Schedule "S" does not include seepage areas and springs. These features shall either be identified on a site-by-site basis or through the appropriate study such as a natural heritage evaluation prior to undertaking any development or site alteration on the Oak Ridges Moraine.

Minor changes and refinements to Schedule "S" based on updated information from the Province or as a result of a natural heritage evaluation and/or hydrological evaluation will not require an amendment to this Plan.

11.11.5.1.2b) Development, redevelopment and site alteration shall be prohibited within key natural heritage features and hydrologically sensitive features and their related minimum vegetation protection zone as identified by Table 1. Notwithstanding, forest, fish and wildlife management, conservation and flood or erosion control projects, transportation, infrastructure, utilities, and low intensity recreational uses may be permitted.

11.11.5.1.3c) New agricultural uses and/or agriculturally related uses including accessory uses shall not be permitted within a key natural heritage feature and/or a hydrologically sensitive feature and their associated minimum vegetation protection zone.

11.11.5.1.4 ~~e)~~ An application for development or redevelopment requiring approval under the **Planning Act** and **Condominium Act** or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature and/or hydrologically sensitive feature, but outside the feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation and/or hydrological evaluation.

11.11.5.1.5 ~~e)~~ Where lands require a natural heritage evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A natural heritage evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage features and its connectivity with other key natural heritage features;
- iii) in the case of an application relating to land in an Oak Ridges Moraine Natural Linkage Area, Oak Ridges Moraine Environmental Protection or Oak Ridges Moraine Agriculture Area, demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;
- iv) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient to protect the natural heritage features within it and their associated functions, and if not, specify whether a larger minimum vegetation protection zone is necessary and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;
- v) where a minimum vegetation protection zone is not specified in Table 1, determine whether such a minimum vegetation protection zone is required and if so, provide the appropriate dimensions to protect, improve or restore the key natural heritage feature and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;

- vi) in the case of key natural heritage feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans.

11.11.5.1.6f) Where lands require a hydrological evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A hydrological evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore, the health, diversity and size of the hydrologically sensitive feature;
- iii) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

11.11.5.1.7g) In determining the minimum vegetation protection zone for permanent and intermittent streams and seepage areas and springs, a key natural heritage evaluation shall include an analysis of land use, soil type, slope and vegetation type using criteria established by the Province to the satisfaction of the Municipality.

11.11.5.1.8h) Schedule 'S' does not ~~include~~ identify significant portions of the habitat of endangered, rare and threatened species, significant valleylands, significant wildlife habitat and seepage areas and springs. These features shall either be identified on a site-by-site basis or through the completion of an appropriate study such as a watershed plan or natural heritage evaluation, prior to undertaking any development or site alteration within the Oak Ridges Moraine.

Table 1:

Key Natural Heritage Features and Hydrologically Sensitive Features - Minimum Areas of Influence and Minimum Vegetation Protection Zones

Column 1 Item #	Column 2 Feature	Column 3 Minimum Area of Influence	Column 4 Minimum Vegetation Protection Zone
1.	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
2.	Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.11.7.1 (e) <u>11.11.5.1.5</u>
3.	Fish Habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
4.	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
5.	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the base of outermost tree trunks within the woodland, subsection to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
6.	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.11.7.1 (e) <u>11.11.5.1.5</u>
7.	Permanent and Intermittent streams	All land within 120 metres of meander belt	All lands within 30 metres of meander belt, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> and subsection 11.11.7.1

			(f) <u>11.11.5.1.8</u> if a hydrological evaluation is required
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Table 1: continued

Column 1 Item #	Column 2 Feature	Column 3 Minimum Area of Influence	Column 4 Minimum Vegetation Protection Zone
8.	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause <u>Sections 11.11.7.1 (e) 11.11.5.1.5</u> and subsection 11.11.7.1 (f) <u>11.11.5.1.8</u> if a hydrological evaluation is required
9.	Sand barrens, Savannas and Tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if natural heritage evaluation is required.

11.11.5.2 Watershed and Subwatershed Plans

11.11.5.2.1 a) Any major development or redevelopment proposed in the Secondary Plan Area shall be in accordance with watershed and subwatershed plans prepared by the Region of Durham.

11.11.5.2.2 b) Notwithstanding any other provision of this Plan, Major development is prohibited after April 23, 2007 unless:

- i) the appropriate watershed plan, including the water budget and conservation plan, has been completed to the satisfaction of Ministry of Municipal Affairs and Housing;
- ii) the proposed major development conforms to the Watershed Plan; and
- iii) it can be demonstrated that water supply required for the proposed major development is sustainable in accordance with the appropriate water budget and conservation plan.

11.11.5.2.3 e) Notwithstanding any other provision of this Plan, ~~a~~ Applications for major development made before April 22, 2007 shall not be approved unless;

- i) the Region of Durham has confirmed compliance with Section 11.11.7.2(b) (iii) of the Town of Whitby Official Plan; or
- ii) the applicant identifies any hydrologically sensitive features and related hydrological functions on the site and how they will be protected; and
- iii) the applicant demonstrates that an adequate water supply is available for the development without compromising the ecological integrity of the Oak Ridges Moraine; and
- iv) the applicant provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that models groundwater and surface flow systems, identifies the availability, quantity and quality of water sources and identifies water conservation measures.

11.11.5.2.4~~e~~) Development, redevelopment and site alteration are prohibited if the total percentage of the area of the sub-watershed that has impervious surfaces exceeds 10% or any lower percentage of the applicable watershed plan.

11.11.5.2.5~~e~~) In considering applications for development or site alteration with respect to land in a sub-watershed Council shall take into account the desirability of ensuring at least 30% of the area of the sub-watershed has self-sustaining vegetation.

11.11.5.2.6~~f~~) Applications that exceed 10% impervious surface and provide less than 30% self-sustaining vegetation shall be forwarded to the Region of Durham for confirmation of the sub-watershed policies identified in Section 11.11.5~~7~~.2.

11.11.5.2.7~~g~~) The Town shall incorporate through an official plan amendment the applicable objectives and requirements of completed watershed and subwatershed plans undertaken by the Region of Durham as well as the results of related environmental studies and monitoring into planning documents as appropriate.

11.11.5~~7~~.3 Areas of High Aquifer Vulnerability Policies

11.11.5.3.1~~a~~) Aquifer vulnerability refers to the susceptibility of the groundwater aquifer to contamination from both human and natural sources. Areas of High Aquifer Vulnerability are shown on Schedule “T”.

11.11.5.3.2~~b~~) Council shall consider impacts on Areas of High Aquifer Vulnerability when new development, redevelopment or site

alteration is proposed. The following uses are prohibited on the lands identified as High Aquifer Vulnerability on Schedule “T”:

- i) generation and storage of hazardous waste or liquid industrial waste;
- ii) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- iii) underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and
- iv) storage of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

11.11.5.4 Landform Conservation Area Policies

11.11.5.4.1a) Landform Conservation Areas are areas consisting of steep slopes and representative landforms that shall be protected for their contribution to the ecological integrity and hydrological function of the Moraine. Landform Conservation Areas (Categories 1 and 2) are shown on Schedule “U”.

11.11.5.4.2b) Council shall consider impacts on landform conservation areas when new development or site alteration is proposed.

11.11.5.4.3e) A **Planning Act** or **Condominium Act** application for development or site alteration on lands identified as a Landform Conservation Area - Category 1 or 2 with the exception of mineral aggregate operations shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum including:

- i) maintaining significant landform features such as steep slopes, kames, ravines and ridges in their natural undisturbed form;
- ii) limiting the portion of the net developable area of the site in accordance with the following:

Criteria	Category 1	Category 2
Maximum net developable area of the site that is disturbed	25%	50%

Maximum net developable area of the site with impervious surfaces	15%	20%
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11.11.5.4.4 ~~e)~~ A **Planning Act** or **Condominium Act** application for major development with the exception of mineral aggregate operations with respect to land in a Landform Conservation Area shall be accompanied by Landform Conservation Plan ~~that shows~~, to the satisfaction of the municipality, that included, but not limited to:

- i) elevation contours in sufficient detail to show the basic topographic character of the site, with an interval of not more than two metres;
- ii) analysis of the site by slope type;
- iii) significant landform features such as kames, ravines and ridges; and
- iv) all water bodies including intermittent streams and ponds.

11.11.5.4.5 ~~e)~~ The landform conservation plan shall also include a development strategy, to the satisfaction of the municipality, that identifies appropriate planning, design and construction practices to minimize disruption to landform character including but not limited to:

- i) retention of significant landform features in an open, undisturbed form;
- ii) road alignment and building placement to minimum grading requirements;
- iii) concentration of development on portions of the site that are not significant;
- iv) use of innovative building design to minimize grading requirements; and
- v) use of selective grading techniques.

11.11.5.4.6 ~~f)~~ A **Planning Act** or **Condominium Act** application for development or site alteration with the exception of mineral aggregate operations that does not constitute major development in a Landform Conservation Area shall be accompanied by a site plan ~~that~~, to the satisfaction of the municipality, that includes, but is not limited to:

- i) identifies the areas within which all building, grading and related construction will occur; and
- ii) demonstrates that buildings and structures will be located within the areas referred to in clause i) so as to minimize the amount of site alteration required.

11.11.5.4.7g) Site Plan Control will be used to limit grading and the alteration of the natural landscape to implement the policies of this Section of the Plan.

11.11.68 Lot Creation Policies

11.11.68.1 Notwithstanding any provision of this Plan, a lot may be created subject to the policies of this Plan and under the following conditions, where applicable:

- a) Severance, from a rural lot, of a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total. This policy applies, whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.
- b) Severances of 40 hectare parcels or greater may be permitted only if the subject properties have previously merged in title and the severance follows the original lot lines or original half lot lines and the retained portion has an area of at least 40 hectares.
- c) Allowing land acquisition for transportation, infrastructure and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative.
- d) The addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.
- e) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation.
- f) Severance from each other the parts of a lot that are devoted to different uses, but only if uses are legally established at the time of the application for severance.

11.11.68.2 A lot may be created subject to the policies Section 11.11.68.1 and under the following conditions:

- a) Only residential infilling and lot creation shall be permitted within the hamlet boundaries of Ashburn, Myrtle and Myrtle Station. An expansion of these hamlet boundaries shall not be permitted.
- b) A lot may only be created if there is enough net developable area on both the severed lot and the retained lot to accommodate the proposed uses, buildings, structures and accessory uses without encroachment into key natural heritage features or hydrologically sensitive features shown on Schedule "S" or as identified within an approved natural heritage evaluation or hydrological evaluation.

- c) When a lot is created, Council shall enter into a site plan agreement or other agreement with the applicant to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any key natural heritage features or hydrologically sensitive features on the lot.
- d) New lots shall not be created within or partially within a minimum vegetation protection zone of a key natural heritage feature and/or a hydrologically sensitive feature.
- e) New estate residential subdivisions shall not be permitted within the Oak Ridges Moraine.
- f) A lot shall not be permitted that would extend or promote strip development.
- g) Any application to create new lots must include a report demonstrating that the application is in conformity with the requirements of the Oak Ridges Moraine Secondary Plan.

11.11.6-27 Mineral Aggregate Operations and Wayside Pits

11.11.7.1a) In addition to the policies of Section 4.12 – Aggregates of the Official Plan, the policies of Section 11.11.7 shall apply to lands within the Oak Ridges Moraine Secondary Plan Area.

11.11.7.2b) Applications for mineral aggregate operations or wayside pits shall not be approved unless the applicant demonstrates that:

- i) the quantity and quality of groundwater and surface water will be maintained and, where possible, improved or restored;
- ii) the health, diversity, size and connectivity of key natural heritage features on the site or on adjacent land, will be maintained and, where possible, improved or restored;
- iii) there will be no extraction within 1.5 metres of the water table within the Natural Linkage Area designation;
- iv) the extraction of mineral aggregates from the site will be completed as quickly as possible within the Natural Linkage Area designation; and
- v) the entire site will be rehabilitated as quickly as possible, and in the case of a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level and in all other cases, by establishing or restoring natural self-sustaining vegetation.

11.11.7.3e) In order to maintain connectivity, when a mineral aggregate operation or wayside pit is located in the Natural Linkage Area

designation, there shall at all times be an excluded area which may contain both undisturbed land and land whose rehabilitation is complete that:

- i) is at least 1.25 kilometres wide;
- ii) lies outside the active or unrehabilitated portions of the area being used; and
- iii) connects parts of the Natural Linkage Area designation outside of the mineral aggregate operation or wayside pit.

11.11.7.4~~e)~~ Notwithstanding Section 11.11.~~7.1(b)~~5.2, an application for mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved provided:

- i) the key natural heritage feature is occupied by young plantations or early successional habitat; and
- ii) the applicant demonstrates to the satisfaction of the Municipality that:
 - the long-term ecological integrity of the site will be maintained, or where possible improved or restored;
 - the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation; and
 - the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.

11.11.7.5~~e)~~ An application for mineral aggregate operation or wayside pit in a Landform Conservation Area shall not be approved unless the applicant demonstrates to the satisfaction of the municipality and that:

- i) the area from which the mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent lands; and
- ii) the long-term ecological integrity of the subject lands will be maintained, or where possible improved or restored.

11.11.7.6~~f)~~ The Town of Whitby shall work cooperatively with the aggregate industry to develop and implement comprehensive rehabilitation

plans for the parts of the Oak Ridges Moraine that are affected by mineral aggregate operations.

11.11.7.7g) Mineral aggregate operations are exempt from the requirements of Section 11.11.57.2.

11.11.9 Infrastructure Policies

~~11.11.9.1 In addition to the policies of Section 8—Transportation, Servicing and Utilities of the Official Plan, the policies of Section 11.11.9 of this Secondary Plan shall apply to lands within the Oak Ridges Moraine Secondary Plan Area. Where there is a conflict between the policies of Section 8 of the Official Plan and this Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.~~

11.11.9.28 Transportation, Infrastructure and Utilities

11.11.8.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of the Oak Ridges Moraine Conservation Plan and Section 8.1 and 8.2 of this Plan, except as modified or clarified by the following policies.

11.11.8.2 Transportation, infrastructure and utility uses are only permitted within the Oak Ridges Moraine if the appropriate study has been undertaken, to the satisfaction of the municipality, and demonstrated both need and that there is no reasonable alternative to the undertaking.

An undertaking for a transportation, infrastructure or utility use is required to demonstrate that the requirements of this Secondary Plan and the Oak Ridges Moraine Conservation Plan for protecting the ecological and hydrological integrity of the Moraine have been fulfilled.

11.11.89.3 Transportation, infrastructure and utilities uses are defined to include:

- a) public highways;
- b) transit lines, railways and related facilities;
- c) gas and oil pipelines;
- d) sewage and water service systems and lines and stormwater management facilities;
- e) power transmission lines;
- f) telecommunications lines and facilities, including broadcasting towers;
- g) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (f); and
- h) rights of way required for the facilities listed in clauses (a) to (g).

- 11.11.89.4 An application for a transportation, infrastructure or utilities use shall not be approved unless:
- a) the need for the project has been demonstrated and there is no reasonable alternative, to the satisfaction of the municipality; and
 - b) the applicant demonstrates the applicant demonstrates, to the satisfaction of the municipality that the following requirements will be satisfied, to the greatest extent possible while also meeting all applicable safety standards:
 - i) The area of construction disturbance will be kept to a minimum;
 - ii) Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utility uses within a single corridor as possible;
 - iii) The project will allow for wildlife movement;
 - iv) Lighting will be focused downwards; and
 - v) The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum.
- 11.11.89.5 Except as permitted in Sections 11.11.89.4 and 11.11.89.6, with respect to land in a key natural heritage feature or a hydrologically sensitive feature, all new transportation, infrastructure and utilities uses and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited.
- 11.11.89.6 Transportation, infrastructure, and utilities uses may be permitted to cross a key natural feature or hydrologically sensitive feature if the applicant demonstrates, to the satisfaction of the municipality that:
- a) the need for the project has been demonstrated and there is no reasonable alternative;
 - b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum;
 - c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages.
 - d) the landscape design will be adapted to the circumstances for the site and use native plant species as much as possible, especially along rights of way; and

- e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health, diversity, size and connectivity of the key natural heritage feature or hydrologically sensitive feature.
- f) service and utility trenches for transportation, infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater to a minimum.

11.11.8.7 **Stormwater Management**

11.11.8.7.1 Every application for development, redevelopment or site alteration shall demonstrate planning, design and construction practices, to the satisfaction of the municipality, to protect water resources will be used, including:

- a) keeping the removal of vegetation, grading and soil compaction to a minimum;
- b) keeping all sediment that is eroded during construction within the site;
- c) seeding or sodding exposed soils as soon as possible after construction; and
- d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

11.11.8.7.2 ~~9.8~~ In considering an application for development, redevelopment or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads.

11.11.9.9 8.7.3 Municipal development standards shall incorporate planning, design and construction practices that will:

- 1. reduce the portions of lots and sites that have impervious surfaces; and
- 2. provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.

11.11.9.10 8.7.4 Sections 11.11.9.7 to 11.11.9.9 11.11.8.7.1 to 11.11.8.7.3 (inclusive) ~~of this Plan~~ do not apply to applications for mineral aggregate operations.

11.11.~~9.11~~8.7.5 For the purposes of stormwater management, the minimum standard for water quality is that 80 percent of suspended solids shall be removed from stormwater runoff as a long-term average.

11.11.~~9.12~~8.7.6 Despite anything else in this Plan Notwithstanding any other provisions in this plan to the contrary, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.

11.11.~~9.13~~8.7.7 An application for major development shall be accompanied by a Stormwater Management Plan.

11.11.~~9.14~~8.7.8 **Stormwater Management Plans**

11.11.8.7.8.1 The objectives of a stormwater management plan are to:

- a) maintain groundwater quality and flow and stream base flow;
- b) protect water quality;
- c) protect aquatic species and their habitat;
- d) prevent increases in stream channel erosion; and
- e) prevent any increase in flood risk.

11.11.~~9.15~~8.7.8.2 A stormwater management plan shall provide for an integrated treatment train approach that uses a planned sequence of methods of controlling stormwater and keeping its impact to a minimum by techniques including, without limitation:

- a) lot level controls such as devices and designs that direct roof discharge to rear yard ponding areas;
- b) conveyance controls such as grassed swales; and
- c) end-of-pipe controls such as wet ponds at the final discharge stage.

11.11.~~9.16~~8.7.8.3 A Stormwater Management Plan shall be prepared in accordance with the applicable watershed plan, if one exists.

11.11.~~9.17~~8.7.8.4 Despite anything else in this Plan Notwithstanding any other provisions in this plan to the contrary, new rapid infiltration basins and new rapid infiltration columns are prohibited.

~~11.11.7.5~~ **11.11.8 Sewage and Water Services**

An application for major development shall be accompanied by a sewage and water system plan that demonstrates, to the satisfaction of the municipality:

- a) that the ecological integrity of hydrological features and key natural heritage features will be maintained;
- b) that the quantity and quality of groundwater and surface water will be maintained;
- c) that stream baseflows will be maintained;
- d) that the project will comply with the applicable watershed plan and water budget and conservation plan; and
- e) that the water use projected for the development will be sustainable.

Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

11.11.910 Implementation and Interpretation

~~11.11.109.1~~ ~~The provisions of Sections 11.11 together with Schedules “R”, “S”, “T”, and “U” of the Town of Whitby Official Plan shall comprise the Oak Ridges Moraine Secondary Plan. This Secondary Plan shall be implemented by a Zoning By-law under Section 34 of the **Planning Act**. Permitted uses are subject to inclusion in the implementing Zoning By-law. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

11.11.9.2 The lot lines shown on Schedules ‘R’, ‘S’, ‘T’ and ‘U’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

11.11.9.3 All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of the Oak Ridges Moraine Conservation Plan, Part 1 and this Secondary Plan.

11.11.9.4 Zoning By-Law and Minor Variances

~~11.11.10.2~~ 9.4.1 Lands within the Rural Settlement designation shall be placed within the appropriate zone in the Zoning By-law to provide for a

range of residential uses and small scale commercial and industrial uses that meet the needs of the rural area.

~~11.11.10.3~~ 11.11.9.4.2 All key natural heritage features and hydrologically sensitive features shall be placed within an appropriate zone in the Zoning By-law.

~~11.11.10.4~~ ~~All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of this Secondary Plan.~~

11.11.9.4.3 The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small-scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:

- a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;
- b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and
- c) the development will not have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.11.7 of this Secondary Plan.

11.11.9.4.4 A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act**, 2001 and regulations thereunder.

11.11.9.4.5 A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.

11.11.9.5 Site Plan Control

11.11.9.5.1 Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.

Notwithstanding this Policy, where the lands are situated on the Oak Ridges Moraine, site plan control shall be in accordance with the relevant policies of the Oak Ridges Moraine Conservation Plan, and Subsection 10.1.11 of this Plan

~~11.11.9.5.2 Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.~~

11.11.9.5.2 Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.

11.11.11 Interpretation

~~11.11.11.1 The provisions of Section 11.11 apply to the Oak Ridges Moraine Secondary Plan delineated on Schedule "R". Despite the policies of this Secondary Plan and the Oak Ridges Moraine Conservation Plan, lands located on the Oak Ridges Moraine are also subject to the policies in both the Region of Durham Official Plan and the Provincial Policy Statement where there is no conflict.~~

~~11.11.11.2~~9.6~~The following~~ definitions contained in the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02 shall apply in the Oak

Ridges Moraine Secondary Plan Area in addition to the definitions of Section 10.2.2 of the Official Plan (where questions of interpretation arise, regard shall be had to the Oak Ridges Moraine Conservation Plan itself).

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~~“Adverse Effect” means any impairment, disruption, destruction or harmful alteration;~~

~~“Agriculture-related Uses” means commercial and industrial uses that are,~~

- ~~a) small-scale,~~
- ~~b) directly related to a farm operation, and~~
- ~~c) required in close proximity to the farm operation;~~

~~“Aquifer Vulnerability” means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality;~~

~~“Connectivity” means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs;~~

~~“Development” means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:~~

- ~~a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of the this Secondary Plan; or,~~
- ~~b) for greater certainty:~~
 - ~~i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or~~
 - ~~ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;~~

~~“Ecological Features” means naturally occurring land, water and biotic features that contribute to ecological integrity;~~

“Ecological Functions” means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions;

“Ecological Integrity”, which includes hydrological integrity, means the condition of ecosystems in which,

- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- (b) natural ecological processes are intact and self-sustaining, and
- (c) the ecosystems evolve naturally;

“Ecological Value” means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species;

“Endangered Species” means any native species, as listed in the regulations under the **Endangered Species Act**, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed;

“Farm Retirement Lot” means a lot that is severed from land that is being used in a farming operation, on the application of a person who,

- (a) owned and operated the farm operation, as a full time farmer, for a substantial number of years;
- (b) was engaged in farming on January 1, 1994 or on an earlier date set out in the Official Plan; and
- (c) has reached retirement age and is retiring from active working life;

“Fish Habitat” means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada);

~~“Forest Access Road”~~ means a one or two lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes;

~~“Forest Management”~~ means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- (a) ~~for the production of wood and wood products, including maple syrup;~~
- (b) ~~to provide outdoor recreation opportunities;~~
- (c) ~~to maintain, and where possible improve or restore, conditions for wildlife; and~~
- (d) ~~to protect water supplies;~~

~~“Habitat of Endangered, Rare and Threatened Species”~~ means land that,

- (a) ~~is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species;~~
- (b) ~~has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;~~

~~“Hazardous Waste”~~ has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

~~“Hydrological Features”~~ means;

- (a) ~~permanent and intermittent streams;~~
- (b) ~~wetlands;~~
- (c) ~~kettle lakes and their surface catchment areas;~~
- (d) ~~seepage areas and springs; and~~

(e) ~~aquifers and recharge areas;~~

“Hydrological Functions” means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environmental including its relation to living things;

“Hydrological Integrity” means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity;

“Impervious Surface” means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot;

“Landform Features” means distinctive physical attributes of land such as slope, shape, elevation and relief;

“Liquid Industrial Waste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

“Major Development” means development consisting of:

- (a) ~~the creation of four or more lots; or~~
- (b) ~~the construction of a building or buildings with a ground floor area of 500 square metres or more;~~

“Meander Belt” means the land across which a stream shifts its channel from time to time;

“Mineral Aggregate Operation” means,

- (a) ~~an operation, other than a wayside pit, conducted under a licence or permit under the **Aggregate Resources Act**, and~~
- (b) ~~associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products;~~

“Natural Self-Sustaining Vegetation” means self-sustaining vegetation dominated by native plant species;

“Original Half Lot” means half of an original lot that contained 80.9 hectares (200 acres) more or less;

~~“Original Lot”~~ means a township lot shown on a plan certified by the Surveyor General of Ontario as being the original plan of an original survey;

~~“Rapid Infiltration Basin/Column”~~ means a basin/column or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces;

~~“Rare Species”~~ means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increased in certain types of human activity;

~~“Rural Lot”~~ means a lot that is at least 97.5 % of the land that is left in an original lot or an original half lot after the deduction of any land that is,

- (a) conveyed at any time for transportation, utilities or infrastructure, whether before, on or after November 16, 2001; or
- (b) validly conveyed before June 27, 1970.

~~“Sand Barrens”~~ means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:

- (a) has sparse or patchy vegetation that is dominated by plants that are:
 - i) adapted to severe drought and low nutrient levels; and
 - ii) maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- (b) has less than 25% tree cover;
- (c) has sandy soils (other than shorelines) exposed by natural erosion, depositional process or both; and
- (d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures

established by the Ministry of Natural Resources as amended from time to time;

~~“Savannah” means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:~~

- ~~(a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;~~
- ~~(b) has from 25% to 60% tree cover;~~
- ~~(c) has mineral soils; and~~
- ~~(d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures established by the Ministry of Natural Resources as amended from time to time;~~

~~“Self-Sustaining Vegetation” means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending;~~

~~“Site Alteration” means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:~~

- ~~(a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of this Secondary Plan; or~~
- ~~(b) for greater certainty,~~
 - ~~i) the reconstruction, repair or maintenance of a drain approved under the **Drainage Act** and in existence on November 15, 2001; or~~
 - ~~ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;~~

~~“Subwatershed” means an area that is drained by a tributary or some defined position of a stream;~~

~~“Surface Catchment Area” means the area including and surrounding a kettle land or wetland, from which surface runoff drains directly into the kettle lake or wetland;~~

“Sustainable”, when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected;

“Tallgrass Prairie” means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- (a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- (b) has less than 25% tree cover;
- (c) has mineral soils; and
- (d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures established by the Ministry of Natural Resources as amended from time to time;

“Threatened Species” means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

“Watershed” means an area that is drained by a river and its tributaries;

“Wildlife Habitat” means land that:

- (a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

“Woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

Attachment #2

Comment Response Matrix

Date Received	From	Comment	Response
October 27, 2023	CLOCA	It is our understanding that this update is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. We further understand that the future MCR will be undertaken separately to reflect policy changes and directives resulting from Durham Region's Envision Durham MCR, as well as any relevant changes to Provincial Plans or Planning Policies at that time.	Noted. No response required.
October 27, 2023	CLOCA	Please be aware that CLOCA staff are currently undertaking a project that will result in updated floodplain mapping for the Lynde Creek Watershed. We anticipate this project being completed within 2024. Consideration should be given to using this updated information as part of the anticipated MCR to assist in improving the accuracy of the Natural Hazard mapping within the current Land Use Schedules.	Noted. Consideration will be undertaken as part of the upcoming Town of Whitby Comprehensive Official Plan Review.
October 27, 2023	CLOCA	It appears that Natural Hazard has been used on some of the updated Schedules and Hazard has been used in others, we recommend a consistent approach be taken for all Schedules with the use of Natural Hazards as the appropriate label for this designation.	Noted. Consideration will be undertaken as part of the upcoming Town of Whitby Comprehensive Official Plan Review.
October 27, 2023	CLOCA	Lynde Shores Secondary Plan and Schedule G: We recommend that Hazard Lands be illustrated and treated consistently within all policies and schedules within the Official Plan, where possible. As such, we recommend that the Hazard Land identification on the updated Schedule G not be overlaid with the Business Park designation. This would be consistent	Noted. This matter will be reviewed and addressed as part of the Comprehensive Official Plan

		with the approach taken by the recently completed Downtown Whitby Secondary Plan and the Brooklin Secondary Plan.	Review (ongoing).
October 27, 2023	CLOCA	<p>Lynde Shores Secondary Plan and Schedule G:</p> <p>Similar to the above noted recently approved Secondary Plans, we recommend that Policy 11.2.7.8 within the Lynde Shores Secondary Plan be replaced with similar wording to 11.3.8.1.2 in the updated Downtown Whitby Secondary Plan which allows the completion of detailed studies to refine the boundaries of the Hazard Designation and also relieves any need to present the Hazard designation as an overlay on the associated Schedule G.</p>	Agree. Policy Section 11.2.7.8 has been revised to mimic wording from Section 11.3.8.1.2 of the Downtown Whitby Secondary Plan.
		<p>Taunton North Community Secondary Plan:</p> <p>We note inconsistency in the replacement of the following terms within the Secondary Plan:</p> <ul style="list-style-type: none"> • Hazard Land replaced with Natural Hazards • Environmental Protection/Conservation Lands replaced with Natural Heritage System 	Noted. The verbiage in the Taunton North Community Secondary Plan has been revised.
October 27, 2023	CLOCA	<p>Taunton North Community Secondary Plan:</p> <p>There may be benefit to completing a “find-and-replace” exercise within the revised document to catch the locations where this replacement exercise appears to have been missed.</p>	Noted. Revised accordingly.
October 27, 2023	CLOCA	<p>Taunton North Community Secondary Plan:</p> <p>Within Policy 11.10.15.4, there is reference to the Lynde Creek Water Resource Management Strategy. Please confirm that this reference is correct, as it may be the Updated Lynde Creek Master Drainage Plan that may be the more accurate document to reference.</p>	Noted. The verbiage in the Taunton North Community Secondary Plan has been revised.
November 23, 2023	Durham Region	It is understood that this Amendment is intended to implement minor housekeeping and technical changes to the Whitby Official Plan as well as certain secondary plans. More specifically, the amendment proposes a variety of text and mapping updates.	Noted. No response required.

November 23, 2023	Durham Region	<p>In Policy 4.11.3.3 it is suggested to specifically reference the Durham Region's Drilled Well and Lot Sizing policy. All severance and subdivision applications are required to meet that policy, even when a hydrogeological report is not required.</p> <p>Proposed wording is as follows:</p> <p>"... Applications for severances or plans of subdivisions are subject to the requirements of Durham Region's Drilled Wells and Lot Sizing Policies to ensure proposed lots can be adequately serviced with private wells and sewage disposal systems. Applications may be required to be accompanied by a hydrogeological report demonstrating the private servicing of the proposed lots will not adversely affect existing water wells or groundwater quality or quantity, in accordance with Durham Regional Requirements. ..."</p>	Policy 4.11.3.3 has been revised accordingly.
November 23, 2023	Durham Region	<p>The proposed amendment is consistent with the policies of the Regional Official Plan. In accordance with By-law 11-2000 the Official Plan Amendment application is exempt from Regional Approval.</p> <p>Please advise the Commissioner of Planning and Economic Development of your Council's decision. If Council adopts an Amendment, a record must be submitted to this Department within 15 days of the date of adoption. The record must include the following:</p> <ul style="list-style-type: none"> • two (2) copies of the adopted Amendment; • a copy of the adopting by-law; and • a copy of the staff report and any relevant materials. 	Noted. No response required.

Attachment #3

Public Meeting Minutes

PDP 09-24



Public Meetings Minutes

December 6, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Councillor Lee, Chair of Planning and Development
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
K. Douglas, Sr. Legislative Specialist

Regrets: F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor

Also Present: R. Saunders, Commissioner of Planning and Development

1. Public Meetings - 7:00 p.m.

K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk, advised that the Public Meetings are being held in a hybrid meeting format with members of the public attending both in-person and virtually. Mr. Narraway stated that Members of Council would receive a written record of all submissions upon publication of the minutes of the Public Meetings. Mr. Narraway provided an overview of the format of the public meetings. He advised that members of the public who wish to be notified of the next report related to any of the public meetings or who wish to be placed on an Interested Parties List for a matter should email the Town's Planning and Development Department at planning@whitby.ca or call 905.430.4306.

3. PDP 45-23, Planning and Development (Planning Services) Department Report

Re: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans, File Number: OPA-2023-W/01

Justin Malfara, Supervisor, Zoning and Regulations and Principal Planner, provided a PowerPoint presentation which included an overview of Housekeeping and Technical Amendments to the Whitby Official Plan, Part 2 Secondary Plans.

There were no submissions from the public.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: DEV-33-22: Official Plan Amendment Application OPA-2022-W/04, Zoning By-law Amendment Application Z-22-22, Whitby 108 Victoria Inc., 106 & 110 Victoria Street West

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 10-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Danielle Coore, Planner 1, 905.444.1946

1. Recommendation:

1. That Council approve Amendment Number 134 to the Whitby Official Plan (File: OPA-2022-W/04), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 134 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 10-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 134 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 2585, (File: Z-22-22), as outlined in Planning Report No. PDP 10-24
4. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council upon Site Plan approval by the Commissioner of Planning and Development; and,
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

2. Highlights:

- Applications for Official Plan Amendment and Zoning By-law Amendment have been submitted by KLM Planning, on behalf of Whitby-108 Victoria Inc-Orpheus Management Services Inc. for lands municipally known as 106 & 110 Victoria Street West.
- The applications seek to increase the maximum permitted net residential density in the Official Plan and change the Zoning to permit the proposed development of an 18-storey mixed-use apartment building, containing 238 rental apartment dwelling units (including 30 affordable units), retail/office space at grade, with underground parking. The existing buildings are proposed to be demolished.
- Commenting internal departments/divisions and external agencies have indicated no objection to the proposed development, subject to their comments and requested conditions being addressed.
- The proponent will be required to submit a Site Plan Application at a later date and consolidate the property ownership into one parcel.
- It is recommended that the applications for Official Plan Amendment and Zoning By-law Amendment be approved, as the proposed development would provide an appropriate intensification opportunity within the Port Whitby Intensification Area, a Protected Major Transit Station Area. The proposed development will also contribute to Whitby's Municipal Housing Target of 18,000 new homes by 2031.

3. Background:

3.1. Site and Area Description

The subject land is located at the northeast corner of Byron St. S. and Victoria St. W., municipally known as 106 & 110 Victoria Street West (refer to Attachment #1). The subject land currently contains a 3-storey residential apartment building, which is proposed to be demolished.

The subject land is approximately 0.39 hectares (0.96 acres) in size.

Surrounding land uses include:

- residential uses (apartment buildings) to the north;
- Whitby Fire Station and residential uses (apartment buildings) to the south;
- institutional use (church and cemetery) to the east, and,
- Whitby Go Station and parking lot to the west (refer to Attachment #2).

3.2. Applications and Proposed Development

An Official Plan Amendment Application (File: OPA-2022-W/04) has been submitted to increase the maximum permitted net residential density from 300 units per net hectare to 618 units per net hectare on the subject land, as an exception to the High Density Residential Mixed Use designation, to permit the proposed development of 238 apartment dwelling units.

A Zoning By-law Amendment application (File No. Z-22-22) has been submitted to change the current Residential Type 4 (R4) and Commercial Type 2 (C2) zoning to permit the proposed 18-storey mixed use apartment building.

The original concept plan for the proposed development included a total of 208 apartment units (Refer to Attachment #3).

Following the Public Meeting, the applications were revised to add an additional 30 affordable units, for a total of 238 apartment units. The conceptual site plan was not revised; rather certain unit sizes would be reduced to accommodate the additional affordable units.

A Site Plan Application will be required at a later date.

3.3. Documents Submitted in Support

A number of documents were submitted in support of the applications, including the following:

- An Archaeological Assessment (Stage 1-2) prepared by LHC, dated August, 2022, which notes that no archaeological resources were found and concludes that no further archaeological assessment of the study area is warranted;
- A Functional Servicing and Stormwater Management Report prepared by MTE Consultants, dated September 28, 2022, provides recommendations regarding site grading, on-site groundwater and soils conditions, storm drainage, sanitary servicing, water supply and servicing, utilities, and erosion and sediment control during construction;
- A Geotechnical Report prepared by Canada Engineering Services Inc., dated August, 2018, provides a summary of subsurface conditions including soil and groundwater analysis. The Report includes recommendations regarding geophysical soils and rock analysis and construction practices;
- A Hydrogeology Report prepared by Grounded Engineering, dated October, 2020, which includes recommendations regarding short-term and long-term groundwater seepage and a monitoring and mitigation program during dewatering activities;
- Landscape Plans prepared by Studio TLA, CGL Architects, KLM Planning Partners, dated September, 2022;
- A Noise Study prepared by Valcoustics, dated September, 2022, which includes recommendations regarding existing noise sources in the vicinity of the site, including road traffic on Brock Street South, Victoria Street West and Highway 401, as well as rail traffic on the Canadian National Railway (CN) Kingston Subdivision and Metrolinx GO Subdivision, which carries Lakeshore East GO rail service;
- A Phase 1 Environmental Assessment prepared by IFM Environmental, dated August 2022, which identified potentially contaminating activities and recommends further environmental investigation (Phase 2 ESA);

- A Planning Justification Report prepared by KLM Planning Partners Inc., dated September 2022, which concludes that the proposed development is consistent with provincial, regional, and municipal policies and will support the intensification of the Port Whitby Community Secondary Plan Area and support the increased amount of dwelling units that can be efficiently and functionally accommodated within the Port Whitby community;
- A Servicing Plan prepared by MTE Consultants Inc., dated September, 2022;
- A Conceptual Site Plan prepared by CGL Architects, dated September, 2022 (refer to Attachment #3);
- A Site Plan-Electrical prepared by CGL Architects, dated June, 2022;
- A Survey, prepared by J.D Barnes, dated April, 2021;
- A Transportation Study prepared by Dillion Consulting, dated September 2022, which assessed the impacts of the trips generated by the proposed development, proposes a parking supply of 241 residential and non-residential spaces, and concludes it will adequately serve the development's parking demands;
- An Addendum to the Transportation Study prepared by Dillion Consulting, dated October, 2023 which addressed comments on the transportation impact and parking study as well as potential site plan changes being considered to add affordable units to the development proposal;
- A Tree Inventory Preservation Plan, prepared by Kuntz Forestry Consulting Inc., dated June 2022, which includes recommendations regarding mitigation measures to minimize impacts to the preserved trees, tree protection barriers and fencing, tree protection measures prior to demolition;
- An Urban Design Plan prepared by Studio TLA, dated September, 2022, which provides an overview of public and private realm, built form, sustainability principles and implementation of the proposed urban design.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Provincial Policy Statement

The Provincial Policy Statement (PPS), 2020, directs urban growth and development to settlement areas and promotes efficient development patterns that optimize the use of land, resources and public investment in infrastructure and promote a mix of housing, including affordable housing. The PPS includes policies that require the provision of an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. The PPS also requires transit-supportive and increased densities and intensification, particularly in proximity to major transit stations.

The proposed development is consistent with the policies of the PPS in that it would provide increased and transit-supportive residential densities and intensification; affordable housing; takes advantage of existing infrastructure and public services facilities; and supports active transportation and transit in the neighbourhood.

4.2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Province's Growth Plan directs where and how growth should occur and promotes the creation of compact, vibrant, and complete communities that are transit supportive, pedestrian friendly, and reduce dependence on the automobile. The Growth Plan supports intensification of the existing built-up area, with a focus on Major Transit Station Areas, as well as along Transit Corridors.

The proposed residential development conforms to the Growth Plan policies, regarding compact and pedestrian oriented, transit-supportive development within a Major Transit Station Area and along a transit corridor. In addition, the proposed development represents an intensification opportunity within the built-up area of the Town of Whitby and is located within the 'Built Boundary' as defined by the Province and would contribute to the Town's intensification targets.

4.3. Region of Durham Official Plan

The subject land is designated "Living Area" on Schedule 'A' Map A-4 of the Regional Official Plan (ROP). The subject land is also with a Protected Major Transit Station Area (PMTSA) as identified in Regional Official Plan Amendment (ROPA 186) and in the new Envision Durham ROP, as adopted by Regional Council (both awaiting approval by the Province). Lands within a PTMSA are intended for increased densities and transit-supportive uses to take advantage of proximity to major transit systems.

Victoria St. W. is designated as a "Type B" Arterial Road and is also identified as a "Rapid Transit Spine" in the ROP.

The ROP encourages higher density, compact form development and intensification within proximity of Commuter Stations and Rapid Transit Spines.

The proposed development conforms to the ROP.

4.4. Whitby Official Plan

The subject land is within the Port Whitby Intensification Area as identified on Schedule 'B' – Intensification of the Town Official Plan (refer to Attachment #4) and is located within the Port Whitby Community Secondary Plan area as identified on Schedule 'F' (refer to Attachment #5). Port Whitby is identified as a Major Transit Station Area and is one of several Intensification Areas located within the Town of Whitby where increased residential densities and appropriate types of intensification are planned to occur.

The Port Whitby Major Transit Station Area seeks to provide for higher density residential and mixed use development at an appropriate scale to support transit and reduce vehicle dependence. It also encourages reductions in the use of private automobiles by promoting public transit, active transportation, auto sharing, and the use of Transportation Demand Management measures.

The Port Whitby Community Secondary Plan also seeks to provide for the growth and development of a mixed-use community through infilling and/or intensification, and to provide a mix and range of housing, appropriate in terms of scale, traffic generated, and demand on municipal services, and to create a compact neighbourhood with a range of services. (OP Policy 11.1.2.2; 11.1.2.3)

The Whitby Official Plan encourages the provision of affordable housing and seeks to achieve residential intensification and affordable housing, including opportunities for mixed-use development in appropriate locations (OP Policy 7.2.3).

The subject land is designated as High Density Residential Mixed Use on Schedule 'F' – Port Whitby Community Secondary Plan (refer to Attachment #5). The High Density Residential Mixed Use designation permits a maximum building height of 18-storeys, and a maximum density of 300 units per net hectare (OP Policy 11.1.11.3).

The proposed development is within the maximum permitted 18-storey building height. However, the total number of units proposed would exceed the maximum 300 units per net hectare, in part due to the smaller unit sizes. Therefore, the applicant has submitted an Official Plan Amendment application for an increase in the maximum permitted residential density on the subject land as it exists today, from 300 units per net hectare to 618 units per net hectare, to permit the proposed development of 238 apartment dwelling units.

4.5. Zoning By-law

The subject land is currently zoned Residential Type 4 (R4) on the 110 Victoria Street West portion of the subject land, and Highway Commercial (C2) on the 106 Victoria Street West portion (refer to Attachment #6). The R4 zone permits residential dwellings including an apartment dwelling house but does not allow for the proposed scale and density, nor commercial uses. The C2 zone does not permit residential uses.

A Zoning By-law Amendment is required to change the zoning to an appropriate zone category to implement the High Density Residential Mixed Use designation in the Port Whitby Community Secondary Plan, as well as to permit the proposed 18-storey mixed use development.

4.6. Conclusion

The subject land is designated High Density Residential Mixed Use and is also within an Intensification Area and Major Transit Station Area, where intensification and increased residential densities are intended to occur.

The proposed development represents an intensification opportunity within the built-up area of the Town of Whitby located within the 'Built Boundary' as defined by the Province. It provides an appropriate range and mix of housing types, including affordable housing and increased densities, to meet the needs of current and future residents. Development of the subject land for an apartment building with ground floor commercial space is appropriate as it is situated in proximity to major transit station, along an arterial road with access to transit facilities. In addition, the proposed

development utilizes the existing well-serviced municipal infrastructure and public transit in proximity to the subject land.

Commenting departments and external agencies have indicated no objection to, the proposed development subject to their comments and conditions being addressed.

Based on the detailed review of the applications and consideration of public and agency comments and requirements (refer to Section 6 and Section 7), it is concluded that the proposed development is consistent with the Provincial Policy Statement and is in conformity with the Growth Plan and the Region's Official Plan. The proposed Amendment is consistent with the overall goals and intent of the Official Plan by increasing residential density in an area where such mixed use and residential intensification is planned to occur (i.e. Major Transit Station Area; Intensification Area; Transit Corridor) and by providing an opportunity for affordable housing.

The proposed development will also contribute to the Town's committed Municipal Housing Target of 18,000 new homes in Whitby by 2031.

It is recommended that Council approve the proposed Official Plan Amendment (refer to Attachment #7) and Zoning By-law Amendment. The site-specific Official Plan Amendment would include an increase in density to permit the proposed 238 apartment dwelling units. The implementing Zoning By-law would include provisions regarding such matters as a reduced parking rate based on the proximity to the Transit Station, and a total 238 apartment dwelling units.

The proposed building design and articulation and other site-specific matters will be considered through the future Site Plan approval process.

5. Financial Considerations:

Not Applicable

6. Communication and Public Engagement:

A Public Information Meeting was held on March 27th, 2023, providing the public and interested persons and agencies an opportunity to comment on the Official Plan Amendment. The meeting minutes are included in Attachment #8. Public submissions were received at the Public Meeting and written submissions were received regarding the OPA and ZBA application.

A summary of the issues raised at the public meeting are as follows:

- Traffic impact in surrounding neighborhood, especially through traffic on Byron St. adjacent to Whitby Go Station;
- Displacement of current tenants; inclusion of affordable housing in proposed plans; and supporting residents in finding new dwellings and affordable housing;
- Building height and density; and
- Absence of communication from property owner/property management to residents about the proposed development, lack of communication/

responsiveness from landlord, property management to tenant inquiries about development application.

Written correspondence from the public was received from local residents and a community group. The written correspondence raised various concerns including:

- Date of construction commencement/completion date;
- Construction air pollution and noise pollution; construction damage; street access during construction;
- Tenant displacement dates; outcome of tenants following commencement of construction;
- Decision finality; appeal opportunities;
- Notification of meetings; requests to being added to interested party list;
- Cycling opportunities; cycling infrastructure; and,
- traffic impacts.

The concerns raised above have been considered through the assessment of the applications, as follows:

- The applications were revised to include an additional 30 affordable housing units;
- The proposed 18-storey building height is currently permitted. The increased density is due to generally smaller unit sizes being proposed and is consistent with recent amendments to the Regional Official Plan and Provincial Growth Plan;
- Construction related issues will be addressed through a Construction Management Plan associated with the future Site Plan approval process; and
- An addendum to the TIS was provided to address traffic and parking related comments to the satisfaction of Transportation staff.

In response to existing tenant concerns regarding communication and timelines, the proponent has advised that:

- The complex superintendent is available onsite and has been responding to individual enquiries from tenants as they arise;
- As not all tenants have email, lobby postings have been made informing tenants of application status (ongoing), timeline to redevelopment (to be determined), confirming that there is no urgency to relocate, and providing contact details for any specific questions;
- As for future actions, the above approach will continue as the site plan and building permit processes progress; and,
- The owner also has advance notice obligations under the Residential Tenancies Act when vacancy is required for redevelopment, which is meant to ensure transition to new housing can take place within a reasonable timeframe.

All individuals who registered as an Interested Party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the February 26, 2024 Committee of the Whole Meeting.

7. Input from Departments/Sources:

The applicable agencies and departments were circulated the applications and copies of the associated supporting materials for their review and comment.

The following agencies have reviewed the applications and have no objection to the proposed development:

- Bell Canada;
- Canada Post;
- Conseil Scolaire Catholique;
- Conseil Scolaire Viamonde;
- Durham Catholic District School Board;
- Durham District School Board;
- Enbridge Gas Inc.;
- Ministry of Transportation Ontario;
- Hydro One;
- Rogers Communications; and,
- Superior Propane

Internal Departments

Community Advancements – Strategic Initiatives – Sustainability

Comments provided by Community Advancements indicated that:

- As part of the Development application for this site the Whitby Green Standard Site Plan Application Checklist and a stand-alone Sustainability Rationale Report will need to be completed and submitted; and
- All new Site Plan and Plan of Subdivision Applications are required to follow the Whitby Green Standard Site Plan Application Checklist and meet at a minimum Tier 1- Mandatory Performance Criteria as outlined in the respective Site Plan Checklist and Plan of Subdivision Checklist.

Refer to Attachment #9 for additional detailed Department Comments.

Community Services – Parks Division

Comments provided by parks staff indicated that:

- There is no identified need for a park in the proposed location so cash-in-lieu of parkland is required, as well as satisfying a condition of site plan approval, for collection at a rate in accordance with the Planning Act for each applicable rate (i.e. commercial vs. residential); and
- The incorporation of indoor and outdoor private amenity space for future residents of the development is encouraged.

Refer to Attachment #9 for additional detailed Department Comments.

Engineering Services

Engineering Services has indicated:

- No objection to the Official Plan Amendment application or Zoning By-law Amendment Application;
- Given the proximity to the GO Station, there is no objection to the proposed parking ratio reduction; and
- A number of documents will be required to be submitted for review during the subsequent Site Plan application circulation including, but not limited to:
 - Site Plan and Underground Parking/Basement Level(s) drawings; produced at the same scale;
 - Revised Stormwater Management Report;
 - Hydrogeological and Geotechnical Investigation Reports;
 - Construction Management Report; and,
 - Multi-Stage Construction Management Plan with Traffic Management.

Refer to Attachment #9 for additional detailed Department Comments.

Financial Services – Development Charges

Comments provided by Financial Services indicated:

- Development Charges Shall be payable in full prior to the issuance of the building permit unless the development (fully or partially) qualifies under Section 26.1 of the Development Charges Act. In that case the portion that falls under Section 26.1, will pay (the eligible portion of) DC according to the legislation in installments.
- The DC for non-residential GFA is always due prior to the issuance of the building permit.
- The base development charges rate will be the rate in effect of the date of a Site Plan Application submission. The applicant has 2 years from the date of Site Plan Application approval to obtain a building permit, otherwise the applicable development charge rate will be the rate in effect as of the date of building permit issuance.
- Since this property has existing buildings; in the case of redevelopment, a credit shall be allowed, provided 1) that the land was improved by occupied buildings within five years prior to the issuance of the building permit, and 2) the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued. Any redevelopment credit applied by the Town of Whitby will only go towards any Town of Whitby development charges owing on the redevelopment.

Refer to Attachment #9 for additional detailed Department Comments.

Financial Services – Tax

Financial Services staff have advised that there is a zero balance for property taxes for 106 Victoria St. W. and a balance owing for property taxes for 108 Victoria. St. W.

Fire and Emergency Services

Comments provided by Fire staff note that the property is within the TSSA and Environment Canada hazard zone, in proximity to the Superior Propane facility on Victoria St. E.

Planning and Development staff note that Superior Propane has indicated no objection to approval of the applications.

Refer to Attachment #9 for additional detailed Department Comments.

External Agencies

Canadian National Rail (CNR)

Comments provided by CP indicate that:

- a noise analysis is required; and
- conditions/clauses will be required to be included within future development agreements and/or offers to purchase, regarding such matters as: noise; alterations or expansions to railway facilities; restrictive covenants; noise isolation measures; responsibility for maintenance measures satisfactory to CN; costs; easements for operational noise and vibration emissions; etc.

Refer to Attachment #9 for additional detailed Agency Comments.

Central Lake Ontario Conservation Authority (CLOCA)

Comments provided by CLOCA indicated no objection to the proposed applications.

CLOCA has also indicated certain conditions (to be addressed through future Site Plan approval process) regarding:

- compliance with the requirements of the Pringle Creek Master Drainage Plan;
- dewatering;
- incorporation of bird-friendly design principles into its architectural design;
- high aquifer vulnerability; and
- Source Protection Plan of the Clean Water Act.

The subject lands are not regulated through Ontario Regulation 42/06 of the Conservation Authorities Act and as such, a permit for lot development and/or creation is not required from CLOCA.

Refer to Attachment #9 for additional detailed Agency Comments.

Durham Regional Police Service

Durham Regional Police Service noted obstruction of the microwave links is their primary concern in these cases. However, following review of their system map, any construction in this area will have no obstruction concerns for the microwave links of the NextGen system. Building coverage issues may exist later but this can only be tested for and identified after building construction.

Refer to Attachment #9 for additional detailed Agency Comments.

Region of Durham

Comments provided by the Region indicated that:

- The proposed application is consistent with the PPS, in that it supports higher density and mix-uses that promote efficient transit services and rail transportation and creating pedestrian and transit-oriented community;
- The proposed application conforms with the Growth Plan, in that the proposed high density mixed-use development promotes the intensification of the Whitby GO MTSA and represents transit-supportive densities to optimize existing transit services;
- The proposed amendment conforms with the ROP, in that it would facilitate the doubling of the permitted density to a total of 618 upnh within walking distance to the Whitby GO MTSA and supports compact urban form, pedestrian-friendly environment and transit-oriented developments and efficient transit services along Regional corridors; and,
- Subject to resolution of the Region's comments, the OPA would be exempt from Regional approval.

Additional comments provided by the Region will be considered further through future Site Plan approval.

Refer to Attachment #9 for additional detailed Agency Comments.

Go-Transit Railway (Metrolinx)

Comments provided by Metrolinx indicated:

- No objection to the [applications];
- Metrolinx is generally supportive of increased density in proximity to GO stations;
- Metrolinx requests that signage and/or design measures be implemented to help residents be mindful of pedestrians attempting to access the GO station via Byron Street, due to the anticipated increase in active transportation to access GO stations in the future;
- Warning Clauses will be required to be included in future agreement (e.g. Site Plan/Development/offers to purchase, sale or lease) for units within 300 metres of the railway right-of-way; and,
- An environmental easement for operational emissions will be required to be registered on title against the subject residential dwellings in favour of Metrolinx.

Refer to Attachment #9 for additional detailed Agency Comments.

8. Strategic Priorities:

The development of a high density, mixed-use rental apartment building, with affordable housing units, contributes to meeting the priorities of the Community Strategic Plan,

specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The future Site Plan Application will be circulated to Accessibility staff for review.

The proposed development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

9. Attachments:

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3a – Proponent's Conceptual Site Plan

Attachment #3b – Proponent's Conceptual Elevation

Attachment #4 – Excerpt from Town of Whitby Official Plan Schedule 'B' –
Intensification

Attachment #5 – Excerpt from Town of Whitby Secondary Plan Schedule 'F' Port
Whitby Community Secondary Plan

Attachment #6 – Excerpt from Zoning By-law # 2585

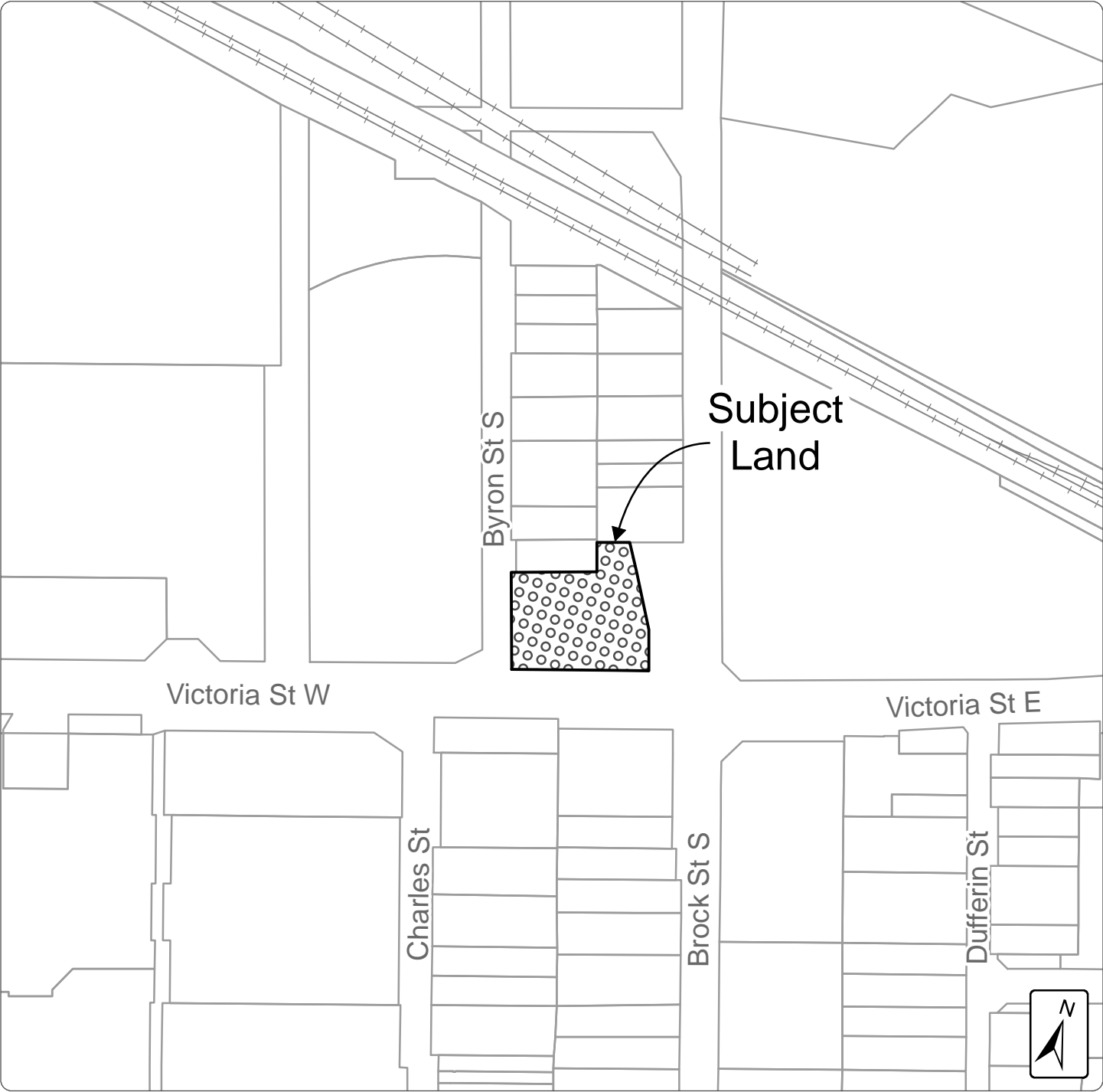
Attachment #7 – Draft Proposed Official Plan Amendment #134


Attachment #8 – Minutes of Public Meeting, March 27, 2023

Attachment #9 – Agency & Stakeholder Detailed Comments

Attachment #1
Location Sketch

PDP 10-24



 **Town of Whitby Planning and Development Department**

Proponent: Whitby-108 Victoria Inc.	File Number: DEV-33-22 (OPA-2022-W/04, Z-22-22)	Date: February 2024
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Attachment #2 Aerial Context Map

PDP 10-24



Town of Whitby Planning and Development Department

Proponent:
Whitby-108 Victoria Inc.

File Number:
DEV-33-22
(OPA-2022-W/04, Z-22-22)

Date:
February 2024

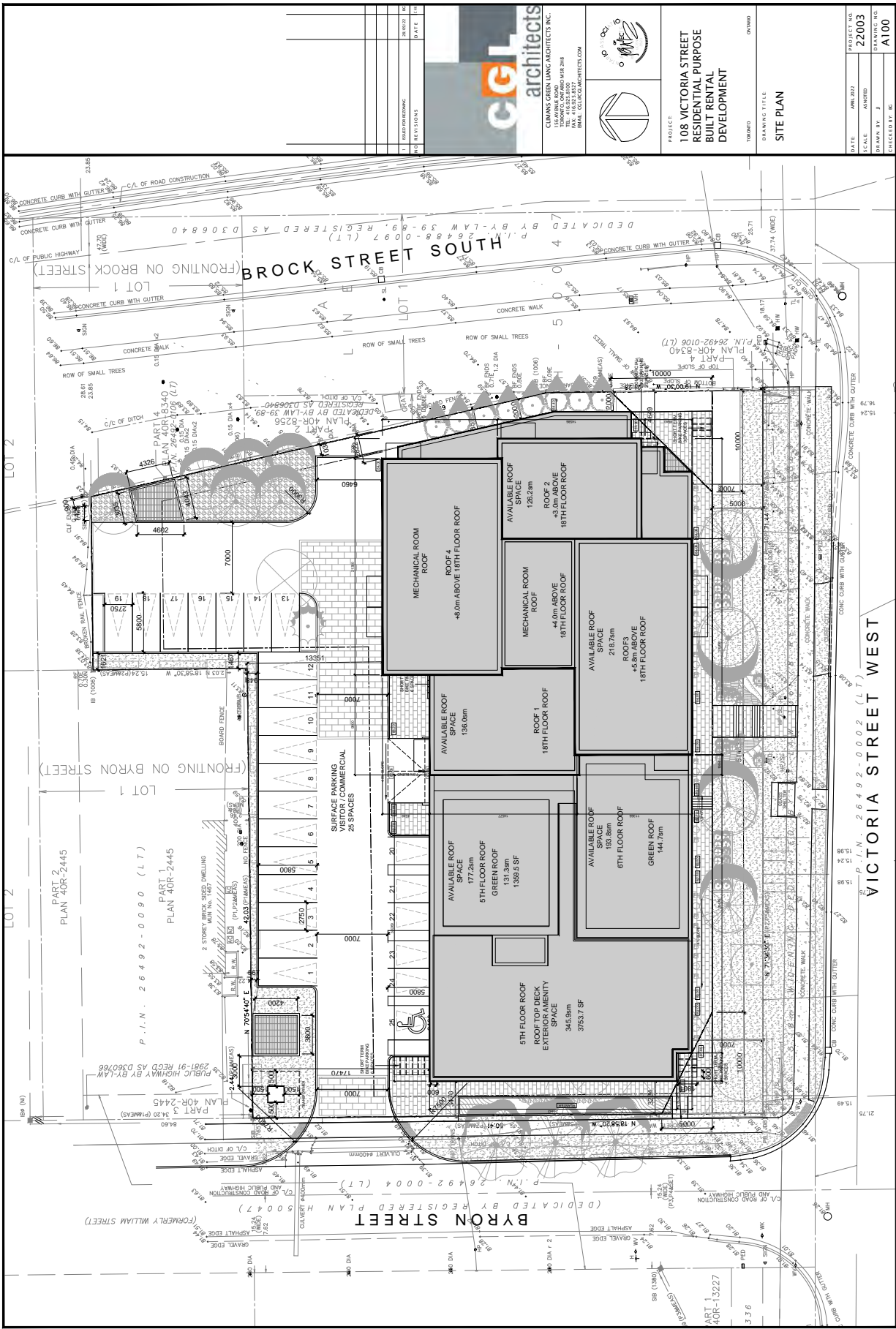
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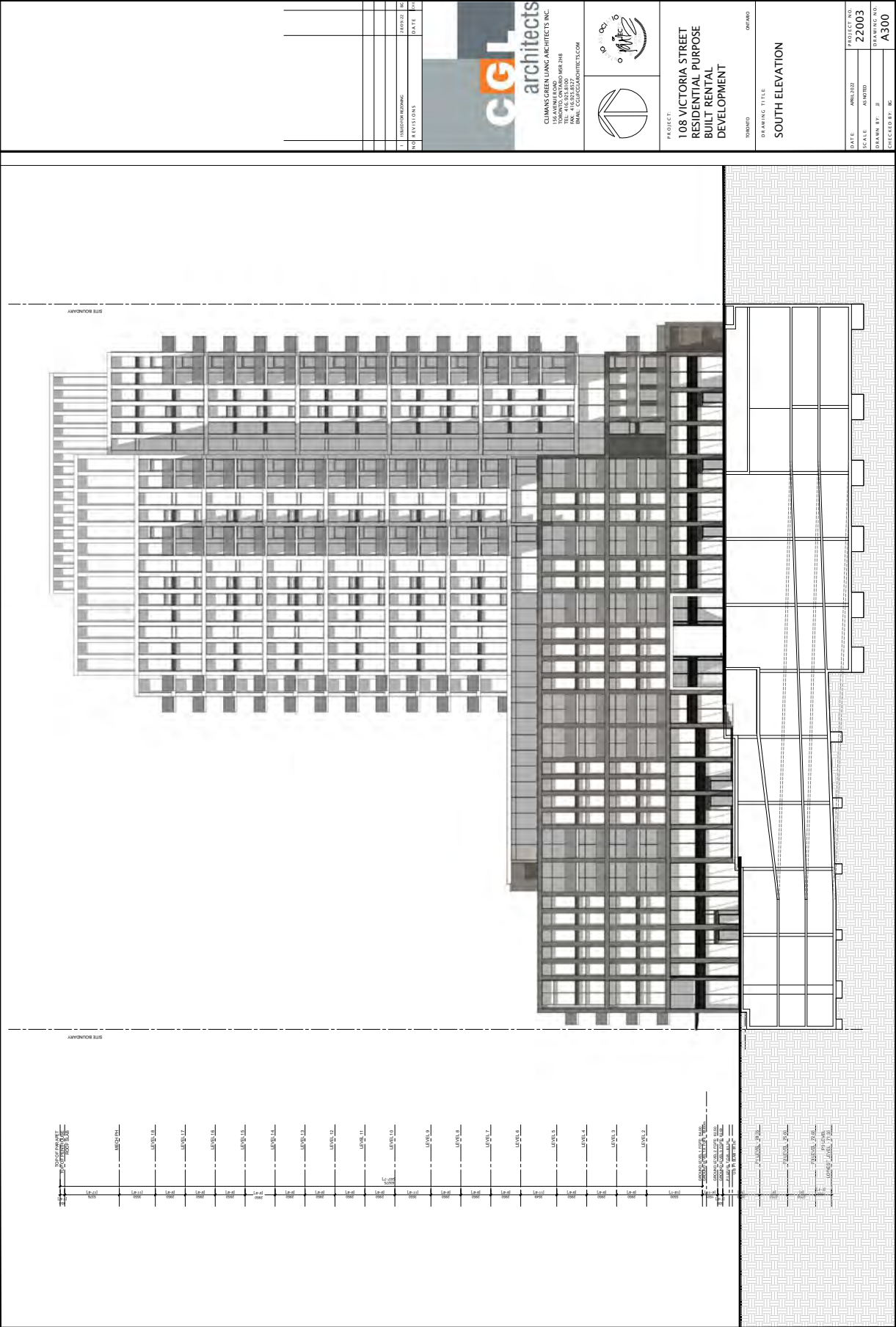
Attachment #3a
Proponent's Concept Plan

PDP 10-24

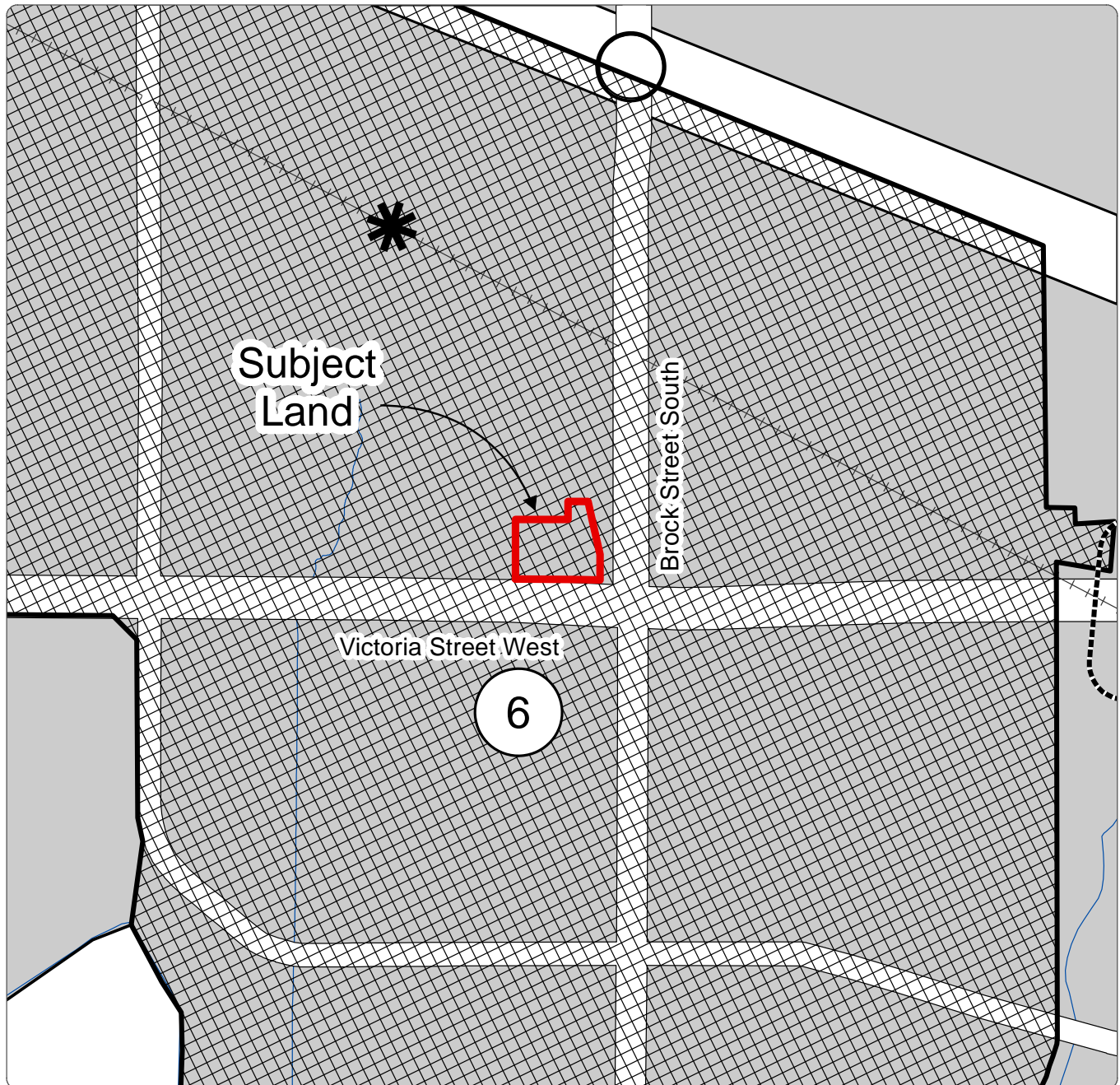


Attachment #3b
Proponent's Concept Plan

PDP 10-24



Excerpt from the Town of Whitby Official Plan Schedule 'B' - Intensification

**Legend**

- * Major Transit Station
- 2031 Urban Area Boundary
- - - Municipal Boundary
- Built Boundary (2006)
- ▨ Intensification Area
- ▤ Intensification Corridor
- ▧ Lands Subject to Durham Regional Official Plan Policy 14.13.7

Intensification Areas:

- ① Downtown Brooklin
- ② Brock / Taunton
- ③ Rossland / Garden
- ④ Downtown Whitby
- ⑤ Dundas East
- ⑥ Port Whitby

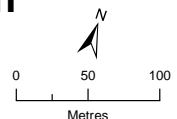
← D3 (Deferred by
Region of Durham)

Note: Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby**Schedule**

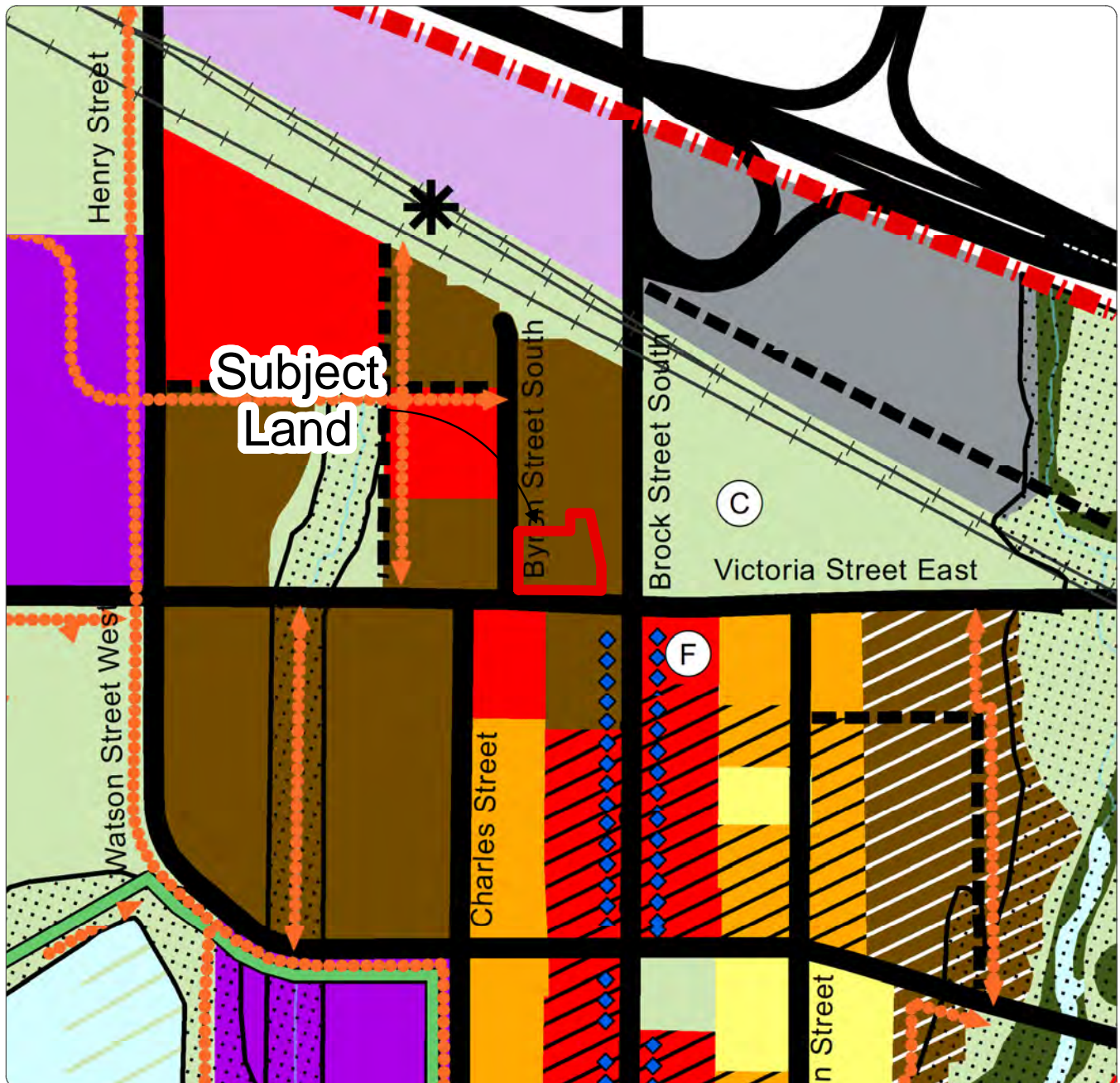
Excerpt from Schedule 'B' Intensification

B



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Excerpt from the Town of Whitby Secondary Plan Schedule 'F' Port Whitby
Community Secondary Plan



Legend:

- | | | | |
|--|------------------------------------|--|---|
| | Boundary of Port Whitby Community | | Major Open Space |
| | Low Density Residential | | Natural Hazard Area |
| | Medium Density Residential One | | Environmental Protection Area |
| | Medium Density Residential Two | | Cemetery |
| | Mixed Use Residential One | | Marina |
| | Mixed Use Residential Two | | Fire Station |
| | High Density Residential Mixed Use | | Major Transit Station |
| | High Density Residential | | Proposed Roads |
| | Community / Institutional | | Existing Road Network |
| | Commercial | | Active Transportation Network / Connections |
| | Utilities | | Waterfront Trail (Improved) |
| | Prestige Industrial | | Ground Floor Animation |

**Excerpt From
PORT WHITBY COMMUNITY
SECONDARY PLAN**

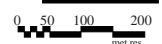


Official Plan

Town of Whitby

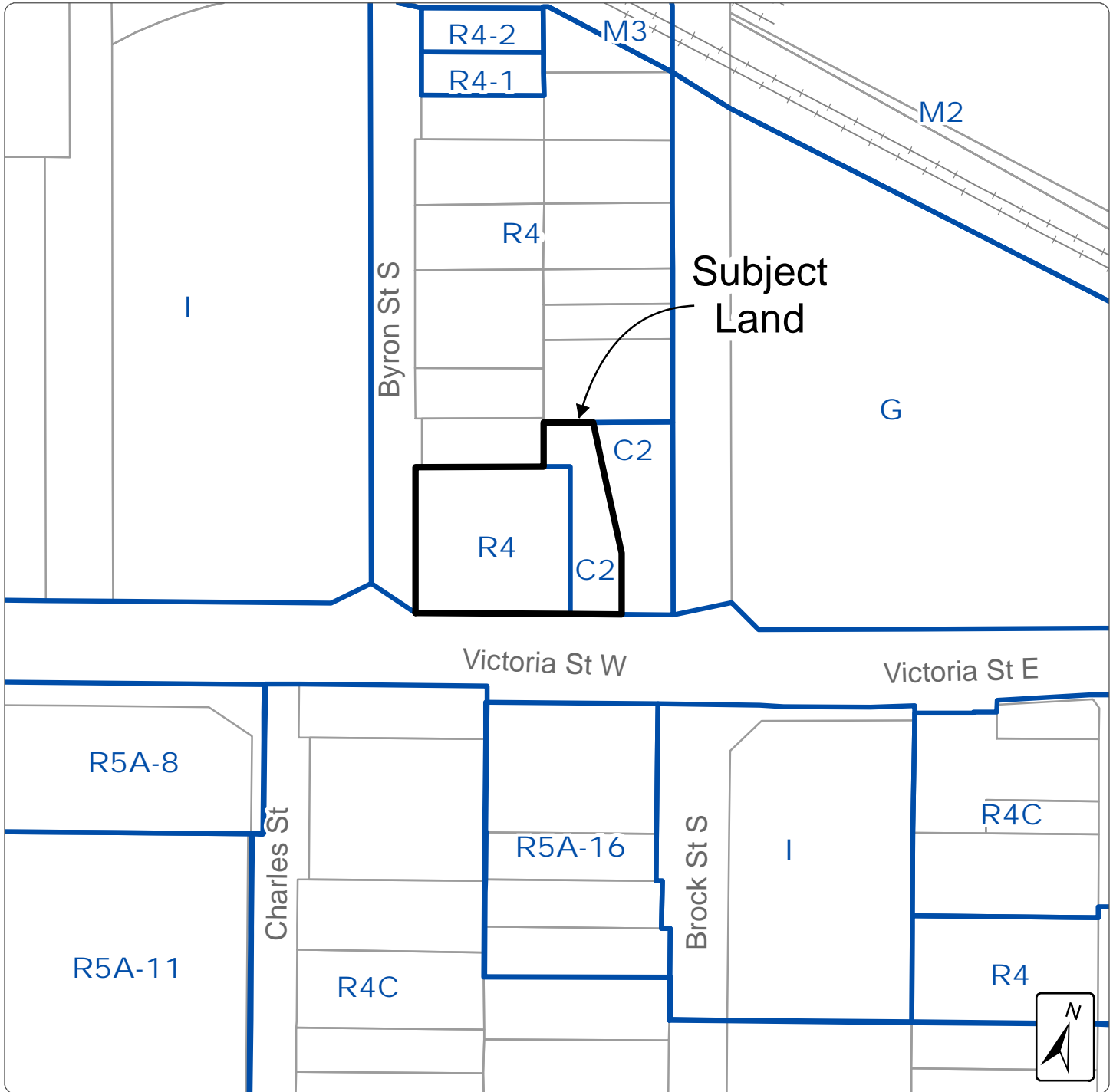


SCHEDULE



Attachment #6 Excerpt from Zoning By-Law 2585

PDP 10-24



Town of Whitby Planning and Development Department

Proponent:
Whitby-108 Victoria Inc.

File Number:
DEV-33-22
(OPA-2022-W/04, Z-22-22)

Date:
February 2024

External Data Sources:
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Attachment # 7

**Draft Proposed Amendment # 134
to the Town of Whitby Official Plan**

- Purpose:** The purpose of this Amendment to the Whitby Official Plan and the Port Whitby Community Secondary Plan is to increase the maximum permitted density on the subject lands from 300 units per hectare to 620 units per hectare.
- Location:** The lands subject to the Amendment are generally located at the northeast corner of Byron St. S. and Victoria St. W., municipally known currently as 106 & 110 Victoria Street East (the “Subject Lands”).
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan ((File: DEV- 33-22-22 OPA- 2022-W/04), as submitted by KLM Planning Partners Inc., on behalf of Whitby-108 Victoria Inc-Orpheus Management Services Inc. The Amendment would permit an increase in the maximum permitted residential on the subject lands from 300 units per hectare to 620 units per hectare, in order to permit the proposed development of an 18-storey mixed-use apartment building, containing a total of 238 rental apartments (including 30 affordable units), retail/office space at grade, with underground parking.
- The proposed development is consistent with the policies of the Provincial Policy Statement, in that it would provide increased and transit-supportive residential densities and intensification; takes advantage of existing infrastructure and public services facilities; and, supports active transportation and transit in the neighbourhood. The proposed development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the policies of the Regional Official Plan, in that it would support increased housing supply and residential densities, take advantage of existing infrastructure; provides compact and pedestrian oriented development; and support active transportation and transit oriented development through intensification within a Protected Major Transportation Station Area (PMTSA) and Intensification Area. The proposed development meets the overall intent of the policies of the Whitby Official Plan and Port Whitby Secondary Plan, by increasing residential density in the Major Transit Station Area and the Port Whitby Intensification Area, where such residential intensification is planned to occur. The subject lands are serviceable and

suitable for the proposed use, and would be compatible with the existing and designated uses of surrounding lands. Development of the subject lands would be subject to the provisions in the implementing Zoning By-law and Site Plan approval.

Actual Amendment: The Town of Whitby Official Plan is hereby amended as follows:

1) By amending the Port Whitby Secondary Plan, by adding the following new section:

“11.1.11.5 Notwithstanding any other provisions of this Plan to the contrary, for lands municipally known as 106 and 110 Victoria Street West, and identified by Assessment Roll #'s 18-09-030-012-07000-0000 and 18-09-030-012-07100-0000, the maximum permitted residential density shall be 620 units per hectare.”

Implementation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

Interpretation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

Minutes of Public Meeting, March 27, 2023

**Public Meetings Minutes**

March 27, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Councillor Lee, Chair of Planning and Development
R. Saunders, Commissioner of Planning and Development
K. Narraway, Manager of Legislative Services/Deputy Clerk
K. Douglas, Legislative Specialist
H. Ellis, Council and Committee Coordinator (Recording Secretary)

Public Meetings - 7:00 p.m.

K. Douglas, Senior Legislative Specialist, advised that the Public Meetings are being held in a hybrid meeting format with members of the public attending both in-person and virtually. Ms. Douglas stated that Members of Council would receive a written record of all submissions upon publication of the minutes of the Public Meetings. Ms. Douglas provided an overview of the format of the public meetings. She advised that members of the public who wish to be notified of the next report related to any of the public meetings or who wish to be placed on an Interested Parties List for a matter should email the Town's Planning and Development Department at planning@whitby.ca or call 905.430.4306.

1. PDP 12-23, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, Whitby 108 Victoria Inc., 106 & 110 Victoria Street West, File Number: DEV-33-22 (OPA-2022-W/04, Z-22-22)

Edward Belsey, Senior Manager, Policy and Heritage Planning, provided a PowerPoint Presentation which included an overview of the applications.

Marshall Smith, representing 108 Victoria Inc., provided a PowerPoint Presentation which included a detailed overview of the applications.

Minutes of Public Meeting, March 27, 2023

The Chair indicated that comments would now be received by members of the public.

Wenda Abel, Resident, noted elements of the proposed building design such as commercial amenities and features that support environmental sustainability, including the green roof design. Ms. Abel raised concerns regarding the height and density of the proposed building, as well as the impact on traffic, pedestrian safety, and walkability in surrounding neighbourhoods. She stated that the proposed development will increase traffic congestion on Victoria Street and surrounding neighbourhoods, which already experience high traffic volumes due to proximity to Highway 401, the waterfront, and other amenities. Ms. Abel further stated that modes of active transportation such as walking and cycling were not feasible to Taunton Road and would lead to future residents using vehicles and adding to traffic congestion in the area. Ms. Abel raised concerns regarding the displacement of current tenants, including the potential financial impact on those being displaced. She requested that the proposed building design include a reasonable number of affordable rental units, and suggested that the Town support the current tenants in finding new lodging and affordable housing. Ms. Abel recommended that future development and intensification must consider the wellbeing of residents and affordability.

Sam Mercado, owner of the subject lands, answered questions regarding:

- the design of the building to address issues of human scale and experience;
- whether the height of the building meets the current maximum designation of 18 storeys;
- design elements that would support modes of active transportation, such as cycling, in order to mitigate increased traffic concerns; and,
- communicating with tenants through the site superintendents.

Marilynn Hall, Resident, stated that the residents of 110 Victoria Street West did not receive any communication regarding the applications or the impact on current tenants. Ms. Hall raised concerns regarding existing traffic conditions and density on Victoria Street. She raised additional concerns regarding financial burdens associated with relocating long-term tenants.

Staff answered questions regarding:

Minutes of Public Meeting, March 27, 2023

- the current stage of the application process;
- legislated requirements for circulating and posting notifications regarding the applications;
- responsibilities of the property owner to notify tenants; and,
- receiving notifications and updates by registering as an Interested Party.

Diane El-Hachem, Resident, requested information regarding the average time frame for similar applications to be approved. Ms. El-Hachem inquired whether interested parties would receive notification when site plans were submitted.

There were no further submissions from the public.

The meeting adjourned at 7:57 p.m.

PDP 10-24

Attachment #9
Agency & Stakeholder Detailed Comments
File DEV-33-22 (OPA-2022-W/04, Z-22-22)

Internal Departments

Community Services – Parks

The Parks Planning and Development Division of the Community Services Department has reviewed this application dated October 27, 2022 and offer the following comments:

The above application is for an amendment to the Town's Official Plan, Zoning By-law. The application proposes to amend the Port Whitby Secondary Plan to increase the maximum permitted residential density from 300 units per net hectare to 615 units per net hectare, and to change the Zoning to an appropriate zone category, in order to develop an 18-storey, mixed-use, residential apartment building, consisting of 208 residential units and 1,210 square metres of non-residential floor space at grade fronting onto Victoria St. W.

Parks Planning Staff are generally satisfied with the proposed development, subject to the comments listed below and ultimately the inclusion of the below noted condition at time of Site Plan Application/Site Plan Agreement.

Official Plan Park Size

The Town of Whitby Official Plan, as amended, does not identify the need for a Park in the location of the proposed development. As such, and as noted through the Town pre-consultation process, the Parks department will be seeking Cash-in-Lieu of parkland conveyance, discussed below.

Cash in Lieu of Parkland

The Town will be seeking Cash-in-lieu of Parkland in accordance with the Planning Act, as amended. Cash-in-lieu of parkland will be collected at each applicable rate (i.e., commercial vs residential).

Parkland

The Community Services Department recommends incorporating indoor and outdoor private amenity space for the future residents of this development. Iroquois Park and Watson Park are within 500 meters walking distance from most of the proposed development, and would satisfy the majority of the future residents' park needs.

Open Space and Off-Road Trails

No comments

Conditions of Site Plan Approval

The following conditions shall be incorporated into any future Site Plan agreement.

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Attachment #9
Agency & Stakeholder Detailed Comments
File DEV-33-22 (OPA-2022-W/04, Z-22-22)

Cash-in-lieu of parkland

1. The Applicant provide Cash-in-lieu of Parkland in accordance with the Planning Act, as amended for each respective use.

Engineering Services

The following submitted documents have been reviewed for the purpose of this application:

- Planning Justification Report, dated September 2022, by KLM Planning Partners Inc. (Reviewed for context only)
- Environmental Noise Feasibility Study, dated October 6, 2022, by Valcoustics Canada Ltd. (Reviewed for context only)
- Transportation Impact and Parking Study, dated September 2022, by Dillon Consulting Inc.
- A Transportation Impact and Parking Study Addendum, dated October 2023, by Dillon Consulting Inc.
- Functional Servicing and Stormwater Management Report, dated September 28, 2022, by MTE
- Site Plan, A100, dated September 28, 2022, by MTE

Official Plan Amendment Application (OPA-2022-W04)

The subject lands are currently designated High Density Residential Mixed Use under the Official Plan.

The purpose of the proposed Official Plan Amendment application is to amend the Port Whitby Secondary Plan to increase the maximum permitted residential density from 300 units per net hectare to 615 units per net hectare.

Engineering Services does not object to the proposed Official Plan Amendment Application. Z-22-22, OPA2022W/04 Engineering Services Comments to Planning dated January 12, 2023 – 106 and 110 Victoria Street West, Mixed-Use Building

Zoning By-Law Amendment Applications (Z-22-22)

The subject lands are currently zoned R4 and C2 under Zoning By-law 2585.

The purpose of the Zoning By-Law Amendment is to change the Zoning to an appropriate zone category, in order to develop an 18-storey, mixed-use, residential

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Attachment #9

Agency & Stakeholder Detailed Comments

File DEV-33-22 (OPA-2022-W/04, Z-22-22)

apartment building, consisting of 208 residential units and 1,210 square metres of non-residential floor space at grade fronting onto Victoria Street West.

Engineering Services does not object to the proposed Zoning By-law Amendment Application.

This concludes the comments of Engineering Services for OPA-2022-W04 and Z-22-22. Engineering Services will require the following for the subsequent site plan application circulation:

1. Site Plan and Underground Parking/Basement Level(s) drawings, produced at the same scale.
2. Revised Stormwater Management Report addressing the preliminary engineering comments to be provided under separate cover.
3. Revised Transportation Study and Parking Rationale addressing the comments from Transportation Services to be provided under separate cover.
4. Submission of Hydrogeological and Geotechnical Investigation Reports supporting the specific design of the proposed building and underground construction.
5. A Construction Management Report will be required including a pre-construction survey/assessment that includes a vibration monitoring program within the vibration Zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity.
6. Multi-Stage Construction Management Plan, with Traffic Management shown for each stage of construction for the proposed development to accompany the Construction Management Report.

Financial Services – Development Charges

The following pertains to existing Provincial Legislation and existing Town of Whitby by-laws, policy and procedures. The information may change, subject to the timing of the development. Additional information can be found on the Town of Whitby [Development Charge webpage](#).

Development Charges

- Shall be payable in full prior to the issuance of the building permit, unless the development (fully or partially) qualifies under Section 26.1 of the Development Charges Act. In that case the portion that falls under Section 26.1, will pay (the eligible portion of) DC according to the legislation in installments. The DC for non-residential GFA is always due prior to the issuance of the building permit.

Attachment #9

Agency & Stakeholder Detailed Comments

File DEV-33-22 (OPA-2022-W/04, Z-22-22)

PDP 10-24

- The applicable DC rate is based on the use of the building.
- Under Section 26.2 of the Development Charges Act, the base DC rate will be set at the date of site plan application **submission**. Interest will accrue on the base rate from the date of site plan application submission to the date of building permit issuance.
- The applicant has 2 years from the date of site plan application **approval** to obtain a building permit, otherwise section 26.2 no longer applies. If this occurs the applicable DC rate is the current posted rate in effect as of the building permit issuance date.
- Since this property has existing buildings; in the case of redevelopment, a credit shall be allowed, provided 1) that the land was improved by occupied buildings within five years prior to the issuance of the building permit, and 2) the building permit has been issued for the development or redevelopment within **five years** from the date the demolition permit has been issued. Any redevelopment credit applied by the Town of Whitby will only go towards any Town of Whitby development charges owing on the redevelopment.

Parkland Dedication / Cash-in-Lieu

- Shall be payable prior to building permit issuance
- Shall be calculated as per the Town's Conveyance of Parkland and Cash-in-Lieu of Parkland By-Law and the Planning Act

Please note Region of Durham development charges and DDSB/DCDSB education development charges will also apply, and they each have their own legislation, by-laws and policies that they follow, which may be different than the Town of Whitby.

Financial Services – Taxes

106 Victoria has a zero balance for property taxes.

108 Victoria (Roll 030012071000000) has \$15.00 owing.

Fire and Emergency Services

The applicant shall be made aware that the property is within the TSSA and Environment Canada hazard zone, in proximity to the Superior Propane facility on Victoria St E.

Strategic Initiatives

Sustainability Comments

Proposal

Attachment #9

Agency & Stakeholder Detailed Comments

File DEV-33-22 (OPA-2022-W/04, Z-22-22)

PDP 10-24

This memo is in response to the OPA and Zoning By-law Amendment application for the above noted property for the development of an 18-storey, mixed-use, residential apartment building, consisting of 208 residential units and 1,210 square metres of non-residential floor space at grade fronting onto Victoria Street West.

Sustainability Comments

As per the Sustainability Division's comments provided in July of 2021 during the Pre-Consultation process as part of the Development application for this site the Whitby Green Standard Site Plan Application Checklist and a stand-alone Sustainability Rationale Report will need to be completed and submitted.

It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

Staff would like to see a strong emphasis on sustainability within this development with a focus on:

- Energy Conservation:
 - Net Zero Carbon certified buildings or other high energy performing buildings;
 - Explore options to connect to existing on-site energy generation systems, such as district energy facilities, where feasible;
 - Integration of low carbon energy generation from renewable resources such as solar or geothermal heat pump technology;
 - Where supplied, for each unit, provide ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers and dishwashers.
- Culture and Community:
 - Develop and distribute a sustainability handout to new residents to understand green/sustainable elements in homes/buildings;
 - Incorporate art into publicly accessible and visible spaces and into building designs as an architectural element.
- Equity and Local Community:
 - Integrate affordable housing for where either the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for low and moderate-income households or the purchase price is at least 10% below the average purchase price of a resale unit in the Region.
- Local Food:

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Attachment #9

Agency & Stakeholder Detailed Comments

File DEV-33-22 (OPA-2022-W/04, Z-22-22)

- Space considerations made to support a community garden and a space for growing food.
- Natural Heritage Preservation:
 - Increasing natural cover through the use of evergreen or shrub material and green infrastructure technology like green roofs;
 - Plant for a 30% tree canopy will be achieved within 10 years of the development (demonstrate through modeling and tree planting plan);
 - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;
 - Consideration of green roofs with pollinator friendly plantings.
- Water Conservation:
 - Innovative site design and landscaping that:
 - mitigates fluctuations in water levels and maintains or restores water balance;
 - incorporate on-site water retention,
 - integrates low impact development technology such as green roofs, permeable pavement, bios wales and raingardens to reduce water runoff;
 - The use of water saving technologies in building design; and
 - The use of low irrigation naturalized low maintenance landscaping, or other innovative water conservation techniques.
- Sustainable Transportation:
 - Equip 20% of parking spaces are with electric vehicle charging stations.
 - Design all remaining/ garages to enable future charging station installation.
 - Provide bicycle parking and resting furniture (bench) near any multi user entrances to buildings and parks, and ensure connectivity of urban mobility through the site.

Sustainability Rationale Report

To support compliance of the Whitby Green Standard, we recommend that the Sustainability Rationale be submitted in the following format:

1. Executive Summary: Overview of the project and declaration of performance tier commitment.
2. Purpose of the Application: Detailed description of the project.
3. Sustainability Overview: Summary of the project's sustainability vision and objectives.

Attachment #9

Agency & Stakeholder Detailed Comments

File DEV-33-22 (OPA-2022-W/04, Z-22-22)

PDP 10-24

4. Sustainability Declaration: Provide the performance tier that will be achieved by the project.
5. Mandatory Performance Measures: List all mandatory performance measures and their related reference document(s) in a table format.
6. Voluntary Performance Measures: Where a higher performance tier is being pursued, list all core, voluntary performance measures, and their related reference document(s) in a table format.
7. Innovation: If applicable, provide an overview of any innovation performance measures being pursued by the project.

External Agencies

Bell Canada

The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives. Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated on any future materials related to this development project or infrastructure/policy initiative.

Please note that **Bell Canada does not generally comment on** the following development applications - **official plan and zoning by-law amendments**, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

As this circulation pertains to specifically to an Official Plan Amendment and Zoning By-law Amendment, we do not have comments at present time.

Central Lake Ontario Conservation Authority (CLOCA)

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on these applications to facilitate the redevelopment of the subject lands into an 18-storey mixed use apartment building. It is our understanding that the Official Plan Amendment is to increase the maximum permitted net residential density and maximum permitted building height and the Zoning By-law Amendment is to permit the proposed use and establish the necessary site -specific development standards to implement the proposed development on the subject lands.

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Attachment #9
Agency & Stakeholder Detailed Comments
File DEV-33-22 (OPA-2022-W/04, Z-22-22)

As part of our review of this project, CLOCA staff assessed for consistency with the natural heritage and natural hazard policies of the Provincial Policy Statement (PPS) and conformity with Ontario Regulation 42/06 of the *Conservation Authorities Act*. Other relevant watershed management guidelines and policies were also included in our review, including those within the Town of Whitby and Region of Durham Official Plans.

The subject lands are entirely within the Pringle Creek Watershed. The updated Pringle Creek Master Drainage Plan must be complied with for any development proposed on these lands. It appears that all of these lands have been previously developed and do not contain any natural hazard land nor do they contain any part of the Town of Whitby Natural Heritage System. The subject lands are not regulated through Ontario Regulation 42/06 of the *Conservation Authorities Act* and as such, a permit for lot development and/or creation is not required from CLOCA.

The subject lands are within an area of high aquifer vulnerability. Policies within the Town of Whitby Official Plan and Region of Durham Official Plan related to this condition must be adhered to as part of any development of these lands.

The subject lands appear to be within an 'Intake Protection Zone' as identified within the local Source Protection Plan of the *Clean Water Act*. We recommend contacting the Region of Durham Source Protection Division to ensure that this proposal is compliant with any requirements associated with this designation.

Based on our review of the submitted materials, CLOCA has no objection to any approval of these applications subject to the following conditions:

1. Any development of this site must comply with the requirements of the Pringle Creek Master Drainage Plan.
2. Any short-term or long-term dewatering required to support the development of this site must demonstrate that it will not interfere with the hydrologic function of any surrounding natural heritage features including any tributaries of Pringle Creek and their associated riparian features (ie. wetlands).
3. Any new development within 1 kilometre of the shoreline of Lake Ontario incorporate bird-friendly design principles into its architectural design.

Additional detailed comments related to our review of the submitted technical reports that would need to be addressed as part of any future development applications may follow.

PDP 10-24

Attachment #9
Agency & Stakeholder Detailed Comments
File DEV-33-22 (OPA-2022-W/04, Z-22-22)

CNR (Canadian National Railway)

CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

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5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a N&V study taking into consideration CN development guidelines.

Conseil Scolaire Viamonde

Conseil scolaire Viamonde has no comment.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning application and have no objections to the proposed development of 208 apartment residential units.

This development is located within the boundary of St. Marguerite D'Youville C.S. Located at 250 Michael Boulevard, Whitby.

Durham District School Board

Staff has reviewed the information provided for the above-noted by-law amendments. Under the mandate of the Durham District School Board, staff has no comments at this time regarding the application to amend the by-law.

Durham Region Police Service

Durham Region Police Service has had a quick look at this location with regard to our system map and any construction in this area will have no obstruction concerns for the microwave links of the NextGen system.

Obstruction of the microwave links is our primary concern in these cases; in this case there is no concern.

There may also be in-building coverage issues later but these can only be tested for and identified after the building is constructed... this also varies widely based on the building construction.

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If issues are found, we then flag the location with our dispatch centers and they will advise attending units – either Police or Fire.

Also, Possible Inbuilding Coverage, which can only be determined once construction is completed.

Enbridge Gas Inc.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing AreaPlanning40@Enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Metrolinx

Metrolinx is in receipt of the applications for the above noted Official Plan and Zoning By-Law Amendments. I note that the subject application is proposing an 18-storey mixed-use building consisting of 208 residential units and 1,210 square metres of non-residential floor space. I also note that this development proposal is within 300 meters of Metrolinx's Kingston Subdivision which carries Lakeshore East GO Train services and within 300 meters of Metrolinx's Whitby GO station. As such it falls within our zone of influence for comment and review.

Metrolinx has no objection to the Official Plan Amendment. Metrolinx is generally supportive of increased density in proximity to GO stations. Please note that Metrolinx anticipates 3 times more customers to use active transportation to access GO stations in the future. Therefore, Metrolinx requests the Proponent install signage and/or design measures to help residents be mindful of pedestrians attempting to access the GO station via Byron Street.

Zoning By-Law Comments:

- Metrolinx is in receipt of the Noise and Vibration Study prepared by Valcoustics and dated September, 2022. I note the most current rail data has

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been incorporated into this study and I have no further comments in this regard. Metrolinx recommends that Warning Clause 5.3 (5) C shall be updated to reflect the language in the Warning Clause below.

- Prior to Site Plan approval Metrolinx requires confirmation that the following warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

“Warning: Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

- prior to Site Plan Approval, in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions registered on title against the subject residential dwellings in favour of Metrolinx.
- The Owner shall be responsible for all costs for the preparation and registration of easements and warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. They shall also consider the timelines required to advance such agreements and reviews in their schedule accordingly.

Region of Durham

We have completed our review of the above-noted applications and offer the following comments regarding conformity to the Regional Official Plan, Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities, Regional servicing, transportation, and waste management.

The subject lands are approximately .40 hectares and is comprised of two residential properties: 106 and 110 Victoria Street West. The site is located at the northwest corner

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of Victoria Street West and Brock Street South, east of Byron Street South. The site currently contains an existing house and a three-storey apartment building proposed to be demolished. The Whitby Go Major Station Area is located to the west and the Canadian Pacific Railway corridor is approximately 150 metres north of the site. Whitby Official Plan

The subject lands are designated as “Mixed-Use” in the Whitby Official Plan (OP) and “High Density Residential Mixed-Use” in the Port Whitby Community Secondary Plan. The maximum permitted density within the High Density Residential Mixed-Use designation is 300 dwelling units per net hectare (upnh).

Proposed Applications

An application to amend the Whitby Official Plan is required to permit an increase in the maximum density for the subject lands from 300 upnh to 615 upnh to facilitate the development of an 18-storey mixed-use rental apartment building with a total of 208 rental units and 1210 m² ground floor commercial space. The proposed apartment includes three (3) levels of underground parking. A single access to the subject lands is proposed from Byron Street South.

The related zoning by-law amendment is required to rezone the subject lands to permit the proposed development.

Conformity to the Regional Official Plan

The subject lands are designated as “Living Areas” in the Regional Official Plan (ROP). Lands within the Living Areas are intended for a mix of housing ranging in types, sizes, and tenure.

Victoria Street West and Brock Street South are designated as “Regional Corridors” and as “Transit Priority Networks” in the ROP. Development proposals adjacent to Regional Corridors should be at higher densities and include mixed-uses. The proposed densities should support an overall, long-term density target of at least 60 residential units per gross hectare (upnh).

Whitby Go Major Transit Station Area

The subject lands are located within the Whitby Go Major Transit Station Area (MTSA) in the ROP. MTSA shall serve as focal points for high density, mixed-use, transit-oriented developments, and a pedestrian-oriented public realm.

Development proposals within the MTSA must support transit-oriented developments within walking distance of existing and planned rapid transit stations. Complimentary higher density mixed uses are encouraged to locate in walking distance to Whitby GO to

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support efficient transit services and promote active transportations which are safe and provide direct and convenient connections.

The proposed high density mixed-use apartment comprised of commercial and residential uses reflect the appropriate building height and densities to promote the Whitby GO MTSA as a focal point for high density and intensification.

The proposed development would facilitate the doubling of the permitted density to a total of 615 upnh within walking distance to the Whitby GO MTSA.

The proposed development supports compact urban form, pedestrian-friendly environment and transit-oriented developments and efficient transit services along Regional corridors. The proposed amendment conforms with the ROP.

Provincial Plans and Policies

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) supports efficient development patterns that optimize the use of land, resources, and public investment in infrastructure and public service facilities.

The PPS encourages the development of a mix of housing forms, including affordable housing, and transportation choices that increase the use of active transportation and transit.

The proposed development supports higher density and mix-uses that promote efficient transit services and rail transportation and creating pedestrian and transit-oriented community. The proposed application is consistent with the PPS.

Growth Plan

The proposed development is located within walking distance to the Whitby Go Major Transit Station Area. Major transit station areas are defined in the Growth Plan 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.”

MTSAs should support developments that provide a diverse mix of uses including affordable housing to support existing and planned transit service.

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The proposed high density mixed-use development promotes the intensification of the Whitby GO MTSA. The proposed high density represents transit-supportive densities to optimize existing transit services. The proposed application conforms with the Growth Plan.

Delegated Provincial Plan Review Responsibilities

We have reviewed the applications for delegated Provincial Plan Review responsibilities.

Environmental Noise Feasibility Study

The subject lands are located in proximity to several noise sources, including Victoria Street West, Brock Street South, Highway 401, the Whitby Go Major Transit Station, and the Canadian Pacific Railway corridor.

Valcoustics Canada Ltd. has prepared an “Environmental Noise Feasibility Study,” for the proposed development, dated October 6, 2022. Noise control measures are required for the proposed apartment building in order to comply with the Ministry of Environment, Conservation and Parks’ (MECP) noise guidelines. The report recommends that all the dwelling units within the proposed apartment contain mandatory air conditioning and noise warning clauses.

The report notes that Level 6 Common Outdoor Amenity Area (OAA) would require a 4-5 metre height sound barrier around the perimeter of the amenity space to meet the MECP’s noise objective. The report recommends that a noise warning clause be registered within the rental/lease agreements to advise tenants that the Level 6 OAA has not been designed to meet the MECP’s noise guideline limits. The Town of Whitby must explore other design options with the applicant in order to incorporate appropriate noise control measures for Level 6 OAA that would satisfy the MECP noise criteria.

We will require the recommended noise controls to be included in the related Town of Whitby’s Site Plan/Development agreement to the satisfaction of the Region of Durham.

Soil and Groundwater Assessment Protocol

JFM Environmental Ltd. has conducted a “Phase 1 Environmental Site Assessment,” (Phase 1 ESA) for the subject lands, dated August 23, 2022.

The Phase 1 ESA was completed to determine if there were any environmental concerns at the site.

The Phase 1 ESA reported several potential contaminating activities within the study area including mechanical equipment and suspected asbestos, the railway line, and a

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former a gas station to south. A Phase 2 ESA has been recommended to further assess the site's soil and groundwater environmental conditions.

We note that the Phase 1 ESA has been prepared in accordance with the requirements of the Canadian Standards Association (CSA) Z768-01. The Region of Durham will not accept ESA Reports that are based on CSA Z769-01. We will require an Updated Phase 1 and 2 ESA to be completed for the subject lands.

The ESA Reports must be conducted in accordance with O. Reg.153/04, as amended and with the Region of Durham's Soil and Groundwater Assessment Protocol. In accordance with the Region's protocol, the findings of the Phase Two ESA will determine whether a Record of Site Condition may need to be filed with the MECP to support the proposed development.

The Qualified Person who prepares the Phase 1 ESA Update and the Phase 2 ESA will be required to complete Region's Reliance Letter and Certificate of Insurance forms (refer to Attachments 1 and 2).

Archaeology

The easterly portion of the subject lands contains archaeological potential. A "Stage 1-2 Archaeological Assessment," (AA) has been prepared for the subject lands by LHC Heritage Planning and Archaeology, dated August 2022. The Stage 1-2 AA found no archaeological resources at the site and no further archaeological assessment is recommended.

We will require the Stage 1-2 AA to be sent to Ministry of Citizenship and Multiculturalism (MCM) for approval. The MCM's clearance letter for the AA must be provided to the Region of Durham.

Regional Servicing

Municipal Water Supply:

The subject land is located within the Zone 1 Water Pressure District of the water supply system for Whitby. The estimated static water pressure for this location is approximately 690 kPa (100 psi). Where the static pressure exceeds 550 kPa, a pressure reducing valve is required.

Currently the subject land is serviced with a 50mm water service and a 200mm sanitary servicing connections off Bryon Street South. The applicant must confirm for the Region if the existing services are adequate to service the proposed development.

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The subject lands have frontage along Victoria Street West, Brock Street South and Bryon Street South. If larger or additional water service is required, water supply is available from the existing 300mm PVC watermain located on Victoria Street or the existing 150mm DI/300mm PVC watermain located on Byron Street.

The Region recommends water service connection be taken from the existing 300mm PVC watermain off Byron Street.

Sanitary Sewer Servicing:

If a larger sanitary service connection is required for the proposed development, sanitary sewer servicing is available from the existing 225mm concrete sanitary sewer located on Byron Street or the existing 225mm concrete sanitary sewer located on Victoria Street.

A water meter room as per Regional standards is required. Any existing water service connections that are not utilized must be located, surveyed, recorded and capped at the watermain at the Applicant's expense.

Any existing sanitary service connections that are not utilized must be located, surveyed, recorded, and plugged at the back of curb with a watertight fitting at the Applicant's expense.

The Region's Sewer By-Law does not permit foundation drains (foundation weepers) or roof leaders to connect into the sanitary sewer system.

Density:

The proposed Concept Site Plan indicates an 18-storey apartment building with 208 residential units (88 1-bedroom and 120 2-bedroom) and 1210 m² of commercial space. The theoretical population for the subject proposal would be approximately 432 people and on 0.39 hectares equates to a peak flow of approximately 7.25 l/s.

Functional Servicing Report:

The Region of Durham has reviewed the "Functional Servicing Report," (FSR) prepared by MTE Consultants, dated September 28, 2022. We are generally satisfied with the FSR. However, the Region request that the FSR to be revised to address servicing comments as outlined in Attachments 3 and 4 to this letter.

Water supply and sanitary sewer capacity are available to service the proposed development. However, sanitary capacity is allocated at the time of signing a Development Agreement. Our comments are based on known information at this time and subject to change. The additional supporting information required by the Region can be addressed through the future site plan application submission.

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Transportation

We have reviewed the "Transportation Impact and Parking Study," (TIS) prepared by Dillon Consulting, dated September 27, 2022. We will require an Addendum to the TIS to address our transportation comments. We have also provided comments for the FSR and Site Plan Drwg. No. A100 from a transportation perspective. Detailed comments on transportation are provided in Attachments 5a and 5b.

Waste Management

Recycling collection is not provided by the Region of Durham in the Town of Whitby. Recycling collection must be provided by the Town for the proposed development. The Town of Whitby must approve waste collection. It is the Town's policy to not approve waste collection on private roads or to commercial entities. The applicant will be required to obtain private waste collection.

Exemption status

The proposed amendment will accommodate a high-density mixed-use development that contributes to transit-oriented developments and helps to intensify the Whitby GO Major Transit Station Area as a focal point for high density transit-oriented community. The proposed high density is transit-supportive and promotes pedestrian environment and efficient use of infrastructure and public service facilities within the Whitby GO MTSA and along Regional Corridors and conforms with the ROP.

The Region has concerns with the Functional Servicing Report, the Transportation Impact Study, and the Environmental Noise Feasibility Study. We will require the Functional Servicing Report to be revised to address our servicing comments. The Region will also require an Addendum to the TIS to be provided for review. This additional information can be provided to the Region at the time of the review of the related site plan application.

The Environmental Noise Feasibility Study has also produced some recommendations that cannot be supported by the Region at this time. More specifically the elimination of noise mitigation measures for outdoor amenity space is not supported by the Region. The noise issue can be further addressed to the satisfaction of the Region during the future site plan application process.

Subject to the resolution of the above noted matters, the proposed amendment is exempt from Regional approval. Please advise the Commissioner of Planning and Economic Development of your Council's Decision. If Council adopts an amendment, please forward a record to this Department within 15 days or the date of adoption.

This should include the following:

- Two (2) copies of the adopted amendment;

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- A copy of the adopting by-law; and
- A copy of the staff report and any relevant materials.

Regional Public Works

Functional Servicing Report

We have reviewed the “Functional Servicing Report,” prepared by MTE Consultants, dated September 28, 2022. We offer the following comments with respect to Regional water supply and sanitary servicing, as follows:

4.0 Sanitary Sewer Servicing

- Table 4.1 indicates total population of 432 people is acceptable;
- Table 4.2 indicates total 7.27 l/s of sanitary sewage flow is acceptable;
- Proposed sanitary servicing design is acceptable; and
- An inspection manhole is required at 1.5m inside the property line.

5.0 Domestic and Fire Water Supply Servicing

The proposed water servicing design is acceptable.

Preliminary Site Servicing Plan (C2.2)

- An inspection sanitary manhole is required at 1.5m inside the property line (to the center of the maintenance hole);
- Label and show the distance of the water service and fire line connections from the mainline to 0.15m inside the new property line and provide a plug;
- Existing unused sanitary services shall be disconnected at the back of curb and plugged with a water-tight fitting;
- Existing unused water services to be disconnected at the watermain and capped with a brass fitting;
- Proposed fireline and domestic water services to individually connect to the existing 300mm watermain with a tapping sleeve and valve as per Region Standard S-230.011;
- Road widening to be free and clear of all encumbrances. Relocate the OGS maintenance hole and set of stairs onto private property;
- Verify and confirm the existing service connections on Bryon Street;

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- Verify and show all the existing watermain design and correct gate valves location along Brock Street South, Victoria Street, and Byron Street;

Transportation Impact and Parking Study

We have reviewed the “Transportation Impact and Parking Study,” (TIS) prepared for the proposed development by Dillon Consulting, dated September 27, 2022. Comments on the TIPS are provided as follows:

- Section 2.1 - please note that Henry Street was transferred from the Region to the Town of Whitby on July 1, 2022, and is now under the Town of Whitby jurisdiction;
- The Region agrees with the proposed 2025 full build out and 2030 horizon year analysis;
- The Region agrees with the trip generation and distribution methodology used, including the trip reduction based on the location of the development within the Whitby GO Major Transit Station Area (MTSA);
- At the time of scoping the study initially in May 2020, the Region had agreed that on-site observations were not required due to the Covid restrictions in place at the time. At the time of the TIS being completed (Sep 2022), these restrictions were not in place and therefore the TIS should have included on-site observations.
- Although the Region did not specifically include a requirement to model the Charles Street/Victoria Street intersection, as noted above on-site observations would have indicated whether existing turning movements at this intersection, as well as those at Victoria Street/Brock Street, would impact turning movements at the Byron Street/Victoria Street intersection;
- Although the interaction of turning movements at these intersections are critical in determining safe and efficient traffic operations at the Victoria Street/Byron Street intersection, we already know that peak hour eastbound left-turn queuing at Victoria Street/Brock Street extends beyond both Byron Street and Charles Street intersections, and until the Region implements intersection improvements at Victoria Street/Brock Street traffic operations for left-turning traffic at these intersections are problematic;
- As noted in the TIS, the Region has a project in the 2022 Capital Budget and NineYear Forecast for improvements to the Victoria Street/Brock Street intersection. Construction is currently forecast to start in 2025;

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- Although at this stage design has not been commenced, as well as potential improvements to the eastbound left-turn capacity, potential measures could include:
 - The restriction of left turns at Byron Street by road widening and extension of the median on Victoria Street;
 - Widening of the sidewalk fronting the development to 1.8m to meet Town standards; and
 - Relocating of transit stops to discourage midblock crossing.
- Given the anticipated increase pedestrian volumes, crosswalk ladder markings should be added as part of the development at Byron Street South;
- Section 2.0 Existing Conditions notes a reduction in the northbound through movements at Brock Street/Victoria Street due to a perceived overcounting in the 2017 counts. Although not available at the time of writing the TIS, the Region does now have September 2022 counts at this intersection which compared to 2017 counts (refer to Attachment 3). Volumes for the northbound through movement have increased significantly in the 2022 TMC indicating this assumption should not be carried forward;
- Section 7.3 TDM Supportive Local Context (pg. 90) indicates the proximity to Whitby GO and transit routes and that there are adjacent amenities to the site that support active transportation and transit use. This section should specify the location of cycling facilities on Victoria Street West and the planned active transportation connections that help the site support Transportation Demand Management (TDM) goals and objectives for MTSA areas. Identifying these connections helps encourage residents and visitors to use active modes and supports TDM in the Region;
- Section 7.7 Bicycle Parking (pg. 92) specifies the location and number of bicycle parking spaces available on site, however it does not differentiate between which spaces will be dedicated to long term and short-term parking facilities. Given the general policy directions identified in Regional planning documents and the Region's MTSA proposed policy directions report that specify the provision of long-term and short-term bicycle parking and end of trip facilities within MTSA areas, this should be confirmed;
- Section 7.10 Travel Information Package (pg. 93) indicates that an alternative travel options package of DRT maps, GO Transit Schedules and cycling/trail maps should be provided, however it does not specify who would distribute these to residents. While the Region can provide copies of some of these materials, it

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will be up to the developer to coordinate with the Region to obtain copies of such documents and to distribute this information to residents/site occupants. This section should be revised to specify that the developer will coordinate and distribute these materials to residents/site occupants;

- We are supportive of making the sidewalk continuous across the site access on Byron Street, however we recommend that it is constructed with concrete through the driveway. It's currently shown as an asphalt crosswalk on the site plan;
- We will require an Addendum to the TIS to address the following issues, noted in more detail above:
 - Carry out and note observations on existing peak hour operations at Victoria Street/Byron Street, Victoria Street/Brock Street and Victoria Street/Charles Street and note how queuing at these intersections impact turning movements at Victoria Street/Byron Street;
- Compare and re-evaluate traffic operations at Victoria Street/Brock Street based on the updated traffic counts attached;
- Submit HCM 2000 and Queue reports for all signalized intersections, including the re-evaluation of Victoria Street/Brock Street; and
- Address TDM comments 16,17 and 18 noted above.

Development Approvals staff, in Regional Public Works has further advised that the Traffic Operations group have reviewed the Transportation response [and TIS addendum] for the above development and have no further comments. Our previous comments have been addressed.

Functional Servicing Report

We have reviewed the "Functional Servicing Report," prepared by MTE Consultants, dated September 28, 2022, from a transportation perspective and provide the following comments:

- Based on the Region's records, the existing site is currently draining towards west onto a swale, located on Byron St. S. which subsequently drains into Victoria Street Swale and ultimately discharging into Rowe Channel by the Victoria Street Culvert on the west. It appears the Victoria Street sewer does not have any connection to this swale and is not taking any drainage from the subject site. The proposal is to

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provide onsite storage to control post development flows and drains into Victoria Street Sewer at a rate of 133 l/s. Based on a quick review the release rate is almost 50% of the total capacity of the down stream sewer which is not acceptable. Since Victoria Street sewer is not intended to take any flows from the subject site, we may allow a minimal rate to Victoria Street sewer if post development flows from the site cannot be released to Byron St swale directly. The minimal rate should not be exceeded by a maximum rate, calculated with RC:0.25 and TC:15min for 5 year storm. Please review and revise the report; and

- Please provide a summary in the main report including the required quantity control volume, proposed storage in the tank, available storage on the roof top and total pre-development flows and post-development (control) flows released from the tank and by overland.

Site Plan (A100)

We have reviewed Site Plan Drwg. No. A100, and provide the following transportation comments:

- Victoria Street (Regional Road 22) is a Type 'A' Arterial road, which requires a 40m right-of-way (ROW) according to Schedule 'E' - Table E7 of the ROP. This was changed with the ROPA#171 in 2018, from a 36m ROW, as it is a Type 'A' Arterial Road with turn lanes at this location. We will require a ROW widening of approx. 7m, based on 20m from centre of original road allowance. This appears to have been shown correctly on the site plan; however, a 40R-Plan needs to be provided for our review and our acceptance;
- We will require the dedication of a 5m x 10m sight triangle at the northeast corner of Victoria Street and Byron Street, measured from the widened ROW limit. We will require a 15m x 15m at the northwest corner of Victoria Street and Brock Street. Both these are shown correctly; however, a 40R-Plan needs to be provided for our review and our acceptance.
- The above noted ROW widenings should be dedicated to the Region as a condition of site plan approval, free and clear of all encumbrances; and
- Sight triangles to be free and clear of structural and visual barriers. Relocate bicycle parking to a different location.

We offer additional Transportation Planning comments for the proposed development:

- The site plan does not indicate any cycling facilities on Victoria Street West. Given that the Regional Cycling Plan identifies existing cycling facilities on Victoria Street and planned connections to be implemented along Brock Street and the proximity to transit stops and stations, adding the proposed cycling

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facilities in the site plan would help to improve and increase active transportation use within the site and to adjacent lands and amenities.; and

- The site plan indicates where short term bike parking facilities will be provided but does not specify where long-term bike parking facilities are provided. Given that the Region's guidance on MTSA areas includes the recommendation to include both long-term and short-term bike parking within developments to support active transportation mode share, it is recommended that the applicant consider the addition of long term, secure, bicycle parking facilities within the parking areas within the building and as part of the site plan. This can help encourage residents to use active modes and engage in multi-modal transpiration more frequently. Identifying bike parking facilities can help support Transportation TDM and achievement of sustainable mode share targets for the Town of Whitby and the Region of Durham.

Rogers Communications

With respect to the above-mentioned proposal, please be aware that Rogers Communications has no objections to the proposal. Please continue to send us significant information regarding this Project.

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	02 Dec 2024	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	02 Dec 2024	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	TBD		The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re: Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12 Dec 2022	04 Dec 2023	15 Apr 2024	Report back following completion of DAAP in 2024.
P&D-0017	Port Whitby Pedestrian Crossovers	That Staff Report back on the need and feasibility of adding appropriate cross walks to Port Whitby in areas identified during the December 11, 2023 Committee of the Whole meeting	18 Dec 2023	26 Feb 2024	04 Mar 2024	

Town of Whitby

Staff Report

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Report Title: Appointment of Members to the Whitby 55+ Recreation Advisory Committee

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: CMS 03-24

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Sharon Meredith, Senior Manager of
Recreation 905.444.1808

Kim Evans, Manager of 55+ Recreation
905.444.1768

1. Recommendation:

That Council approve and appoint the following members to the Whitby 55+ Recreation Advisory Committee effective immediately for a term ending December 31, 2025:

- Lena Ebrekdjan
- Lynda Kruitiz
- Susan Lythgoe

2. Highlights:

- Annually, Council appoints members elected from the Whitby 55+ Recreation Services general membership to the Whitby 55+ Recreation Advisory Committee.

- The Committee provides advice and assistance to Council and staff regarding adult 55+ recreation programs offered through the Town of Whitby.
- The term for the Committee is two (2) years and ends on the last calendar day of the second year.
- The roles of Chair, Vice-Chair and Secretary are selected at the first committee meeting in January, along with various appointments to sub-committees including the Programs, Fundraising, Special Events, Nominations, New Members and Sustainability sub-committees.

3. Background:

The 55+ Recreation Services Division of the Community Services Department offers programs, services and volunteer opportunities to enhance the quality of life for residents aged 55 years and older.

Currently approximately 28% of Whitby's population is 55 years of age or older and of that group, 7% (2,810) are members of Whitby 55+ Recreation Services.

The Whitby 55+ Recreation Advisory Committee offers several drop-in programs, events and services. These programs, events and services augment the programming provided directly by the 55+ Recreation Services Division.

In 2023, 30 drop-in programs were offered throughout the week to members who pay a nominal drop-in fee to participate in activities ranging from cards, games, hobbies, table tennis and shuffleboard.

4. Discussion:

In accordance with the Committee's [Terms of Reference](#) and Council Resolution #492-17, the 55+ Recreation Advisory Committee, in consultation with the Commissioner of Community Services, the Senior Manager of Recreation and the Manager of 55+ Recreation, Accessibility & Diversity provides advice and assistance to Council regarding the various 55+ services and programs offered by the Town of Whitby. The guidance includes but is not limited to, social and leisure drop-in programs, fundraisers, summer student programs and special events.

The members appointed by Council to the 55+ Advisory Committee are elected by the membership of the Whitby 55+ Recreation for a two-year term. The 55+ Recreation Advisory Committee consists of up to ten (10) elected voting

members. Terms are staggered with up to five (5) new members being elected annually which assists with knowledge retention, planning and continuity of the committee.

5. Financial Considerations:

The 55+ Recreation Advisory Committee generates revenue through the operation of drop-in programs and fundraising events. This revenue off-sets program operating expenses and a summer student position. In 2023 the 55+ Advisory Committee's net contribution to the 55+ Recreation operation was budgeted at (\$19,260).

6. Communication and Public Engagement:

The appointments will be communicated to the 55+ Recreation membership through electronic and printed material posted throughout the program areas, in the membership newsletter and on the Town's website. Annually, an event is organized for the membership to meet the newly appointed Advisory Committee.

Minutes from each meeting of the Advisory Committee are posted monthly in the 55+ Activity Centre and the Brooklin Community Centre and Library.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

The recommendations contained within this report align with Corporate Strategic Plan Pillar 1: Whitby's Neighbourhoods

Whitby's Neighbourhoods – Safe, Health, & Inclusive

1.3.3 Expand recreation opportunities and increase participation in recreation programs and activities, specifically for 55+ and youth.

The 55+ Recreation Advisory Committee provides advice to staff and assistance to Council regarding the various 55+ recreation programs and services offered by the Town of Whitby. The Committee provides ideas on continually improving 55+ recreation programs and engaging the 55+ community. The work of the Committee focuses on meeting the needs of residents in Whitby and helps to provide a consistent and positive customer service experience for adults age 55+.

9. Attachments:

N/A

Town of Whitby

Staff Report

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Report Title: Assignment and Transfer of Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, being all of PIN 26515-0401 (LT) from Victorian Order of Nurses Durham Region Community Corporation to Hospice Whitby

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: LS 03-24

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

Laura Scott, Real Estate Law Clerk
905.430.2843

1. Recommendation:

1. That Council direct staff to negotiate and enter into an assignment and assumption agreement with Victorian Order of Nurses Durham Region Community Corporation ("VON") and Hospice Whitby to provide consent to the assignment and transfer of title of the lands legally described as Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, Town of Whitby, being all of PIN 26515-0401 (LT) (the "Property") to Hospice Whitby.
2. That Council direct staff to alter the condition in the Right of First Refusal Agreement so that the owner would only be required to offer the Property back to the Town if construction of the hospice does not commence by December 31, 2024, to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate.

3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the Assignment and Assumption Agreement and/or Right of First Refusal Agreement on title to the Property, as required.
4. That the Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services and Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto.

2. Highlights:

- On September 24, 2021, as directed by Council, the Property was donated by the Town and title transferred to VON to develop a residential hospice (the “**Hospice**”).
- In December 2023, Staff were advised that title to the Property is to be transferred from VON to Hospice Whitby (“**Hospice Whitby**”). To facilitate the transfer, VON has requested the Town’s consent to allow the transfer of the Property and assignment of the related agreements to Hospice Whitby, including the Right of First Refusal and Repurchase Rights Agreement dated September 22, 2021 between VON and the Town (the “**Right of First Refusal Agreement**”).
- Following Council’s previous direction, construction of the Hospice was required to commence by December 31, 2021, otherwise, in accordance with the Right of First Refusal Agreement, VON was to offer the Town the opportunity to take back ownership of the Property.
- As a result of funding delays and project planning challenges, VON, and Hospice Whitby request that the construction commencement date of the Hospice be moved to December 31, 2024.
- Subject to Council direction related to this report, the Town Solicitor and Treasurer will execute an assignment and assumption agreement and all other required documents to provide the Town’s consent to the extended construction commencement date, as well as consent to the assignment and title transfer of the Property.

3. Background:

As directed by Council through Reports CS 20-18, CS 43-18, and LS 05-20 the land donation of the Property was finalized on September 24, 2021, by registration of a transfer from the Town, as vendor, to VON, as purchaser, of the Property. In addition, in accordance with By-law # 7421-18, on September 24, 2021, restrictive covenants were registered on title to the Property to confirm that the Property shall not be used for any purpose other than a hospice.

Further, the Town entered into a Right of First Refusal Agreement with VON which confirmed that construction of the building on the Property was to commence on or before December 31, 2021, and should construction of the building on the Property not commence by that date, the Town would have the right of first refusal to repurchase the Property from VON in accordance with the terms of that agreement.

The Town has been advised that title to the Property is to be transferred from VON to Hospice Whitby. Hospice Whitby was incorporated on November 2, 2023 under the *Not-For-Profit Corporations Act, 2010* for the purpose of continuing the development of the Property and operating the residential hospice facility. Currently, the VON Board of Directors is the same as the Hospice Whitby Board of Directors. As of the date of the transfer and assignment, VON will be released from all of its obligations and commitments relating to the Hospice, and Hospice Whitby will then assume all of the obligations, commitments, and liabilities and will agree to observe and perform all of the obligations of VON, including the continuation of the development applications to the Town for the Hospice.

Town staff recommend entering into an assignment and assumption agreement to allow the transfer from VON to Hospice Whitby and also recommend extending the construction commencement date to December 31, 2024 to allow Hospice Whitby time to finalize funding and commence construction of the residential hospice on the Property.

4. Discussion:

The Town has already completed the donation of the property. The completion of the transaction followed Council's directions as noted above, including the registration of a restrictive covenant on title to ensure the Property is only used for residential hospice facilities.

However, there was a requirement from Council that the agreement include a condition that the property be offered back to the Town should the development of a residential hospice not proceed. The deadline for the commencement of construction of the building was originally given as December 31, 2020 in Report CS 20-18 and further extended to December 31, 2021 in accordance with Report LS 05-20.

Due to funding challenges, VON has advised that financial and project delays meant that it was unable to commence construction of the hospice by December 31, 2021, and VON and Hospice Whitby are now requesting a revised construction commencement date of December 31, 2024.

Staff are agreeable to this request, in consideration of current funding challenges and the progress to date in obtaining the necessary site plan approvals for construction of the Hospice. The community need for a hospice is such that staff recommend agreeing to the requested flexibility.

5. Financial Considerations:

None.

6. Communication and Public Engagement:

As the changes to the Right of First Refusal are largely technical in nature, staff did not undertake any public engagement as a part of this matter.

7. Input from Departments/Sources:

Legal Services has reviewed this report and provided advice regarding the completion of this matter and will be facilitating the negotiation and completion of this transaction if approved by Council.

8. Strategic Priorities:

This report supports Strategic Pillar 1: Whitby's Neighbourhoods, Objective 1.3: Provide accessible and inclusive municipal services and programming, and in particular Action 1.3.1, Continue to collaborate with non-profit organizations to anticipate and delivery changing community program and service needs.

9. Attachments:

None.

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	28 Oct 2024	
GG-0002	Community and Marketing Services Department Report, CMS 35-18 Re: Cullen Central Park Master Plan	2. That Council direct staff to commence the development of the Cullen Central Park Master Plan with the final Master Plan to be brought forward for Council approval in Q4 2019; and, 5. That Staff identify options to recognize former mayor Marcel Brunelle in Cullen Park.	25 Jun 2018	18 Nov 2019	17 Feb 2025	In the Whitby Sports Complex Construction Tender Results & Project Budget Approval - Parks projects (originally planned for 2024 in the 10-year forecast) will be impacted by this, includes the Cullen Central Park Redevelopment Phase 2. This project will be budgeted in 2025.
GG-0004	Correspondence # 2020-77 from Karey Anne Large, Executive Director, Downtown Whitby Business Improvement Area, dated January 2, 2020 regarding the Downtown Whitby Business Improvement Area's Annual Report, the 2020 Proposed Budget, and Disbursement Schedule.	That the Commissioner of Corporate Services/Treasurer be directed to report back on the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring, in order to ensure grants are based on needs and targeted outcomes.	09 Mar 2020	21 Sep 2020	15 Jan 2024	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21 Jun 2021	13 Jun 2022	15 Apr 2024	Planning & Development & Community Services Staff prepared a joint memo that went on the Aug 11 CII to update Council on the status of the Park. A report from will come forward once all issues have been resolved and the park is moving forward.
GG-0006	Financial Services Department Report, FS 37-21 Re: Town-Owned Land Strategy	That the properties at Part of Lot 25, 26, Conc. 4, Portion of PIN 26569 0285 (LT), Broadleaf and McKinney, as shown on Attachment #15 and Part Lot 25, Con. 2, now 40R-1655, Part 6, PIN 26532 0244 (LT), known municipally as 500 Garden Street, as shown on Attachment #3 be referred to staff to investigate zoning opportunities that would maximize the land value.	27 Sep 2021	05 Jun 2023	15 Apr 2024	
GG-0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	15 Apr 2024	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20 Mar 2023	25 Mar 2024	15 Apr 2024	
GG-0020	School Zone Parking Enforcement Staff	That Staff be directed to review the opportunity for enhanced school zone parking enforcement through additional staffing resources, and include an analysis of whether such resources would be revenue neutral.	27 Feb 2023	25 Sep 2023	04 Mar 2024	To be addressed through Report regarding transition of parking infractions to Administrative Monetary Penalties System.
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20 Mar-23	04 Dec 2023	02 Dec 2024	
GG-0022	Gateway Maintenance Program	That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.	24 Apr 2023	20 Nov 2023	15 Apr 2024	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0023	CMS 06-23, Community Services Department Report Re: Bill 23 Parkland Dedication Framework	4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan; and, 5. That Staff be directed to report to Council in September 2023 on the status of the parks master plan agreement.	19 Jun 2023	25 Sep 2023	02 Dec 2024	Memo re: the parks master plan agreement forthcoming.
GG-0024	LS 07-23, Legal and Enforcement Services Department Report Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14	2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.	19 Jun 2023	13 May 2024		
GG-0025	Council Education and Training Program	That consideration of the Council Education and Training Program be referred to Staff to prepare a Report to Council about the program in November	02 Oct 2023	15 Jan 2024		
GG-0026	Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street	That Staff be directed to report to Council on the cost and timelines to install lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East.	18 Dec 2023	25 Nov 2024		
GG-0027	Replacing Town park playground surfaces within a 1-kilometre radius of 1635 Dundas Street East	That Staff be directed to report to Council on the cost and timelines to replace Town park playground surfaces with alternative surfaces within 1-kilometre radius of 1635 Dundas Street East.	18 Dec 2023	25 Nov 2024		

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0028	Enacting an Encampment by-law	That Staff be directed to report to Council on the merits and feasibility of enacting an encampment by-law in the Town.	18 Dec 2023	15 Apr 2024		
GG-0029	Prohibiting loitering, obstruction, panhandling, and resting/sleeping outdoors	That Staff be directed to report to Council on the merits and feasibility of enacting a by-law to prohibit loitering, obstruction, panhandling, and resting/sleeping outdoors in the Town.	18 Dec 2023	15 Apr 2024		
GG-0030	Corr # 2023-587 from E. Underwood, Chief Executive Officer, Habitat for Humanity GTA, regarding Expression of Interest in Acquiring Surplus Sites at Dunlop Street East and Hickory Street for Affordable Housing Development	2. That Staff be directed to report to Council regarding the Expression of Interest received from Habitat for Humanity Greater Toronto Area for the proposed Affordable Housing Development at Dunlop Street East and Hickory Street; and, 3. That the Report back include an appraised value for the donated land.	18 Dec 2023	04 Mar 2024		
GG-0031	Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders	That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of requiring Durham Region to consult with Town of Whitby Planning & Development Staff, CAO, and Council prior to a proposal of expropriation requests on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities, (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.	18 Dec 2023	TBD		

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0032	Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible Delivery Program	That the memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible Delivery Program be referred to Staff to report back on the opportunity to participate in this program given corporate resource constraints and commitments.	29 Jan 2024	13 May 2024		